PROCUREMENT OVERSIGHT AND MONITORING

JUNE, 2015
Batumi, Georgia
CURENT PP INSTITUTIONAL FRAMEWORK

Electronic System for Public Procurement

National Authority for Regulating and Monitoring Public Procurement

Unit for Coordination and Verification Public Procurement

National Council for Solving Complaints
NEW PP INSTITUTIONAL FRAMEWORK

NAPP

Electronic System for Public Procurement

ESPP

NCSC

National Agency for Public Procurement

National Council for Solving Complaints
CURENT PP INSTITUTIONAL FRAMEWORK

- Prime Minister Subordination
- PP draft Regulation
- PP Monitoring
- Ex-ante and ex-post control
- Guideline

- Administrative judicial independent body
- solving complaints submit by economic operators regarding public procurement procedures

- Romanian Agency for Digital Agenda
- Ministry for Informational Society
- Integrated electronic system

- Ministry of Finance
- Ex-ante control
NNAP FUNCTIONS

- Policy and law-making
- Monitoring and supervision
- Operational support and help desk
- Ex-ante control
- Ex-post control
PP INSTITUTIONAL FRAMEWORK

All CA / EO are obliged to register

E-catalogue
429,196 products/services/works

ESPP

40% PP by electronic means

Direct purchasing from e-catalogue
Offline pp procedures with electronic final phase
Online pp procedures

Contract notice, participation notice, award notice, erratum

All notices

CA – contracting authorities 14,398
EO – economic operators registered 52,774
NARMPP verify all tender documentations – ex-ante and ex-post control.

1. 10 days
   - Public notice Electronic documentation
   - CA uploading tender documentations in ESPP

2. 10-40 days
   - UCVPP ex-ante control

3. 25 days tenders evaluation
   - Time limit for submitting the tenders
   - NCSC Solving complaints

4. 10 days
   - Awarding the contract Communications
   - NCSC Solving complaints

5. 10 days
   - Concluding the contract
NEW PP INSTITUTIONAL FRAMEWORK

1. **10 days**
   - CA uploading tender documentations in ESPP

2. **10-40 days**
   - Public notice Electronic documentation

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   - Concluding the contract

**NAPP ex-ante control** by sample and **ex-post control**

**NCSC**
Solving complaints
AWARD PROCEDURES

- **Online**
  - Open procedure
  - Restricted procedure
  - Request for tenders
  - Electronic catalog (direct purchasing)

- **Offline**
  - Open procedure
  - Restricted procedure
  - Request for tenders
  - Direct purchasing

Special situations regulated by law:
- Negotiation with prior publication of a contract notice
- Negotiation without publication of a contract notice
- Competitive dialogue
- Design contest

Special situations regulated by law
**BENCHMARKS AND INDICATORS**

**TENDER NOTICE AND DOCUMENTATION**
- PP procedure starting date
- Type of the CA
- Type of the contract and CPV
- Estimated value of the contract
- Award criteria
- Date for submitting tenders

**DURING THE PROCEDURE**
- Modifying submitting tenders date
- Changing some references
- Submitted complaints
- Suspension and canceling

**AWARD NOTICE**
- Date of signing the contract
- Company awarded
- Value of the contract
The contract / participation notice contains the names of the decision-making persons within the contracting authority.

After the opening session of tenders, there shall be publish the identification data of the tenderer / candidate / tenderer partner / subcontractor / third party supporter.

POSSIBLE CONFLICTS OF INTEREST

National Agency for Integrity
DATA

SPECIFIC e.g.

- Preponderance of used award criteria
- Price of the awarded contracts vs. initial estimated value
- Delays (motifs)
- Annulment (motifs)

Lowest price
- Most economically advantageous tender
- Solving complaints
- Poor administrative capacity
- Complaints/Courts decisions
- Lack or poor market response
### Guidelines and instructions for contracting authorities

**Monitoring “completion certificates”** – possibility for CA to reject from tendering “bad competitors”

### Improving legal provisions

- Abnormally low prices
- High risks in completion of the contract

### Improving solving complaints mechanisms

- Abnormally delays in awarding the contract
- Increasing financing risks
- Risks in completion of the contract

### Improving solving complaints mechanisms

- Annulments
- Increasing financing risks
- Delays in projects implementation
- Lowering the investment level

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<th>Result</th>
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<td>Excessive use of the lowest price award criteria</td>
<td>High risks in completion of the contract</td>
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PP FIGURES AND FACTS 2013 e.g.

19,343
- PP notices
- Started procedures

17,702
- Finalized procedures

14,709
- Contracts awarded
PP FIGURES AND FACTS 2014 e.g.

- PP notices: 18,367
- Started procedures: 16,978
- Finalized procedures: 14,171
- Contracts awarded: 14,171
FIGURES AND FACTS 2013 e.g.

14,709

Contract object
- products: 8,392
- services: 2,811
- works: 3,506

Award criteria
- Lowest price: 13,355
- Most economically advantageous tender: 1,354
PP FIGURES AND FACTS 2014 e.g.

14,171

Contract object

- products
  - 7,976

- services
  - 2,922

- works
  - 3,273

Award criteria

- Lowest price
  - 12,904

- Most economically advantageous tender
  - 1,267
National Authority for Regulating and Monitoring Public Procurement

www.anrmap.ro

Sorin CAPITANU
General Manager

Thank you!