Romanian Public Procurement System
THE NATIONAL AGENCY FOR PUBLIC PROCUREMENT

www.anap.gov.ro
Institutional system

- The National Agency for Public Procurement – regulating (legislative function) body, providing advisory and operational support, ex-ante (tender documentation and tenders’ evaluation process) and ex-post verifications, monitoring and international representation;

- The National Council for Solving Complaints – non-judiciary, administrative first instance solving complaints lodged against public procurement procedures;

- The Romanian Agency for Digital Agenda (Ministry for Communication) – operator of the Electronic System for Public Procurement (ESPP);

- Courts of Appeal – second instance for solving complaints.
Following the recommendation of the European Commission, the National Authority for Public Procurement (NAPP) was set up by the Romanian Government in May 2015 by merging former UCVAP (structure entitled to verifying the procedural aspects related to the award process of procurement contracts) and ANRMAP (current NAPP) under the authority of the Ministry of Public Finance, as the main institution to oversee the management of public investment and to ensure the quality of public spending.

The responsibilities of the newly created institution are: policy and law making, guidance, help-desk and operational support, ex-ante control, monitoring and supervision of the public procurement system.
Main objectives

- Ensuring a coherent and harmonized legal framework in the field of public procurement in line with the obligations derived from the application of the EU Directives
- Implementing a proper verification system to ensure the unitary application of the legal provisions and procedures by the contracting authorities
- Ensuring an efficient system of public procurement and supervising its functionality
- Ensuring a permanent communication channel with the structures within the European Commission, the correspondent public institutions from the Member States and with the national bodies of public interest
System participants: economic operators

System participants: contracting authorities

Awarding procedures

N.C.S.C. / Courts of Appeal
National legislation regulating public procurement

- Primary legislation - E.G.O. no. 34/2006 on the award of public procurement contracts, public works concession contracts and services concession contracts, with subsequent amendments and supplements;


- Tertiary legislation (orders issued for applying the secondary legislation/operational instruments – standardized documentation)
Principles governing the awarding process

- Non-discrimination
- Equal treatment
- Mutual recognition
- Transparency
- Proportionality
- Efficient use of funds
- Accountability
Ø All contract, participation and award notices are submitted by the contracting authorities for publication in:
  ✓ ESPP (Electronic System for Public Procurement accessible online at www.e-licitatie.ro - single electronic platform available at the national level)
  ✓ Official Journal of the European Union - for contracts with values above the thresholds of EU Directives

! The tender documentation will be fully published in ESPP

! NAPP evaluates tender documentation before publication in the ESPP of the contract/participation notice

! The ESPP operator doesn’t have the right to publish the notice and transmit it for publication to the OJEU without the NAPP approval
Transposition of the new European Directives

Legislative structure:

- Primary legislation
  - Remedies’ law

Unlike previous European Directives on public procurement that were transposed at the national level into a single law, these new Directives are transposed distinctively, each Directive having its own correspondent law

- Secondary (methodological norms) and
- Tertiary legislation (orders issued for applying the secondary legislation/operational instruments/guidelines) – standardized documentation
Status of transposition

➢ Primary legislation
The laws are on the agenda of the Chamber of Deputies- Romania. The estimated time for the final vote would be in May 2016.

➢ Secondary (methodological norms)
NAPP has launched the preparation of the drafts and preliminary public consultation.
1) Adopt the National Strategy on Public Procurement and related action plan by autumn Y2015.

Status: The National Strategy on Public Procurement was approved by G.D. no. 901 on October 27, 2015.
The National Public Procurement Strategy provides a comprehensive roadmap for the reforms in public procurement and enables the Government of Romania, through Ministry of Public Finance - National Agency for Public Procurement to initiate and perform sequential and sustained measures for bringing in good governance and strengthening the procurement systems.

The reform of the Romanian Public Procurement System engages the Government of Romania and all relevant stakeholders with the scope of driving improvements in the public procurement which are included in the Public Procurement Strategy as well as building on existing strengths and eliminating identified shortcomings, including risk areas for corruption and conflict of interest and move procurement policy and practice to a strategic approach. The exercise of PP Strategy elaboration involved an assessment of existing procurement structures, policies, procedures and skills. Following the assessment process, appropriate procurement policy, procedures and practices were identified, which are expected to lead to (best) value for money outcomes over time.

Therefore, the Strategy is to be implemented via improvements of the Romanian Public Procurement System functions, adopting optimal procurement structures, effective purchasing policies and procedures as well as the professionalization of public procurement staff.
2) Transpose the new EU Directives in the national legislation by March, 2016 in line with the National Public Procurement Strategy.

Status: The laws transposing the European Directives were debated at the level of the Chamber of Deputies - Romanian Parliament on April 18, 2016. Their final vote is envisaged to take place in May 2016, being subject on the working agenda of the Chamber of Deputies.

Following the approval by the Parliament, the legislative package will be submitted to the President of Romania for enactment and published in the Official Journal.
Thank you!

THE NATIONAL AGENCY FOR PUBLIC PROCUREMENT

Bogdan Pușcaș – President
bogdan.puscas@anap.gov.ro

Laura Popescu – Deputy Secretary General
laura.popescu@anap.gov.ro

May 2016

www.anap.gov.ro