NEW COMMISSION GUIDANCE HELPS MEMBER STATES ORGANISE
SOUND TENDER PROCEDURES FOR EU-FUNDED PROJECTS

USING TAX PAYER’S MONEY EFFICIENTLY AND TRANSPARENTLY FOR THE BEST IMPACT OF EU INVESTMENTS

The guidance helps Member States public officials avoid the most common errors in public procurement. Designed to help practitioners avoid errors in EU funds investments, the guidance is a useful tool in any public investment procurement. The guidance is structured around the main stages of a public procurement process:

1. **PREPARATION & PLANNING**
   - Assess future needs
   - Analyse the market and define the target
   - Choose and plan the procedure

2. **PUBLICATION & TRANSPARENCY**
   - Draft procurement documents
   - Define specifications and standards
   - Define the criteria and set the time limits
   - Advertise the contract
   - Ensure a delivery of tenders according to instructions
   - Set up the evaluation committee
   - Acknowledge receipt and open tenders
   - Assess and select tenders

3. **SUBMISSION OF TENDERS & SELECTION OF TENDERERS**
   - Apply the award criteria and request clarifications
   - Finalise the evaluation and decide
   - Deal with contract modifications, as well as complaints
   - Award the contract

4. **EVALUATION OF TENDERS & AWARD**
   - Manage the relationship with the contractor
   - Terminate a contract during its term
   - Close the contract

5. **CONTRACT IMPLEMENTATION**
The EUROPEAN STRUCTURAL AND INVESTMENT (ESI) FUNDS channel over €450 billion into the EU real economy over the 2014-2020 funding period, half of which is invested through public procurement.

WHAT’S NEW?

The second edition of the guidance is updated in accordance with the 2014 Directives on public procurement:

- Facilitating SME participation in public contracts by cutting red tape
- Improved safeguards against corruption
- Promotion of the use of online procedures
- More clarity on exclusion grounds and award criteria
- Introduction, on a voluntary basis, of environmental, social and innovation goals in procurement procedures

DID YOU KNOW?

Examples of DO’S & DON’TS

- Divide in lots when possible, or explain why it is not possible.
- The selection and award criteria, must be stated in the procurement documents.
- Be clear about the date and time of delivery.
- Anticipate possible risks, even for small and simple contracts (e.g. contractor being unable to deliver, or not delivering the expected quality).
- Artificially splitting the contract value is illegal.
- Never amend the award criteria during the procurement process.
- Don't treat tenderers inequally.
- Do not modify the contract unless strictly in line with the rules on modifications.

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