



# Procurement techniques to prevent suppression of irregularities



Project: Strengthening capacities to remedy irregularities  
in public procurement procedures.

No. : HR/2008/IB/FI/04TL

Author: Eric Zwitterloot BA CPD

Date : Sep 19<sup>th</sup>, 2011

# How to secure transparency, objectivity, accuracy



- **Working with a joint procurement organization (BIZOB)**
- **Working with procurement teams**
- **Knowledge of the EU directives**
- **Working with clear awarding methods**
- **Having a procurement policy**
- **Right skills Procurement officer and team members**
  - Training
  - Education
- **Document retention and archiving files**
- **Integrity of suppliers**

# Procurement teams



- **Separation of responsibilities**
- **Responsibilities in the team**
  - **Procurement officer**
  - **Matter expert**
  - **Civil servant (or user of the contract)**
  - **Environmental expert**
  - **Lawyer**
- **Awarding experts**

- Technical



- Commercial



- Logistic



- Quality



- Legal



# Procurement teams



- **Procurement officer**

- **knows EU-directives,**
- **Procurement skills**
- **Project leader**
- **Responsible for the right team (responsibilities)**
- **Responsible for a tender document (clear, complete)**
- **Executing market research**
- **Advising possible procedures**
- **Advising about awarding method**
- **Setup clear awarding matrix**

# Skills end education

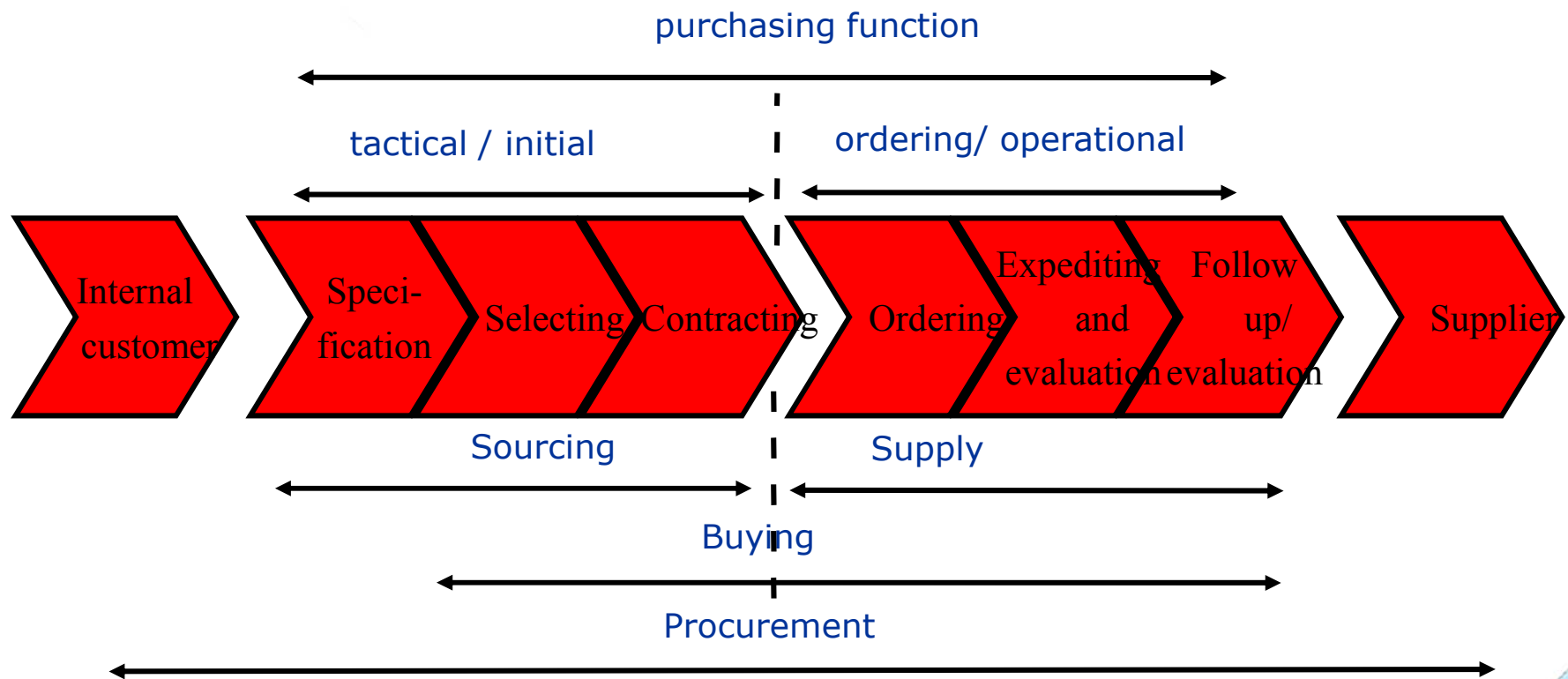


- **Well educated procurement officer is a guarantee for professional procurement**
  - **Bachelor in (business) economics or;**
  - **Nevi I, Preferred Nevi CPD graduation**
  - **At least 3 years working in procurement, private or public.**
  
  - **Training/course budget: 2% of the personal costs (gross wages);**
  - **Procurement meetings internal**
  - **Preparing presentations internal**
  - **Attending events, session's at national level**
  - **Contribute in workgroups on national level**

# Procurement Process



- Involvement & responsibilities procurement officer**

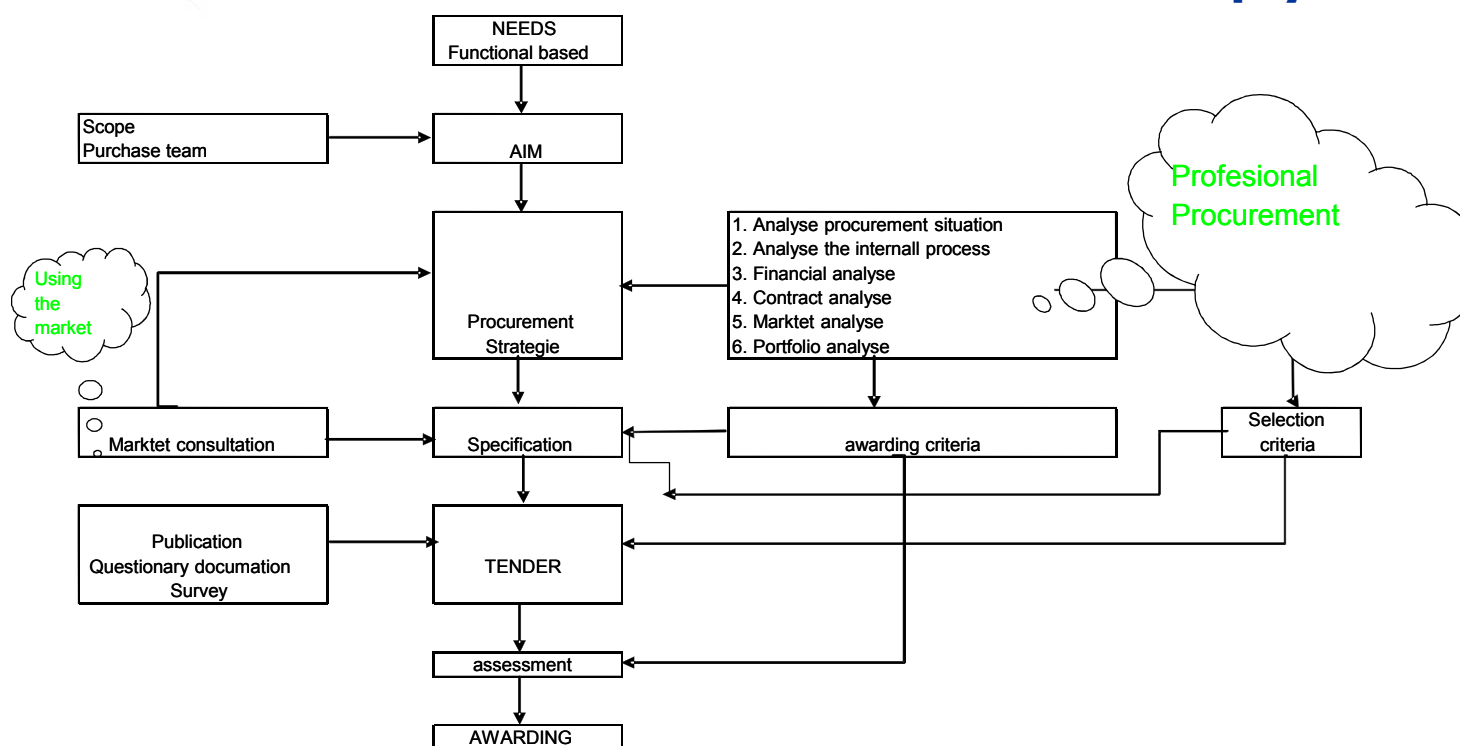


# Professional procurement process



## Purpose is:

- As efficient as possible to procure the supply, service or work against the right quality and price.
- The directives is a condition we have to comply to



# Awarding criteria



- **Lowest Price**
  - Detailed specification
  - No open ends
  - No added value from market required
  - Min quality fixed in specification

**Lowest price is not equal to poor quality!**
- **Most Economically Advantageous Tender**
  - Prepared to pay for extra quality
  - Make use of innovation
  - Use knowledge of market
  - Receive Best Value for your money
  - Best possible sustainability within budget
  - Best TCO within budget



# Assessment methodology



- **Make assessment objective (measurable)**
- **If not measurable -> motivate**
- **Independent who execute assessment**
- **Make clear what you expect and ask for innovation**
- **Make a difference in awarding;**
  - **Topics asked to handled are full filled** **6 points**
  - **Not all topics asked are full filled** **1 point**
  - **Topics are more than sufficiently full filled**  
**New innovated solutions are specified** **10 points**

# Measurable Criteria e.g.



## Awarding economic points

- **Delivery time**
  - Specific points for different supply, completion times

e.g. maximum delivery time vehicle (36 weeks) will be assessed with a 6.  
A delivery time longer than 36 weeks is not accepted.  
Delivery a week earlier added 0,2 points, with a maximum rate of 9.00.
- **Sustainability, emissions of cars**
  - Specific point for Euro 3,4,5 or 6 (e-car) engines
- **Duration of road block with reconstruction**
  - Specific points for different months

# How to deal with subjective criteria & assessment



- **E.g. assessment of key persons in execution the contract**
  - Interview key staff employees separately
  - All parties the same questions
  - Evaluate and rate answers
  - Make it more objective
- **E.g. sketch design**
  - Assessment of a sketch is subjective
  - You like something or not
  - Importance of awarding commission
  - Importance of in front communication of awarding
- **Motivate clear how assessment is done.  
How the outcome is established.  
The Alcatel (Standstill Period) is not started when the  
motivation is insufficient.**

# e.g. Multi Functional Accommodation



- **Members of procurement team**
  - Representatives school, children's daycare
  - Representatives village (user / surrounding)
  - Representatives municipality
  - Construction Engineer (external consultant)
  - Procurement officer
- **Price 40%**
  - design costs, construction cost, maintenance cost (15 years)
- **Design 30%**
  - **Sketch design**, layout plan, vision
- **Approach 15%**
  - Design and construction, management, communication, planning
- **Calculated GPR score 15% (sustainability)**



# Procurement policy



- **Describe steps in tender procedure**
- **Name responsibilities in tender procedure**
- **Besides directive also additional political wishes**
  - **Ambition of sustainability**
  - **Ambition in Social Return**
  - **Opportunities SME's**
  - **Content procurement files**
  - **Responsibilities, authorized decision makers**

# Checklist content Tender file



file			EU open procedure	EU Restricted procedure	Remarks
	■ Obligatory	□ Optional			
Procurement Strategy	■		■	■	
Selection Document				■	
Advertising tender calendar	■		■	■	
Memorandum of information selection				■	
Minutes on registration				■	
Subscriptions				■	
Completed assessment matrix selection				■	
Selection Advice				■	
Letter positive selection				■	
Rejection letter selection				■	
Report calls rejection selection				□	
final program of requirement (PVE)	■		■	■	
Letter sent PVE				■	
AQs tendering	■		■	■	
Note of tender information	■		■	■	
Official report of procurement	■		■	■	
Subscriptions	■		■	■	
Completed assessment matrix (MEAT)	■		■	■	
Registration Requirements			□	□	
Award Advice	■		■	■	
Letter of intention to award	■		■	■	
Depreciation letter bidders	■		■	■	
Report calls rejected			□	□	
Report contract negotiations			□	□	
Signed contract	■		■	■	
Report completion tender calendar			□ / ■	■	
Tender evaluation			■	■	

# Roadmap restricted procedure (annex 3c)



- **For every procedure there is an extended road map**
- **For every phase in the procurement**
  - **Preliminary procurement`**
  - **Specification Phase**
  - **Selection Phase**
  - **Contract Phase**
  - **Order Phase**
  - **Monitoring Phase**
  - **Aftercare Evaluation Phase**
- **For every phase we have defined actions and prescribed required results**

# Roadmap restricted procedure (annex 3c)



Selection Phase		
Phase	Action	Result
Publicatie	De publicatie van de aanbesteding vindt plaats op <a href="http://www.aanbestedingskalender.nl">www.aanbestedingskalender.nl</a> . Bij Europese aanbestedingen wordt deze automatisch doorgelinkt naar TED (Tender Electronic Daily), de Europese site voor publicatie van aanbestedingen. Het bestek of programma van eisen met bijlagen wordt digitaal aan de publicatie toegevoegd. De aanbesteding mag daarnaast op andere media worden gepubliceerd.	Publicatie
Nota van inlichtingen selectiefase	Op basis van de schriftelijk binnengekomen vragen wordt een nota van inlichtingen opgesteld. Alle gestelde vragen met antwoorden worden verstuurd aan alle gegadigden. Het is mogelijk om meerdere nota's van inlichtingen op te stellen en te versturen. De termijn tussen de laatste nota van inlichtingen en de aanmelddatum bedraagt minimaal 6 kalenderdagen.	Verstuurde nota van inlichtingen
Aanmelding	Op de vooraf bepaalde datum en tijd worden de aanmeldingen geopend. De zitting is niet openbaar. Van de aanmeldingen wordt proces verbaal opgemaakt. Dit proces verbaal vermeldt alle gegadigden en de bijzonderheden die bij aanmelding zijn opgevallen.	Proces verbaal van aanmelding
Controle aanmeldingen	Alle aanmeldingen worden gecontroleerd op volledigheid en of er voldaan wordt aan de selectiecriteria.	Geschikte aanmeldingen gaan naar de beoordelingsfase.
Beoordeling aanmeldingen	Beoordeling vindt plaats op basis van de in het selectiedocument genoemde criteria.	Ingevulde beoordelingsmatrix selectie
Opstellen selectieadvies	In dit selectieadvies wordt de tot dan toe doorgelopen procedure toegelicht en het voorstel voor de vervolprocedure geadviseerd.	Selectieadvies
Definitief maken bestek of programma van eisen, concept contract en beoordelingsmatrix	De conceptstukken die bij de voorselectiefase al in concept gereed waren worden nu definitief gemaakt.	Definitief bestek / programma van eisen. Concept contract en definitieve beoordelingsmatrix
Verzending positief resultaat selectie	De geselecteerde gegadigden krijgt een brief met de mededeling dat hij geselecteerd is voor de gunningsfase. Het definitieve bestek of programma van eisen wordt pas verstuurd nadat een stand-still periode van minimaal 15 kalenderdagen is verstreken.	Brief



# Integrity economic operators



- **Depending on specific tender we ask for an own statement of relative items**
- **The documents for prove of own statement are only requested to the winner of the tender.**
- **National law will prescribe lower workloads for economic operators**
- **Criteria for qualitative selection**  
**Directive 2004-18-EC Article 45 paragraph 1 and 2**  
**Personal situation of the candidate or tenderer**

# Integrity economic operators



## **mandatory grounds for exclusion (art 45 § 1)**

- **Participation in a criminal organisation**
- **Corruption of an official or others**
- **Fraud forgery or EU grant money laundering**

## **not mandatory exclusion (art 45 § 2)**

- **A bankrupt or procedure started**
- **Convicted by a judgment**
- **Grave professional misconduct**
- **Not fulfilled obligations relating to the payment of social security contributions or taxes**
- **serious misrepresentation in supplying of information**

# Integrity economic operators



## VOG Statement:

- **Specific declaration give by the state for personnel about good behavior**
  - Not irrevocably sentenced for mandatory exclusion pursuant
  - Not irrevocably convicted of an offense in violation the professional conduct
- **Special used for employees in services in specific sectors**
  - Hospitals, school transport
- **BIBOB**
  - Law for integrity reviews public administration
  - For sector Ict, environment and construction

# Questions

