



ReSPA

Regional School
of Public Administration

**Second Meeting of the Public
Procurement Network**

15-16 January 2015

Warsaw, Poland

DISCUSSION PAPER AND DRAFT AGENDA

Background

In the first half of the year 2014, ReSPA made initial efforts to support PP in the Western Balkans. It has been decided to launch the network of public procurement decision makers and senior experts in order to create and facilitate the platform to exchange experience, opinions and enhance the knowledge, understanding and capabilities of the actors involved.

Due to the fact that public procurement is recognized as one of the sectors that is highly cross-related with other development aspects such as economic efficiency of public spending, electronic means, environmental and social aspects, elimination of corruption and conflict of interest, the special focus on development of national procurement systems could benefit the whole administration.

The aim of the first event held in July this year in Danilovgrad (Montenegro) was to:

- review and analyze the existing public procurement systems by countries,
- share best practice and experiences focused on managing their further development in EU context as well as review of the implementing capacity.

Defined goals were specific and achievable and focused on real needs of PP Network's participants. Set objectives were fully achieved within the networking event.

Among other, organization of events focused on discussion and exchange of national experiences on specific public procurement topics, as well as drafting of additional regional comparative studies on specific aspect of public procurement - were recommended to be included for further activities.

Following the recommendations and requests submitted by the participants, the second public procurement network event will be organized. Special attention will be paid to two specific aspects of modern and flexible public procurement system: e-procurement and management of irregularities in PP.

The proposed localization of the event is Warsaw, Poland and such choice is not accidental. Poland accessed EU in 2004 and at the same time new public procurement law, fully harmonized with the EU Directives and Regulations was adopted. In Poland, the President of the Public Procurement Office is the central administrative body responsible for public procurement especially legislation development, control and monitoring. Poland is also the country where the well-functioning system of public procurement has been developed over the last 20 years. The number of concluded PP contracts in 2013 exceeded 210 000 with the total value of 143 200 000 000 PLN (approximately 35 800 000 000 EUR).

The first day of the event will be dedicated to the presentation of e-procurement instruments implemented in the Polish public procurement law and the development of management of irregularities over the last 10 years. The conference part will be followed by a visit to the Public Procurement Office, which should be an opportunity to obtain knowledge from the



central administration body managing the electronic platform for publication of notices, platform for handling e-auctions and e-bidding (special procedure for procurement below EU thresholds), as well as the information website. The second subject during the visit to the PPO will concern management of irregularities, as PPO conducts the obligatory ex-ante control of the procurement procedures of great value.

During the second day of the event the participants from Western Balkan countries will have the opportunity to:

- Present their solutions implemented or planned to be implemented in e-procurement and management of irregularities;
- Share the opinions and remarks on the subject;
- Find the opportunities of network co-operation in developing common strategy in the field of e-procurement and management of irregularities.
- Provide individual and common inputs for follow-up activities of the ReSPA's PP Network
- Provide specific inputs in regard to the follow-up development of regional comparative study envisaged to commence in January and to be completed until the end of May 2015.

Objectives

The purpose of this paper is to provide basis for contributions and discussion among the representatives of the interested Western Balkans countries on the reflection of:

- the current state of e-procurement instruments development, and planned future activities concerning the need of adjustment to the legislative European package 2014;
- possible methods and means of managing irregularities in PP.

Objectives of the PP network event are:

- to review and analyse the existing solutions in e-procurement and management of irregularities in the Western Balkan countries, in comparison to solutions implemented in an EU member country (Poland);
- to identify and share best practices and experiences in the field of e-procurement and management of irregularities;
- to provide suggestions for topics to be discussed at the future meeting and ideas for further development of network operation.

The preliminary agenda provides a framework for open discussion in which the participants are invited to take active part and share their experience and opinions.



Content

E-procurement concept is perceived as a tool to significantly simplify the way procurement is conducted, reduce waste and deliver better procurement outcomes (lower price, better quality) by stimulating greater competition. As European Commission notes in the communicate *A strategy for e-procurement* - it can also contribute to addressing two of the main challenges the European economy is facing today: the need to maximise the efficiency of public expenditure in a context of fiscal constraints and the need to find new sources of economic growth.

Directive 2014/24 put stress on use of electronic means of information and communication, stating that they should become the standard means of information exchange in procurement procedures. The provisions establish the transmission of notices in electronic form, electronic availability of the procurement documents, fully electronic communication (including the submission of bids). Furthermore the contracting entities will have the right to make use of electronic auctions, electronic catalogues and dynamic purchasing system.

The new opportunities created by use of electronic means of communication and information could be a starting point for discussion of all participants.

The second subject of the event – **management of irregularities** – is of special importance for aspects related to establishment of transparent and efficient national procurement system. The monitoring and control mechanism in place should prevent irregularities and enhance trust in the law and administration. As the solutions for management of irregularities could differ from country to country (and even internally between contracting authorities), when their aim remains the same, the share of experience could be fruitful in planes for development.

Target audience and participants' role

This 2-day public procurement network event will gather 14 participants (two representatives from: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Kosovo*), representing: policy makers - Heads/directors of public procurement offices, agencies, ministries in charge for policy development on public procurement and heads/directors of other key bodies within the national public procurement systems (review bodies, central purchasing bodies) who:

- Have at least 5 years of relevant work experience in the topic of the network.
- Possess a clear and demonstrated interest in the network topic and are motivated to participate in discussions and exchange of opinions/best practices with other colleagues from the WB countries.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence



The detailed description of the target group and the qualifications required from the members of the network can be found in the ToR for public procurement network members.

The participants are required to:

- Provide presentation of the current activities and implemented solutions in e-procurement and management of irregularities, including overview of identified obstacles and challenges in its development, information on implementing capacities and planned future activities;
- Provide comments and suggestions on the content proposal of the Regional comparative study on public procurement;
- Provide the inputs for the further networking needs and steps to be taken.

The participants are invited to actively participate in the discussion and practices exchange.

Short Resumes of the Experts

Małgorzata Stachowiak – the graduate of Warsaw University the Faculty of Law and Administration. A lawyer with a long-term experience in commercial administration, expert in public procurement law (the former Director of the Department of Analysis and Control of Public Procurement Office), procedures of awarding procurement contracts financed from the resources of the European Union, expert in creating internal procedures for management systems and internal procedures for the sector of small and medium enterprises. She participated in elaboration of the project of the Public Procurement Act as well as in creating the control system of observing procedures for national and European resources. The co-author of the Juridical Commentary of the Law on Public Procurement. Experience trainer to contracting entities, economic operators and control institutions she was engaged in pp projects held by international organization: EBRD, SIGMA. 16 years of experience in public procurement.

Anita Elżanowska - the graduate of faculty of Law and Administration, University of Maria Curie – Skłodowska in Lublin (Poland) and Postgraduate European Studies at National School of Public Administration in Warsaw. A lawyer with a long-term experience as civil servant working for Polish Public Procurement Office (PPO). At the day of Poland's accession to the EU (2004) up to 2007 the Director of Control Department of PPO, responsible for all control tasks of the PPO, as well as cooperation in the area of procurement control with all the bodies involved in implementation of programs financed by EU. Involved in European Commission's audits of functioning of procurement control system in Poland. In 2008 the Vice President of PPO. Expert on functioning of the procurement control system in many international conferences / networks. Experienced trainer to contracting entities, economic operators and control institutions. 14 years of experience in public procurement.



DRAFT AGENDA

Day 1 – 15 January 2015 (Thursday), Public Procurement Office, Warsaw

- 09.00 - 09.30 Meeting at the Hotel Lobby and departure to the Public Procurement Office
- 09.30 – 09.45 Official welcome in the PPO
- 09.45 – 10.15 Structure Role and functions of PPO
- 10.15 – 11.00 Polish Public Procurement System
- Legal Framework
- 11.00– 12.00 Control of contract award procedures in Polish PP System
- 12.00 – 13.00 E-procurement presentation
- Tools for e-bidding
 - E-auctions
 - E-catalogue platform
 - Building of Central e- procurement system
- 13.00 – 13.30 Sum up of the meeting
- 14.00 – 15.00 *Lunch*

Day 2 – 16 January 2015 (Thursday), Hotel Mercure Grand, Warsaw

- 09.00 – 10.45 Expert wrap up from the study visit and presentations
- 10.45 – 11.00 *Coffee break*
- 11.00 – 12.30 National presentations on e-procurement and panel discussion
- 12.30 – 13.30 *Lunch break*
- 13.30– 15.00 National presentation on management of irregularities and panel discussion
- 15.00 – 15.15 *Coffee break*
- 15.15 – 16.00 Wrap-up of the conclusions and inputs for the upcoming development of the Regional Comparative Study on the two subject areas, and



Discussion on further steps and activities within public procurement

16.00 – 16.15

Discussing on further steps and activities to be undertaken within the follow-up ReSPA public procurement network activities

