



Practice of the Profession

PP & ADC WG

Summary of PP survey

Date: 29/10/2020 - Ref: 196/20/CO

Results of the ACE Public Procurement survey

The survey ran for over a year and elicited responses from 26 countries (out of 31). At the time of writing, responses were outstanding from EL, LUX, SK, UK and SRB;

- **General impact** – was mixed. Many said the new Directive had made no change or had had no positive impact. However, there were exceptions – e.g. IT welcomed anti-corruption measures, SI reported greater precision in their rules / guidelines for competitions and CZ reported that there were generally more competitions;
- **2017 review** – there had been little consultation on the 2017 review and few issues were highlighted other than the on-going difficult experienced by SMEs in accessing PP markets;
- **Procedures** – few Member Organisations had data on the various procedures used – Open, Restricted, Competitive w/ negotiation, Competitive Dialogue – though a number were able to provide more detailed information on ADCs;
- **Design & Build** - was confirmed as a growing trend, even though some said that there was a fundamental incompatibility between the functions of Architect & Contract – and the combination of these was expressly forbidden in Belgium;
- **Innovation Partnerships and Framework Agreements** – little data was reported;
- **SME Access** – views were mixed as to whether lower thresholds would facilitate greater SME access to PP; past experience is still a barrier and support was expressed for the ACE position of 5-10 years, rather than 3 years. The Division of contracts into Lots was generally felt to be helpful to SMEs, but views were mixed on the utility of the 2008 European Code of Best Practice;
- **E-Procurement** - was positively evaluated in most cases, but the European Single Procurement Document was mostly found to be difficult to use. Moreover, the E-Certis repository for certificates and the Procurement Passport were not well known;
- **Awarding criteria** – while MEAT was welcomed, many awards were still made on the basis of lowest cost. Also, weighting ratios varied and Life-Cycle Costing was not frequently used;
- **Remedies** – public complaints boards exist in most countries and offer redress. Professional bodies may act in AT, BG, DK, FR and NO – and the work group has recommended that ACE advocate to extend this. The BAIK is lobbying for a system designed to legitimise applications;
- **Public Procurement Package** – few National Procurement Strategies were reported – and consequently there was little coordination of national / regional procurement, little sharing of best practice, few national support centres, and little centralised purchasing or cross-border procurement



Issues for the future

- Develop a **Glossary** (common language)
- Conduct more detailed **research into the number / type of ADCs** and analyse the **cost of taking part in ADCs**
- Advocate for **improved SME access to PP**
- Advocate to allow for **references** covering a longer period
- Advocate for **simplification of the ESPD**
- Advocate for the inclusion of **quality considerations in assessment/awarding criteria**
- Develop further **guidance** on Procurement rules
- Develop **Complaints' competence for MOs**.
- Create an online **Procurement Observatory** and invite MOs to up-date their entries every six months
- Assist with moves to **professionalise commissioning authorities**

The group is also considering a list of detailed recommendations for change submitted by the Bulgarian members of the group.

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Ends