



Public
Procurement
Office

*Simplification of Public Procurement
Procedures – the Polish experience*

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Simplification of public procurement procedures 2004 – 2011

The scheme of the presentation:

1. Simplification – its meaning and limitations
2. Short characteristics of a starting point
3. Approach to the process of simplification – gradual process of small steps
4. Examples of simplification measures from 5 different areas
5. Short characteristics of current situation



Simplification of public procurement procedures 2004 – 2011

Starting point - 2004 PPL

based on previous generation of procurement directives:

- 4 different thresholds (3 different „national” thresholds and „EU thresholds” which in fact were lower than actual EU thresholds), various layers of rules depending on the value of contract
- Administrative burdens relating to centralised ex ante monitoring: obligation of previous approval by PPO of procedures other than two basic ones, mandatory ex ante checking of procedures before conclusion of the contract; mandatory „observer” etc.
- „bottlenecks” in review procedures

Simplification of public procurement procedures 2004 – 2011

Gradual process – small steps based on lessons learnt

FIVE major amendments since 2004:

- 2006 – implementation of 2004/18 and 2004/17 directives
- 2007 – improvements in the PPL + major changes in review procedures (establishment of a new, permanent review body)
- 2008 removal of inconsistencies with EU law + simplification
- 2009 – two amendments: implementation of 2007/66 + further simplification

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1. Administrative control of compliance with binding provisions

- Limitation of mandatory ex ante checks of procurement procedures by the PPO to procurement co – financed with EU funds - 2008
- Waiver of obligation of getting approval of the President of PPO for the choice of the negotiated procedure with/without a notice, competitive dialogue and single source procurement – 2006
- Waiver of obligation to inform PPO about launching of negotiated procedure with a notice and competitive dialogue – 2008

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2. Streamlining procurement procedures

- Modification of contract notices – allowed without reservations in 2008 (+ principle of transparency and equal treatment)
- Correction of obvious spelling errors, obvious computational errors and other errors which result in inconsistency of the tender with the tender dossier but do not cause essential modifications of the tender – fully allowed in 2008
- Obligation of awarding entity to request supplementation of declarations, documents or plenipotentiaries if they were not submitted or contained errors

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3. Qualification/selection of economic operators

- Reliance on the capacities of third parties
 - technical capacity/persons capable of performing public contracts - 2008
 - financial standing, experience etc. – 2009
- Subcontracting admitted with the exception of those part of a contract which due to the characteristics of procurement cannot be entrusted to third parties

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Remedies

4. Review and remedies

- „concentration” of review measures – appeals related to the same activity of the contracting authority reviewed in the same process
- Right to dismiss appellations concerning actions which have already been examined by the review body
- Abolishment of a protest to the contracting authority as a review measure – streamlining (shortening) of the review procedure

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5. Conclusion of public contracts

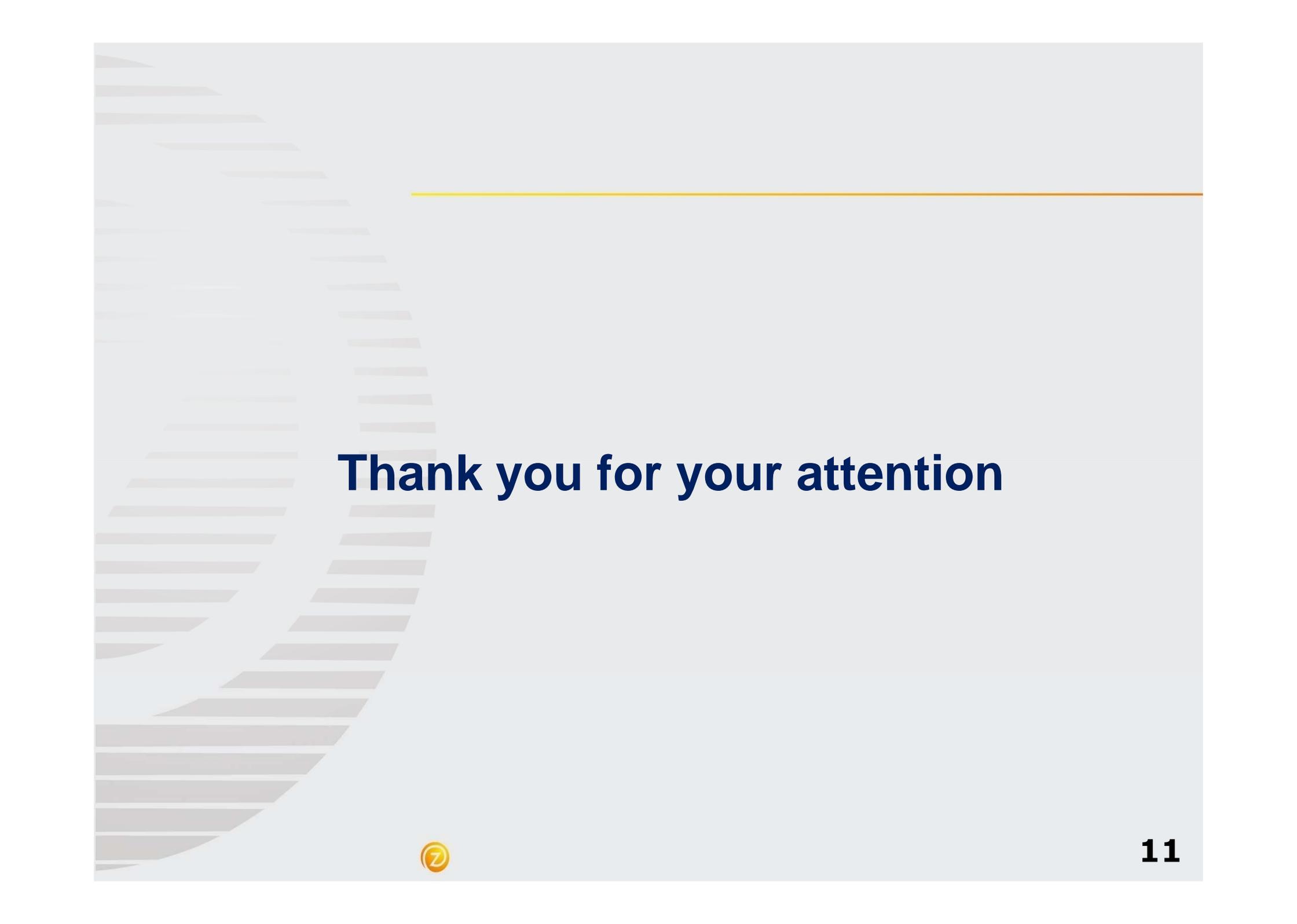
- contracts may be signed before the final examination of complaints - 2008
- contracts may be concluded before conclusion of administrative control - 2010
- contracts may be concluded before the expiry of the standstill period (legitimate exemptions from the standstill) – 2010

Simplification of public procurement procedures

Current situation

- More than 41 bln EURO contracted in 2010 (25 bln in 2006)
- 83 % contracts were awarded in transparent and competitive procedure (while in 2006 about 2/3)
- The average duration of a procurement procedure: 78 days
- The average duration of review procedure shortened by ca. 20 days (average duration of review procedures in 2011 – 12 days)





Thank you for your attention

