

EIPA Briefing 2021/3

Getting fit for public procurement: The push for professionalism

Gracia Vara

Introduction

Public procurement is a key policy area for the proper functioning of the internal market, accounting for 14 % of EU GDP. It is also an instrument that can be used to help achieve other policy goals, including successful recovery from the present crisis.

The 2014 Public Procurement Directives were explicitly aimed at increasing access to procurement markets; improving transparency, integrity and data; boosting the digital transformation of procurement; and becoming the tool for strategic implementation of green, social and innovative policies in Member States. The EU would henceforth not only coordinate public procurement rules in order to ensure the integrity of the internal market in public contracts. It would also seek to utilise public procurement as a 'demand-side policy' to achieve its own key goals. The Council, in its Conclusions of November 2020, likewise calls on the Commission and the Member States to use public procurement as a strategic tool to foster sustainable and innovative growth.

Yet public procurement is highlighted in the Commission's [2020 Internal Market Scoreboard](#) as one of the specific areas in which work is needed and the performance of the Member States is 'uneven'.

How can countries improve their performance? The European Commission has been recommending the professionalisation of public buyers since the last public procurement legislative package, in which Directive 24/2014 already mentions in its preamble the need for professionalising procurement management. In November 2020 the Council called on the Member States to improve the 'professionalization of public buyers' as a key means 'of enhancing efficiency of public procurement to boost recovery and to tackle future crises'.

This Briefing first presents the main needs and objectives that are involved, and then reviews the various initiatives that are under way to address these needs, focusing on the instrument [ProcurCompEU](#).

What do we mean by 'professionalisation'?

In its [Recommendation 2017/1805](#), published as part of the European Public Procurement Strategy, the Commission defines the objective of professionalisation as being 'the overall improvement of the whole range of professional skills and competences, knowledge and experience of the people conducting or participating in tasks related to procurement'.

It means:

- *Planning and preparing the necessity test, the pre-award phase, with market consultations and product related analysis*

Good planning and research on the needs of the contracting authorities and the offer in the market will ensure that the tender is done correctly. It will help avoid the most common errors in public procurement, such as non-respect of general principles, wrong selection of tendering procedures, need to modify substantially the contract (which could be considered an illegal direct award), or lack of risk prevention. It will also ensure that green, social and innovation considerations are taken into account at this stage of the acquisition.

- *Writing the tender with functional specifications*

The tender should present the challenge to be solved and not the product to be bought. An Output (or Outcome) Based Specification focuses on the desired outputs of a good or service, rather than a detailed technical specification of how it is to be provided. This allows providers scope to propose innovative solutions that might not have occurred to the procurement team.

- *Choosing the right acquisition procedures and award formulas*

One of the most common mistakes leading to financial corrections at the evaluation stage is the modification of award criteria after the opening of tenders resulting in the incorrect acceptance of tenders.

- *Ensuring the best combination of quality and price*

The times of using only lowest price criteria are over. Using the most economic advantageous tender (MEAT) in the evaluation means that details of all criteria (as well as the proposed evaluation methodology) must be included in the contract notice and the tender documents. These details should also aim to support the use of procurement in strategic policy terms.

- *Managing well the procedure, and monitoring the performance of the contract*

The contracting authority should ensure that a risk register and associated contingency plan are prepared during the early stages of the project lifecycle and that they are regularly updated during the project. Good risk management will reduce the likelihood of aborted processes, the need for contract modifications during implementation and the risk of financial corrections in the case of EU grants.

- *Following up the execution and evaluating the results*

On completion of the contract, it is important to hold a review meeting to assess how the contract has performed against its original expectations. The communication of success and recognition of those involved in achieving the success becomes essential, as well as learning from problems overcome in addition to risks realised.

What is being done to address the needs?

A variety of initiatives have been taken to support professionalisation in public procurement, involving different combinations of self-assessment, learning based on an exchange of practices, and training based on authoritative instruction. The Commission has now provided a European Competency Framework for Public Procurement Professionals, ProcurCompEU, as a common framework of reference.

In June 2020, the Commission published a [study on the professionalisation of public procurement](#) in the EU and selected third countries. The key takeaways from this study include the following findings:

- The different characteristics and dynamics of national systems of administration cause a lack of homogeneity in recruitment practices for experts in public procurement as well as a wide range of different job profiles and titles across Member States.
- The available training in many Member States does not meet the full range of needs of procurement professionals. This holds especially for trainings in more advanced procurement topics, such as the consideration of green, social and innovative aspects. As a result of this, in some Member States, the lack of appropriate training courses leads to a rather slow uptake of the application of the Best Price Quality Ratio (BPQR).
- The adoption of training plans tend to focus on legal and procedural aspects to ensure compliance in implementation. The study finds that the available training in many Member States does not meet the full range of needs of procurement professionals.
- There is an increasing trend in the use of certification and accreditation frameworks combined with a legal obligation to involve certified procurement experts in certain procedures.

The analyses that are reported in this study have already led to recommendations to countries including Slovenia, Romania, Malta and Estonia on how to harmonise national frameworks. They have started to be used to shape the recruitment, skills assessment and professional development of staff in these countries, using training curricula with both a theoretical and a practical perspective.

ProcurCompEU is meant to assist the public sector in detecting its gaps through a self-assessment tool. Once the weak points of any given organisation are identified, a very complete curriculum ensures the training in both the hard and the soft skills that are needed by the teams concerned to become professional public buyers.

Several countries are also planning the establishment of a Public Procurement Academy to be launched in the near future. The European Institute of Public Administration is working with the European Competency Framework and will launch in autumn 2021 the European Certification for Public Procurement Professionals.

Conclusions

Public procurement can help achieve major EU policy objectives in the post-pandemic era. Professionalism is essential in order to do so, as well as to ensure value for money and effectiveness in meeting citizen's demands for public goods of a given quality.

There is much that can be learned from self-assessment and from exchanges of practices across countries. This is greatly assisted, however, by the existence of a common framework of reference and a certification scheme. Certification is recognised by the Commission as one of the success factors for the implementation of professionalisation by valorising the broader set of skills that a procurement practitioner needs to have to do the job well, and by requiring that only qualified professionals should be involved in procurement procedures, especially those above a given minimum value.

For public procurement to be efficiently implemented, it is not enough to have appropriate laws and regulations. The national and local civil servants who have to apply them face highly demanding and complex tasks, for which not only legal knowledge is essential, but also managerial and leadership skills. ProcurCompEU can help in the implementation of professionalization of public buyers, covering both the legal and managerial aspects of the work, and ensuring compliance in line with the EU acquis.