

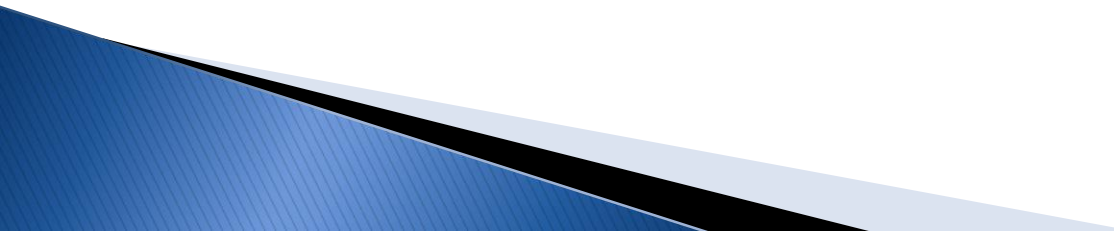
Implementation of new Public Procurement Law in Serbia

First results and forthcoming steps

Borisav Knezevic, Public Procurement Office

RESPA/Danilovgrad, 21 June 2013

New Public Procurement Law

- ▶ Adopted on 29 December 2012
 - ▶ Entered into force on 6 January 2013
 - ▶ Application started on 1st April 2013
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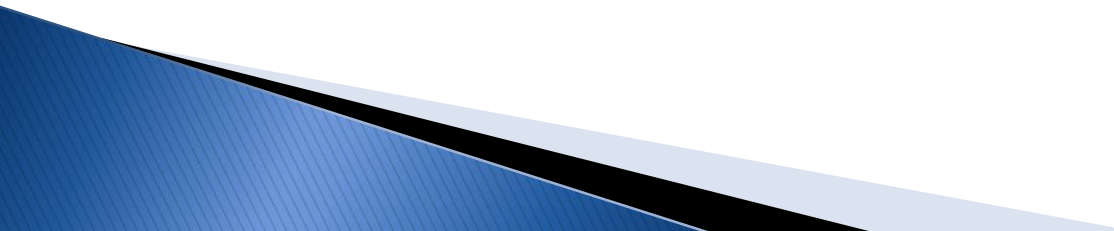
Institutional set-up

- ▶ 2 most important institutions in PP field:
 - Public Procurement Office
 - Republican Commission for Protection of Rights in PP Procedures
- ▶ In the field of external control
 - Supreme Audit Institution
- ▶ Almost no competences for Ministry of Finance and Economy (unlike under previous PPL)
- ▶ In the field of centralised procurement
 - Administration for Joint Services of the Republican Bodies

Novelties

- ▶ New procedures and tools (competitive dialogue, FC, DPS)
- ▶ New institutes (civil supervisor-1bill. RSD+)
- ▶ Anticorruption provisions
- ▶ Publishing of all notices on PPO Portal (free of charge), except for values above 5 mill.RSD (and 10 mill RSD for works) that are published both on PPO Portal and on Portal of the Official Gazzette)


Novelties: Web-Portal/Increased transparency

- ▶ Mandatory use of CPV and search-mode that use CPV codes as key-words for search of notices
 - ▶ mandatory publishing of tender documents
 - ▶ mandatory publishing of small-value PP notices
 - ▶ publishing of so called „negative-refferences“
 - ▶ publishing of prior opinions for negotiated procedure
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Novelties to be implemented

- ▶ Introduction of partial centralisation of PP (including centralisation of medicines and medical services)
- ▶ Central register of EOs to prove eligibility to participate on tenders
- ▶ New system of quarterly reporting on conducted PP
- ▶ E-system for creation and submission of CAs' annual plans of PP (to be submitted to the PPO and SAI)

- ▶ NECESSARY BYLAWS
 - ▶ **ADOPTED ON TIME**
 - ▶ fulfilled conditions for implementation of PPL
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- ▶ PPO ASSISTED IN
PREPARATION OF BYLAWS
FOR IMPLEMENTATION OF
THE LAW

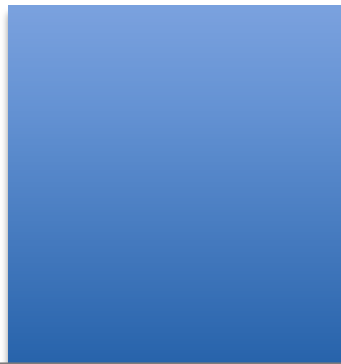
- ▶ **TO MINISTRY OF HEALTH** – BYLAW ON CENTRALISED PURCHASING OF MEDICINES (adopted in March 2013)
 - ▶ **ADMINISTRATION FOR JOINT SERVICES**
 - BYLAW ON CENTRALISED PUBLIC PROCUREMENT
 - ▶
 - ▶ **TO MINISTRY OF DEFENCE** – BYLAW ON CONFIDENTIAL PROCUREMENT
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▶ COMMON PROCUREMENT VOCABULARY

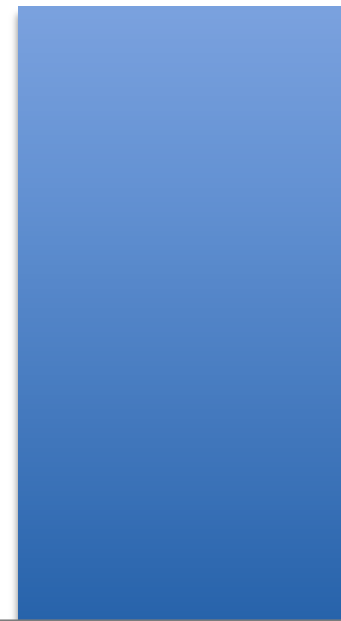
- ▶ IT IS USED ON THE PORTAL, THE BYLAW
WILL BE ADOPTED SOON

Number of published notices on the PP Web-Portal

7,560



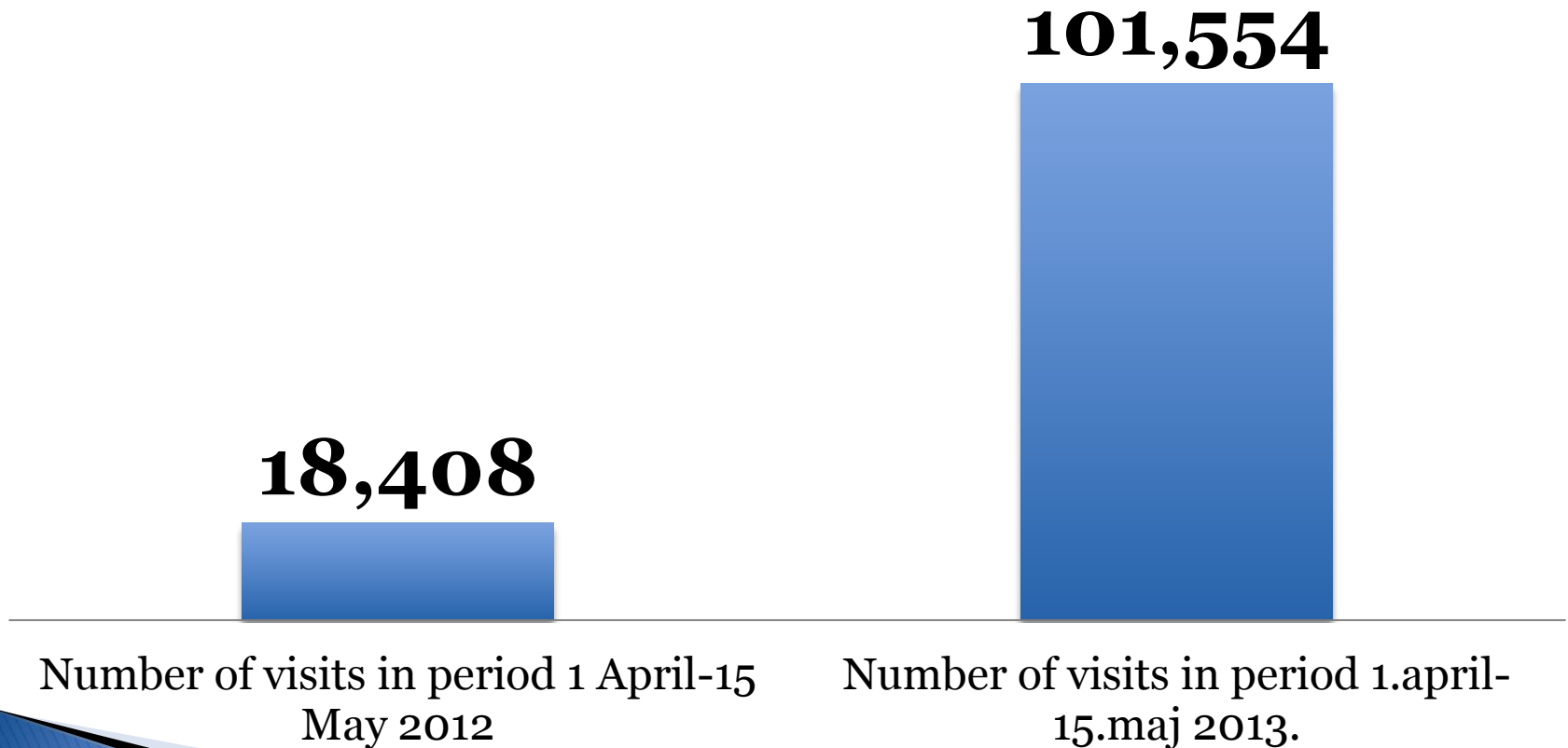
12,974



Number of notices published in period 1 April-15 May 2012 Number of notices published in period 1 April-15 May 2013

Number of visits to the PP Web-Portal

Significantly increased transparency of public procurement



▶ THE INSTITUTE OF CIVIL SUPERVISOR HAS STARTED TO FUNCTION IN PRACTICE

- ▶ So far in 3 PP procedures:
 - ▶ Pharmacy “Belgrade”
 - ▶ Public Transport Company Belgrade
 - ▶ Ministry of Interior
- 

▶ **NEGATIVE REFERENCES**

- ▶ Are being applied for the first time, this possibility also existed earlier, but it was not used

PLANNED FOR 2ND HALF OF 2013

- ▶ **ACTION PLAN FOR
IMPLEMENTATION OF STRATEGY
FOR DEVELOPMENT OF PUBLIC
PROCUREMENT**
 - ▶ (in cooperaion with SIGMA)
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- ▶ **PLAN FOR FIGHT AGAINST
CORRUPTION IN PUBLIC
PROCUREMENT**
 - ▶ (in cooperation with Anticorruption Agency,
deadline 6 October 2013)
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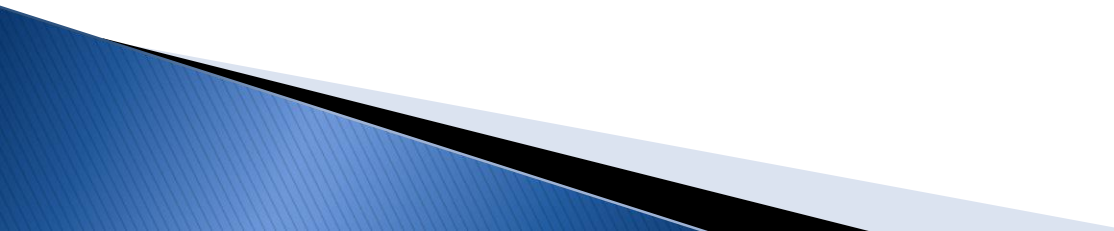
- ▶ **INTERNAL ACT FOR PUBLIC PROCUREMENT PROCEDURES**
 - ▶ (deadline 6 October 2013)
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- ▶ **RULEBOOK ON CERTIFICATION OF PP OFFICIALS** (with expert assistance of EU)
 - ▶ **LIST OF CONTRACTING AUTHORITIES**
 - ▶ (beginning of 2014)
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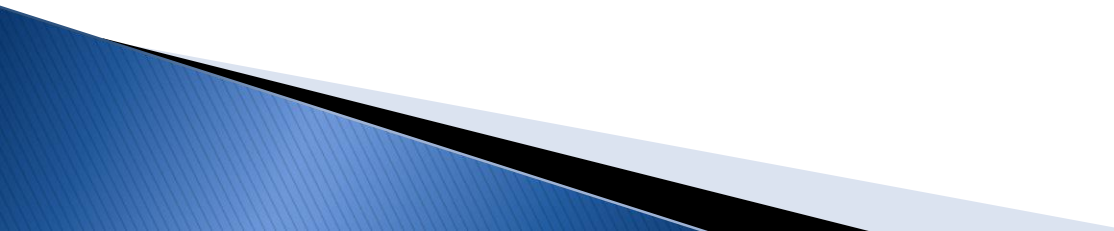
GOALS OF PUBLIC PROCUREMENT OFFICE FOR THE 2ND HALF OF 2013

- ▶ **TO PROVIDE FULL APPLICATION OF THE PPL**
- ▶
- ▶ **TO REDUCE THE SHARE OF NEGOTIATED PROCEDURE**

**▶ STRENGTHENING OF COOPERATION
WITH OTHER INSTITUTIONS RELEVANT
FOR PUBLIC PROCUREMENT IN ORDER
TO ESTABLISH A DISCIPLINE IN
APPLICATION OF THE PPL IN A
SYSTEMATIC WAY**

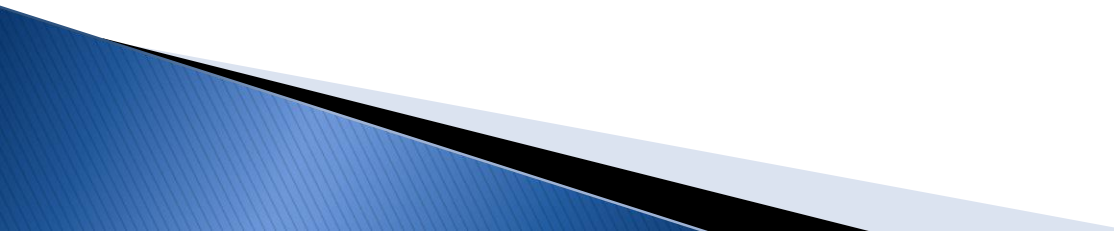


- ▶ **USE OF INSTRUMENTS FOR IMPOSING SANCTIONS FOR BREACHING THE PPL**
 - ▶
 - ▶ **1) MISDEMEANOR CHARGES**
 - ▶ **2) ESTABLISHING COOPERATION WITH PROSECUTOR'S OFFICE AND POLICE IN ORDER TO COPE WITH MORE COMPLEX FORMS OF BREACHING THE PPL**
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- ▶ **ADVISORY ASSISTANCE AND TRAINING OF CAs**
 - ▶ **PREPARATION OF GUIDELINES/INSTRUCIONS AND MODELS, TRAINING**
 - ▶ **PARTICULAR ATTENTION WHEN APPLY CENTRALISED PROCUREMENT AND NEW INSTITUTES/MECHANISMS, E.G. FRAMEWORK AGREEMENTS**
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- ▶ **STRENGTHENING OF EXPERT CAPACITIES AT LOCAL LEVEL AND ESTABLISHMENT OF BETTER CONTROL OF PUBLIC PROCUREMENT AT LOCAL LEVEL IN ORDER TO PROVIDE FULL APPLICATION OF THE LAW**

PRECONDITIONS

- ▶ **TO STRENGTHEN THE CAPACITIES OF PUBLIC PROCUREMENT OFFICE THUS ENABLING IT TO DELIVER NECESSARY SERVICES TO ITS CLIENTS (CONTRACTING AUTHORITIES AND BIDDERS)**
 - ▶ **PPO HAS ONLY 5 LAWYERS!**
 - ▶ **INTERNATIONAL ASSISTANCE**
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▶ **THANK YOU FOR YOUR
ATTENTION!**