

Ex-ante control and market monitoring performed by the Bulgarian Public Procurement Agency

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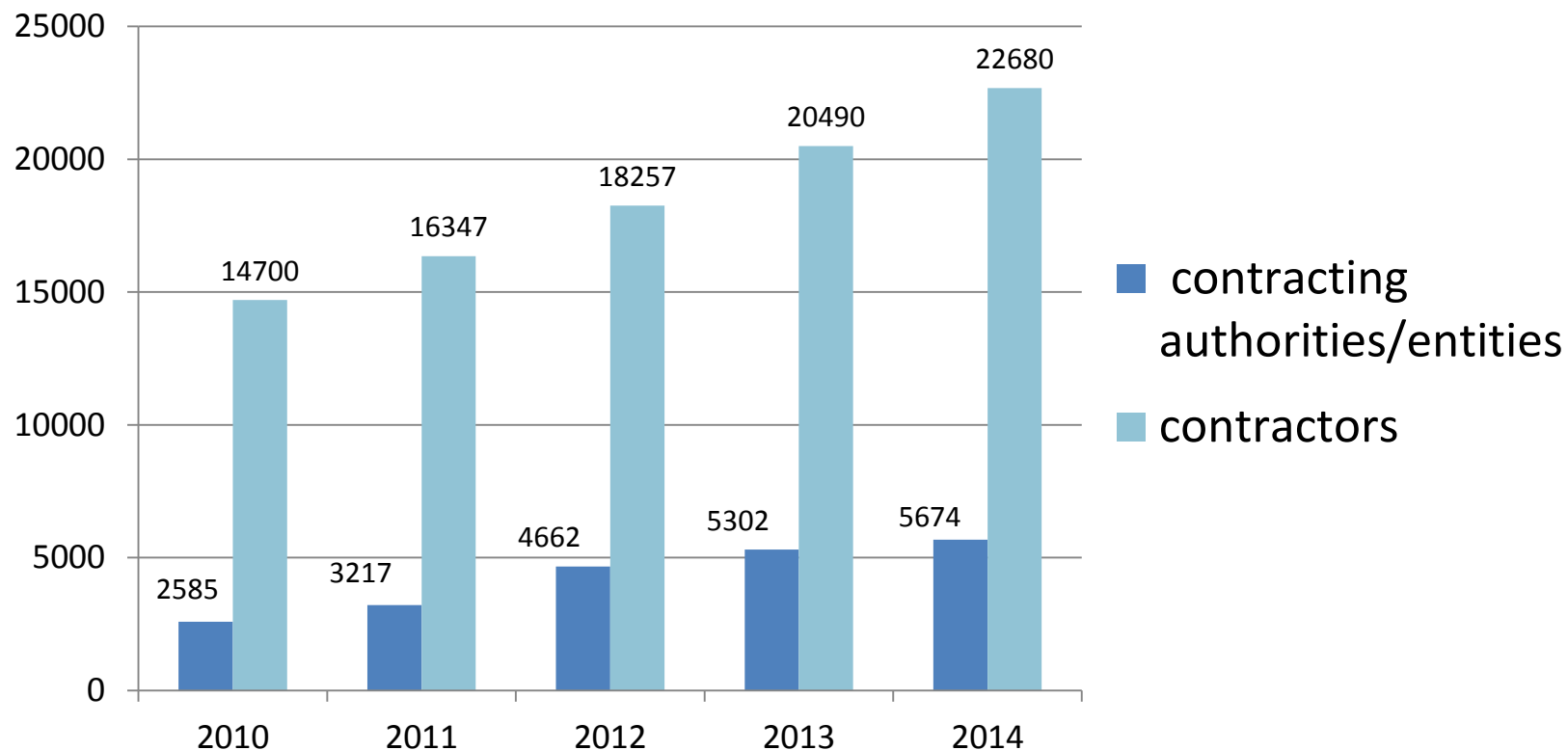


Public Procurement Law in Bulgaria

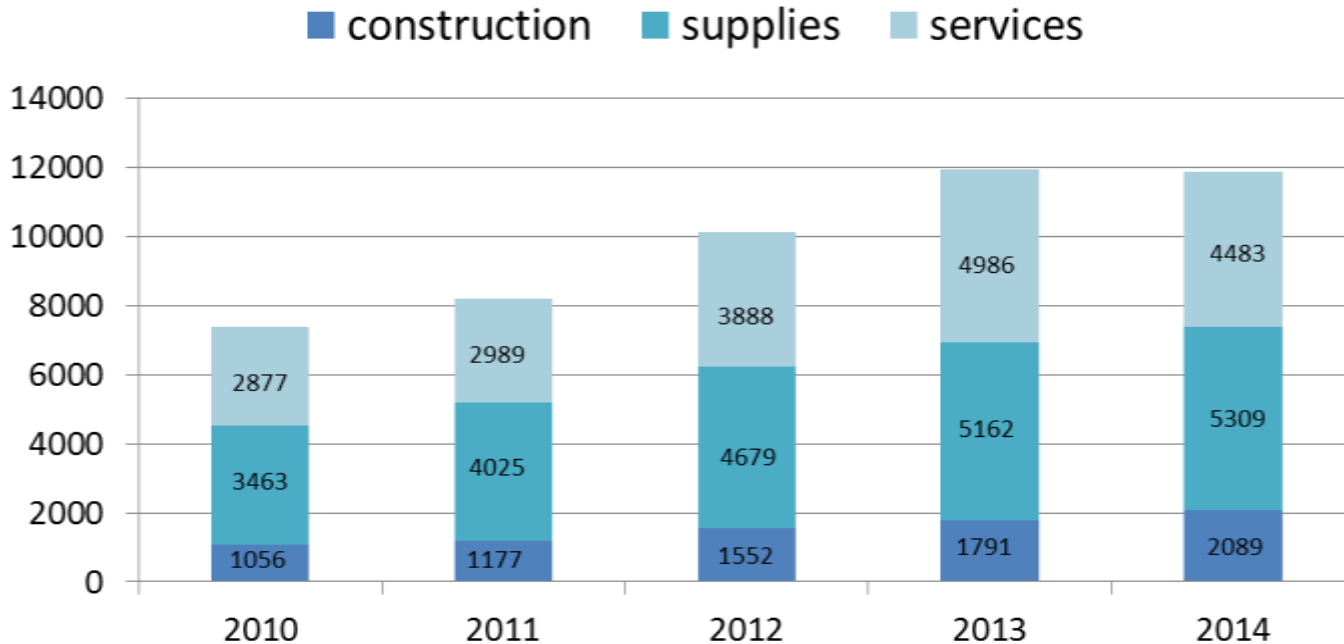
- ❖ 1999 – The first PPL was issued, which has elements of the European rules;
- ❖ 2004 – Full harmonization of the PPL in accordance to the European Directives and Regulations;
- ❖ Many amendments and supplements during the years;
- ❖ Currently drafting a new framework PPL transposing the new European Directives 2014/24/EU and 2014/25/EU



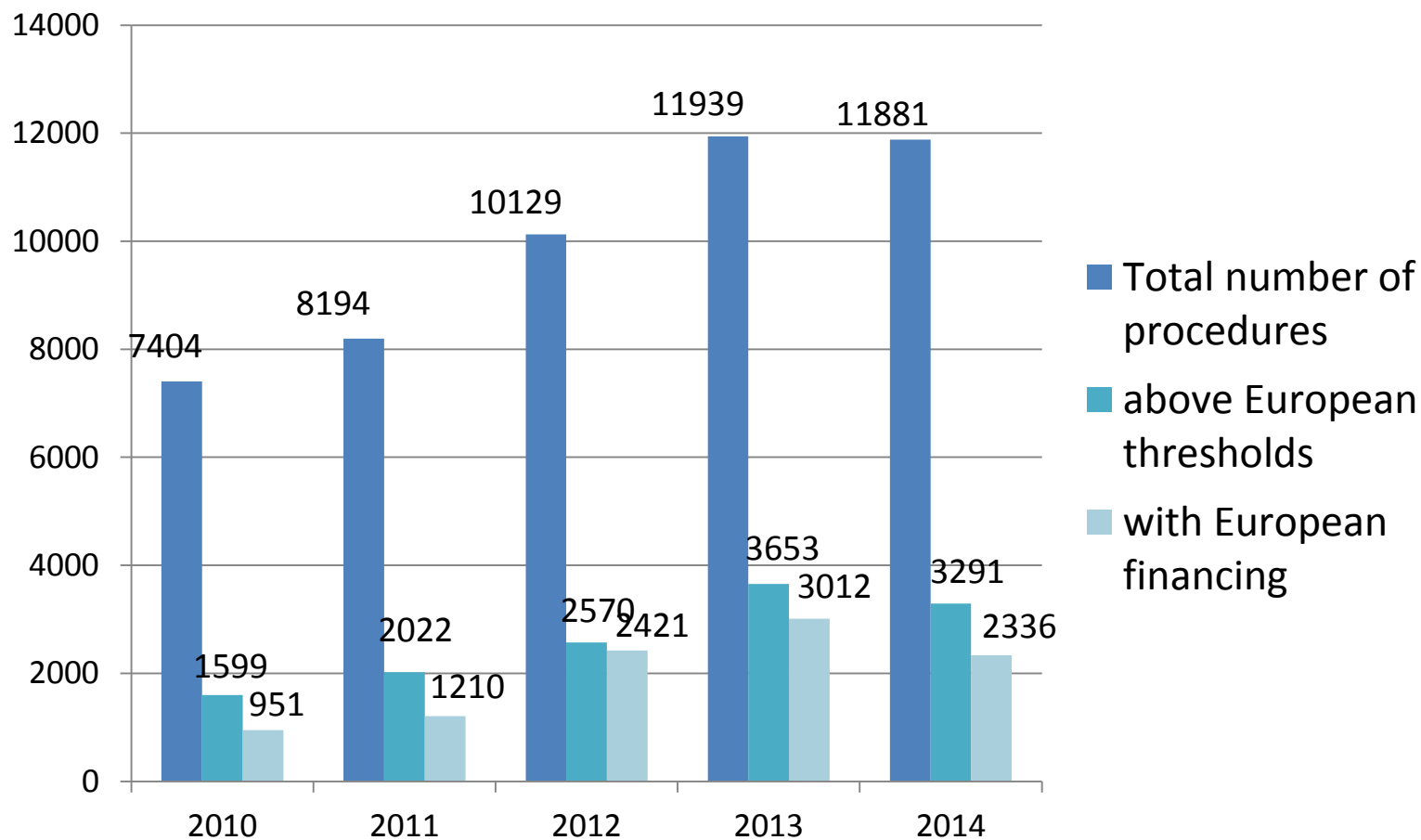
Number of contracting authorities/entities and contractors in the Public Procurement Register



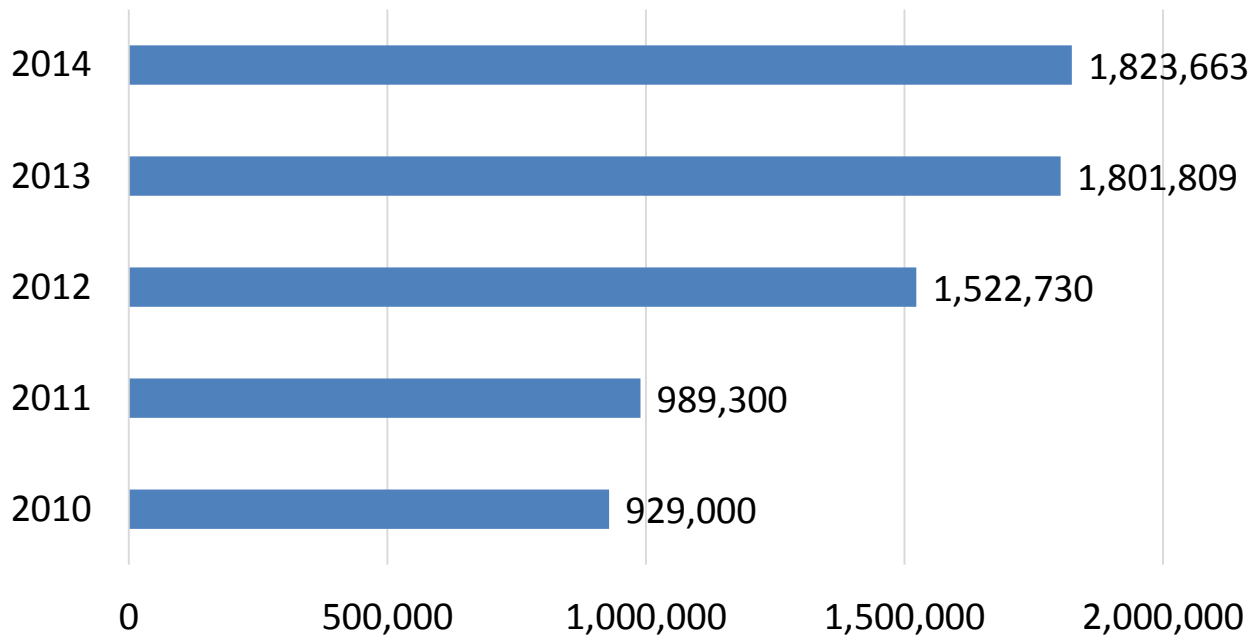
Number of Public Procurement Procedures according to their object



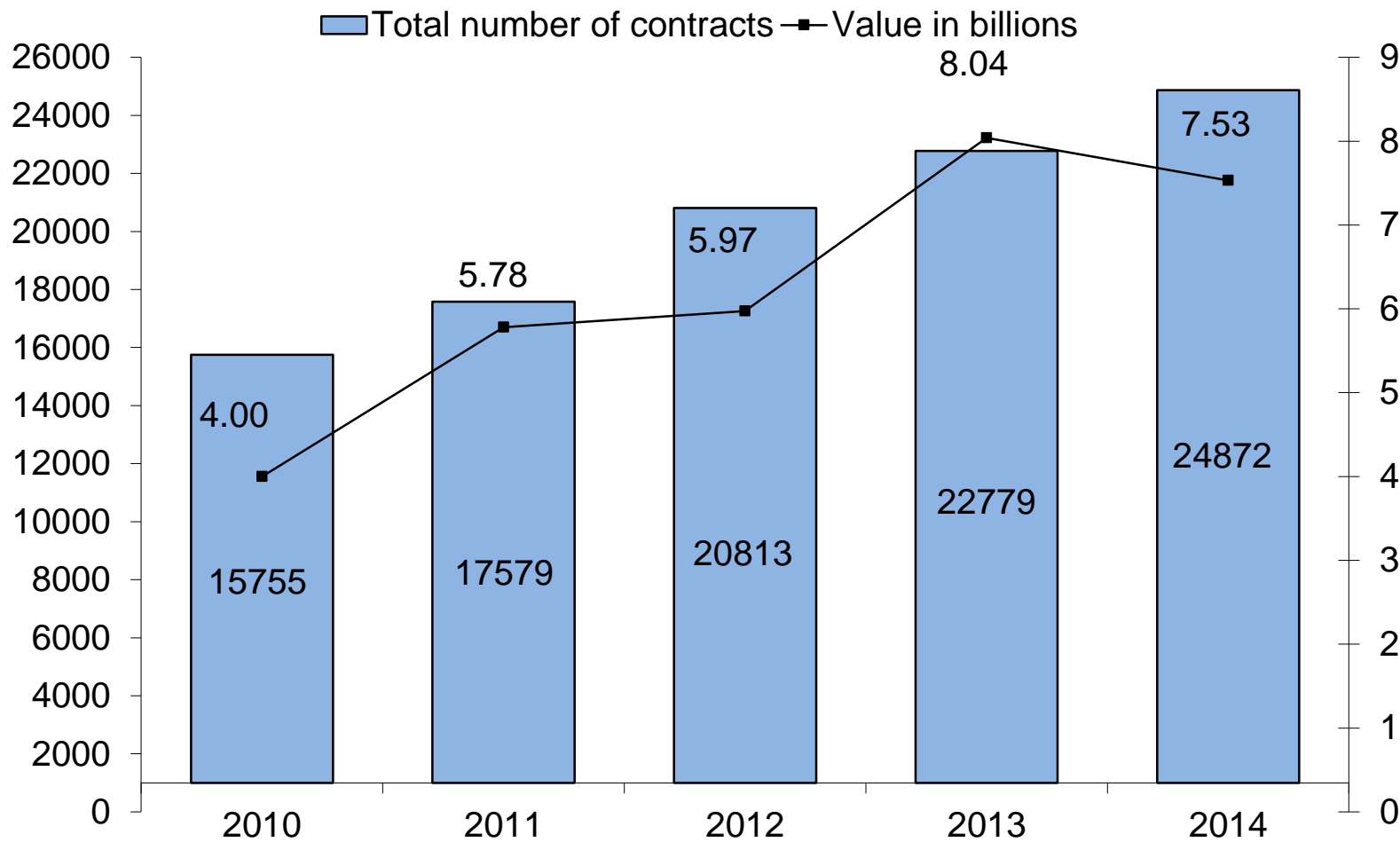
Total number of announced public procedures in the PPR



Number of visits to the Public Procurement Portal



Number of contracts and value





Monitoring on the Bulgarian public procurement market

- Monitoring over the information to be published in Public Procurement Register
- Validation rules
- Supervising the notices before publication
- CA reminders and ex officio mails
- Percentage of information never sent to PPR



Monitoring on the Bulgarian public procurement market

National rules and additional standard forms:

- Case and procurement unique number (Family of documents);
- Decision for opening, prolongation and termination of a procedure;
- Information about review procedure and complaints;
- Information about completion of a contract or contract terminated before the determined deadline;
- aggregated information for contracts below the national thresholds on annual basis;



Monitoring on the Bulgarian public procurement market

Imposing additional fields to be completed when publishing information:

- Information about initially estimated value of the procurement;
- Information about European funding;
- Information about Green procurement;
- CA's and EO's national identifiers;
- Information about members of a consortia, taken part in a procurement procedure;



Monitoring on the Bulgarian public procurement market

- Publication of contracts – exceptions to the law and obligation to notify the European Commission in pre-described cases;
- Notifying ex-post control bodies in some cases, when the lawfulness of the procedure chosen is not proved;
- Elaborating monthly statistical reports with information about number and value of the procurement, percentage of procedure being challenged before the Commission for protection of Competition and Supreme Administrative Court and also for percentage of successful complaints, etc.



Monitoring on the Bulgarian public procurement market

Feedback – monitoring procedures as a tool for tuning the rules and changes of the legal base:

- Introducing Green procurement;
- Encouraging wider usage of electronic tools;
- Procurement, reserved for disabled people and sheltered companies;
- National thresholds values adjustment;

Ex-ante control - implementation

- ❖ from 1 January 2009 г.
- ❖ limiting cases of illegal and non-transparent spending of public funds



Directions



❖ Procedures with European funds

- ✓ all contracting authorities;
- ✓ contracts above a certain value.

❖ Procedures of Negotiation without notice



- ✓ Contracting authorities under Art. 7 items 1-4 PPL;
- ✓ certain law grounds



Controlling procedures with European financing

❖ Purpose

- ✓ opening procedures according to PPL

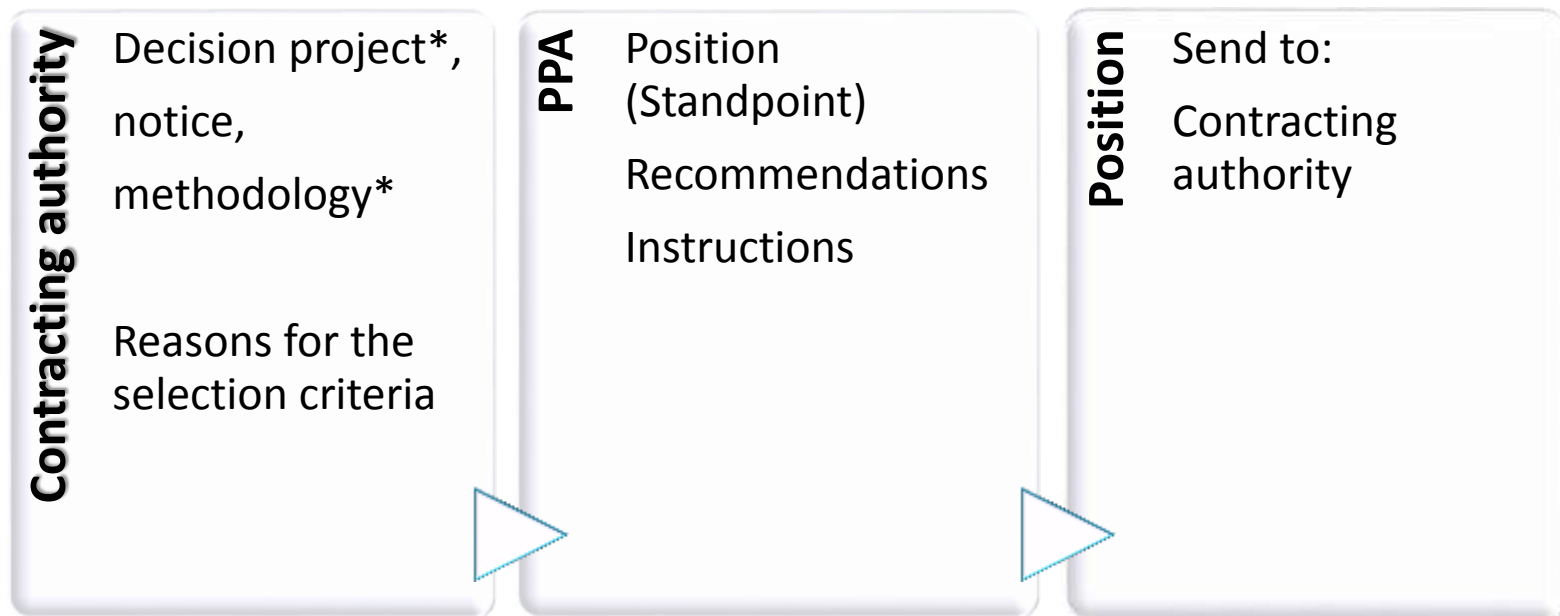
❖ Development

- ✓ to feedback mechanism



First stage

❖ within 14 days



Second stage

❖ within 10 days





Characteristics

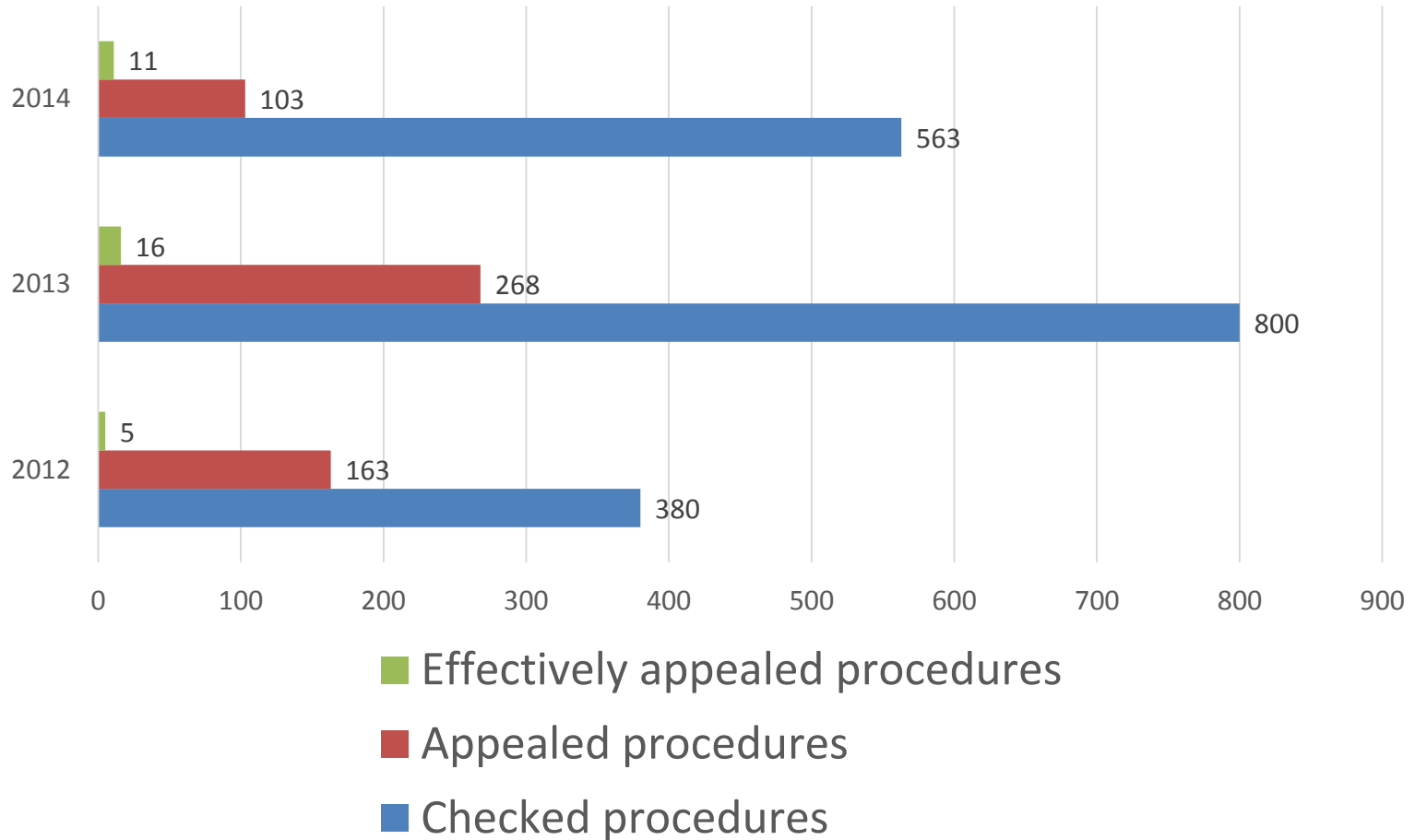
- ❖ Preventive
 - ✓ no sanction character
- ❖ Two stages
 - ✓ before and after opening the procedure
- ❖ Fast
 - ✓ does not change the duration of the procedure
- ❖ External/independant to the contracting authority
 - ✓ specialized body



Common errors

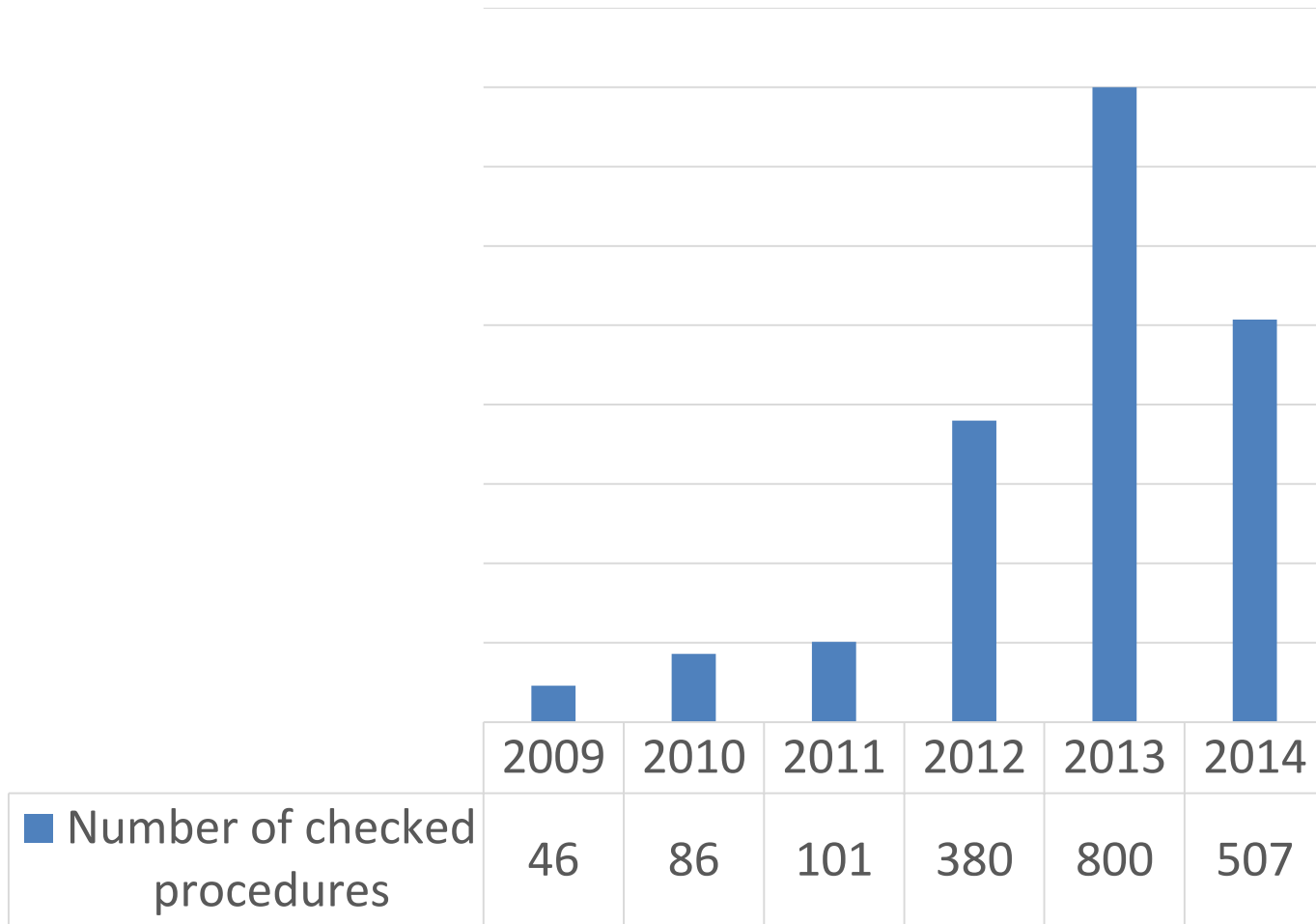
- ❖ Unclear subject and conditions;
- ❖ Not equal treatment of participants;
- ❖ Disproportionate requirements;
- ❖ Unclear and subjective evaluation methodology;
- ❖ Non updating/ Non reflecting the changes in PPL.

Results





Results





Future plans - development of ex-ante control

- ❖ Expand the scope of ex-ante control
- ❖ Control on a random basis
- ❖ Control over the exceptions of PPL



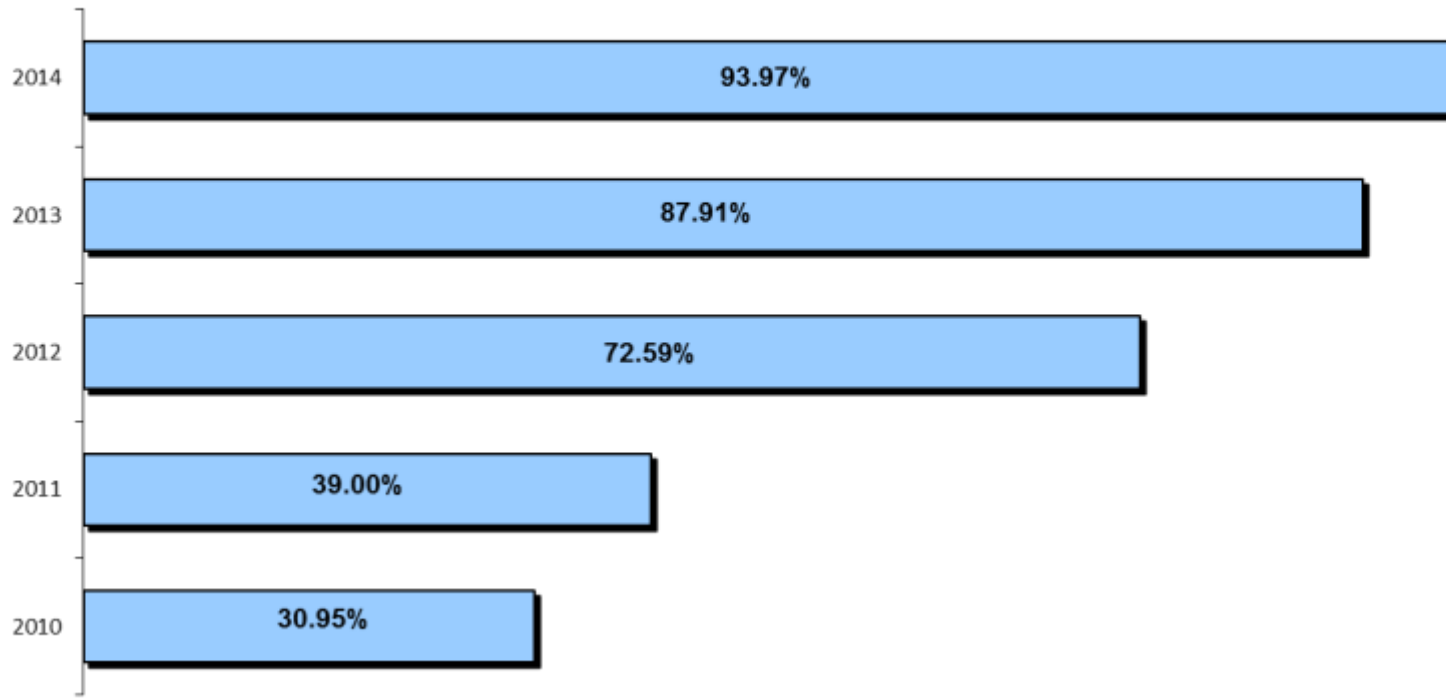
Future plans

Electronic Public Procurement – stages on place and future intentions

- e-Publication and e-Notification – implemented;
- e-Documentation, Q&A phase – implemented;
- e-Submission – to be implemented until end of 2016;
- all phases to gain end-to-end e-procurement to be implemented gradually until 2020 (incl. e-Invoicing).



Percentage of documents submitted with electronic signature





Future plans

The Bulgarian Council of Ministers has taken Decision 108 / 19.02.2015 to choose centralized web-based single platform model for development of e-procurement in Bulgaria.

The model is to be realized by acquisition of a unified electronic platform, and it will ensure integration of existing e-procurement systems owned and used by centralized public procurement bodies.



Lessons learned

- Legal basis – not to be changed very frequently;
- To provide methodological guidance and help to CAs;
- To ensure that ex-ante and ex-control bodies have the same rules and follow the same control procedures;
- To keep constant and uncontroversial judicial practice;
- To maintain a Hot line for quick help;
- To provide proper training of end users.



Thank you for your attention!