

Actual questions of public procurements in France

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Budapest – 17 November 2011

Recent development of the procurement legislation in France

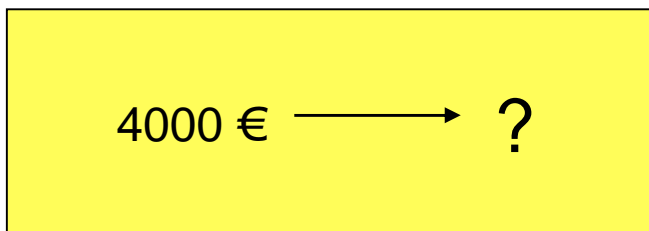
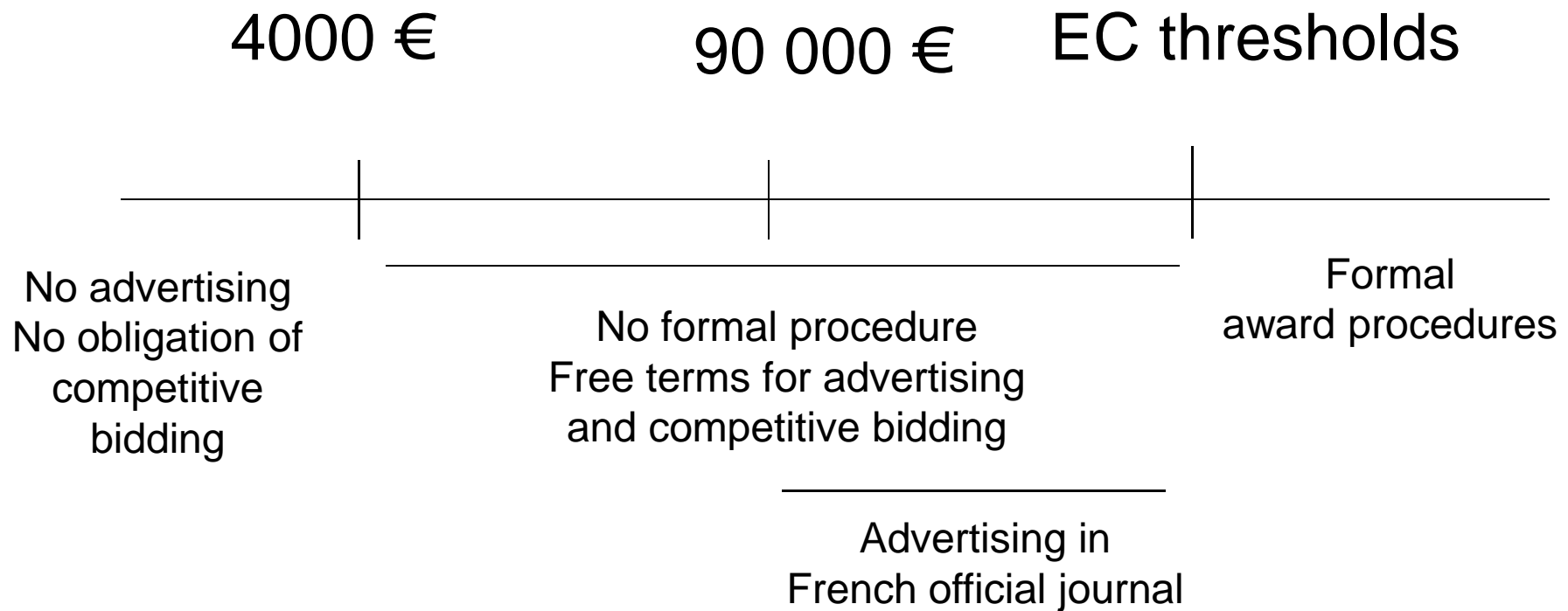
- Decree N° 64-729 of 17 July 1964
- Decree N° 2001-210 of 7 March 2001
- Decree N° 2004-15 of 7 January 2004
- Decree N° 2006-975 of 1st August 2006

Decree N° 2011-1000
of 25 August 2011
amending certain provisions
applicable to public procurement
contracts

- New award criterium :
 - "the performance with respect to development of direct supplies of agricultural products

- Performance :
 - Global contracts for “global objectives of performance”
- Innovation :
 - possibility to submit variants without necessarily submitting in the same time a basic tender

Exemption threshold



- Decree n° 2004-1298 of 30 November 2004 : 4000 € (art. 28 of the Code)
- Decree n° 2009-1356 of 19 December 2009 : 4 000 € to 20 000 €
- Conseil d'Etat 10 février 2010, *Perez*, n° 329100 : setting aside

Decree of 25. August 2011 :

- No advertising nor competitive bidding when these formalities are *“impossible or clearly unnecessary, particularly because of the subject-matter of the contract, its amount or the low level of competition in the sector”*.

Bill being discussed in the Parliament

- 15 000 € exemption threshold
- but the contracting authorities must see to :
 - choose an offer that meets in a meaningful way the requirement
 - make good use of public funds and
 - not systematically contract with one same provider, when there is a plurality of potential offers that can meet the requirement.

E-procurement

- Code 2001 : possibility (art. 56)
 - *"Information exchange occurring under this code may be transmitted by electronic means"*
- Code 2004 : reinforcement
- Code 2006 : obligation
 - Threshold : 90 000 €
- Decree 2011 : reinforcement from 1.1.2012 on

- Practical difficulties
 - Rematerialization for other purposes
 - Referencing e-certificates from other countries
- Limited scope : does not apply to all public contracts nor to concessions

Thank you for your attention

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