

# Public procurement – the way forward

Arnhild Dordi Gjønnnes, Chair BUSINESSEUROPE WG on Public Procurement, lawyer NHO.

# Introductory remarks

- Public procurement
  - essential to economy
  - should safeguard a fair, transparent and efficient purchasing procedure
- Business
  - legal certainty for business is essential
  - simplification
  - improvement
- The key to better public procurement
  - proper enforcement of the rules at national level
  - better training of contracting authorities

# Reforming Public Procurement – positive elements

- Toolbox approach to procedure forms
- SMEs and simplification
- Strategic use of public procurement
- Dialogue and market consultation
- Innovation
- Tight deadline for mandatory use of e-procurement
- Better governance and training contracting authorities

# SME and division of contracts into lots

- No mandatory rule to divide into lots.
- Apply or explain-rule
  - Indication of the main reasons for the decision not to subdivide into lots
  - Included in the procurement documents
- May limit the number of lots to one tenderer

# Dialogue and market consultation

- **Preliminary market consultations**
  - Seek or accept advice to be used in the planning of procurement procedure
  - Dialogue with potential suppliers
  - Dialogue conferences
  - Written inputs received
  - One-to-one meetings
- **Prior involvement of candidates or tenderers**
  - Take appropriate measures to ensure that competition is not distorted
  - Non- discrimination principle

# Innovation

- New procedures
  - Competitive procedure with negotiation
  - Innovation partnership
- Dialogue prior to competition
  - Dialogue about the procurers NEEDs and the markets solutions
  - Broad invitation to the market

# National suppliers` development programme

- The Programme started in 2010 and has conducted nearly 50 pilot projects
- Three basic assumptions that the programme has created the results
  - Joint collaboration between government, local government and business and given the programme strong legitimacy
  - The programme has been allowed to run in front and paved the way
  - Everything has been based on specific purchases where public procurement rules have been used



Stavanger kommune ønsket å samle alle tekniske systemer i en ny driftssentral. Anskaffelsen ble lagt på is, fordi eksterne konsulenter **estimerte 40 mill i kostnader**. Gjennom innovativ offentlig anskaffelse endte kostnaden på kun 1,25 mill.

## 1 VURDERE BEHOV

- Alle systemer samlet
- Mer effektiv drift
- Energibesparelse

## 2 PLANLEGGJE OG ORGANISERE

Forankring i egen organisasjon, og bistand fra aktuelle fagmiljøer. Tverrfaglig prosjektgruppe utarbeidet behovsbeskrivelse

3

## DIALOG MED MARKEDET

Åpen dialogkonferanse med leverandører og aktuelle bransjeforeninger. Leverandørene sendt inn skriftlig løsningsforslag. En-til-en møter.

4

## GJENNOMFØRE KONKURRANSE

Konkurransen ble gjennomført høsten 2013. Konkurranse med forhandling ble valgt som konkurranseform

## RESULTATER

### INVESTERINGER 2015

 **1,25 millioner**

mot tidligere estimerte 40 millioner

### ØKONOMISK GEVINST

 **9-24 millioner**

reduisert energibruk

1



En felles inngangsportal til tekniske systemer i kommunens bygg

2



Feil som tidligere ikke ble fanget opp, blir nå registrert og rettet

3



Brukerne melder fra om feil via web – og kan følge historikken

4



Kommunen kan lettere sertifisere seg innen energiledelse



# Strategic use of public procurement

- Environmental criteria
- Social and labour law provisions
- Apprentices

# E-procurement

- Be prepared – electronic means are the future!
- It will very soon be be mandatory!

# E-procurement

- *BusinessEurope believes that e-procurement can provide numerous benefits for contracting authorities and suppliers, including simplification and cost-reduction*
- Interoperability of e-Procurement platforms
- Security of sensitive data
- Userfriendly ESPD

# E-procurement – simplification in practice

- All information about notification and submission should be at place
  - Central purchasing bodies 18. April 2017
  - State authorities 1. January 2018
  - Other public authorities 1. July 2018

# E-Notification

- Already mandatory in many EEA-countries
- It improves suppliers involvement
- Tender material
  - Is fully accessible, from the first day until deadline ( on a 24 hour basis!)
  - Is in full length. No need to acquire specific documents other than those on the platform.
  - Is available free of charge, no payment should restrict supplier access.

# E-Submission

- Interoperability.
- Documents or schemes in support of bidding procedures should be calibrated to allow full use of e-Procurement.
- Communication (Q & A) should remain electronic and available to all bidders.

# Selection criteria and documentation

- Selection criteria may relate to
  - Suitability to pursue the professional activity
  - Economic and financial standing
  - Technical and professional ability
- Self-declaration as preliminary evidence – European Single Procurement Document (ESPD)
- At any stage a contracting authority may ask tenderers to supply all or part of the documents
- Before awarding the contract, require the documents from the winning tenderer

# Public procurement in Norway

- Implemented the EU-procurement directive from 01.01.2017
- New national legislation
- Raised the national threshold from 500.000 NOK to 1,1 mill NOK
- Social criteria in public procurement
- Parliamentary report on public procurement



# Thank you!

- Arnhild Dordi Gjønnnes
- Confederation of Norwegian Enterprise
  - Team Public Procurement
    - 916 37 077