PROCUREMENT CAPACITY AND SYSTEM ENHANCEMENT - CROATIAN EXAMPLE

Nina Čulina
Ministry of Economy, Entrepreneurship and Crafts– Directorate for Public Procurement Policy

Bucharest, Romania 8.-10. May 2018.
Strategic development of national PP system in Croatia

- Create legislative framework
- Institutional framework
- Assistance to stakeholders & comprehensive training system
- Certification
INSTITUTIONAL FRAMEWORK ON PUBLIC PROCUREMENT

- Ministry of Economy, Entrepreneurship and Crafts - Directorate for Public Procurement System
  - Body in charge for the public procurement system
- State Commission for Supervision of Public Procurement Procedure
  - Review body in charge for appeals
  - Independent body – 9 members appointed by the Parliament
IMPLEMENTATION OF LEGISLATIVE FRAMEWORK

- Strengthening capacities of all relevant stakeholders on ensuring proper implementation of legislative framework – continuous process

- Various assistance tools to all stakeholders – contracting authorities, but also to economic operators, competent institutions (e.g. State Attorney’s Office), etc.

- Comprehensive training system

- Implementing tools – e.g. Manuals

- Enforcement – review system, other control mechanisms (e.g. MoEEC)

- E-tools
ASSISTANCE TO STAKEHOLDERS PROVIDED BY THE MINISTRY OF ECONOMY, ENTREPRENEURSHIP AND CRAFTS

FAQs and opinions on web
Prompt and efficient assistance
Open Doors Day
Written opinions
Call Centre
E-mail opinions
ASSISTANCE TO STAKEHOLDERS – ALL INFORMATION ON PUBLIC PROCUREMENT PORTAL
In every procedure has to participate at least one person holding a “certificate in the field of public procurement”

- It doesn’t have to be employee of a contracting authority – it can be engaged in specific procedure

Certificates in the field of public procurement

- “Training Programme” - 50 lessons (classes) – carried out by authorities approved by MoEEC (52 at this moment)
- Knowledge examination - MoEEC
- Renewal of certificates (valid for 3 years) based on participation at approved trainings within three years

- Until today certificate was issued to more than 5000 persons
SHORT OVERVIEW OF THE DEVELOPMENT OF CROATIAN TRAINING SYSTEM

2007-2009: non-obligatory training module organised jointly by PP office and Central State office for PA (duration 13 days for civil servants)

2008-2009: „Train the trainers programme” was held in cooperation between MoE and Croatian Chamber of Economy

2008: signed first cooperation agreement on training in PP – MoE and Croatian Chamber of Economy (workshops all over Croatia)

2009: specialist training programme was introduced

2012: training system has been additionally improved by introduction of certificates in the field of PP and their renewing
IMPLEMENTING TOOLS

- **Manuals** - the MoEEC regularly drafts PP manuals (i.a. MEAT criterion manual- IPA 2012 link: http://www.javnanabava.hr/userdocsimages/ENP%20prirucnik_MGPO_final.pdf)

- **Related to templates**
  - the Ordinance on the methodology for drawing up and handling tender documents and tenders provides for detailed listing on the content of tender documents and other documents used in PP procedure
    - for example, minutes of the examination and evaluation of tenders

- **Some templates are drafted by the MoEEC and published at the website**
CONTROL FUNCTION OF MoEEC/DPPS

- MoEEC – implementation of control of the PPA enforcement
- In addition to review procedure – control activities may be initiated:
  - by request of a state body, for example the State Attorney’s Office, the Ministry of Interior, Sector for Budget Supervision of the Ministry of Finance, etc;
    - More than 50% of requests submitted by those institutions
  - by citizens petition;
  - by an anonymous petition;
  - by information published in the media;
  - results of search in the Electronic Public Procurement Classifieds of the Republic of Croatia, etc.
DO’S AND DONT’S

- it is necessary to invest in the training of staff employed in the DPPS
- take into account the coordination of the given information and advice
- public procurement procedures are carried out in real time and therefore information and advice must be given timely
- contracting authorities and economic operators must have the right information and advice to correctly apply the law in problematic situations
- excessive formalization of the procedures
- giving binding instructions - stakeholders must be responsible for their own decisions
- the role of the body cannot replace the possibility of legal protection
new Public Procurement Act (OG 120/16)
- entered into force on 1 January 2017
- Subordinate legislation
LEGISLATIVE FRAMEWORK

- Regulations on electronic public procurement plans, contract registers system and Electronic prior market consultation for draft tender documents (NN 101/2017)

NEW E-TOOLS SINCE 2018

IT SOLUTIONS

- **E-public procurement plans** - all CA publish public procurement plans on Electronic Public Procurement Classifieds – EPPC; Structured format; misdemeanour if CA doesn't publish PP - fine

- **E- prior market consultation for draft tender documents** – CA publish draft tender documents in separate category of the EPPC for consultation with the stakeholders; communication canale; publishing reports about consultation

- **E- Contracts Registers** - more detailed dana; all procurements ≥ 2.666EUR without VAT; Published in EPPC (OG – public entity); Structured format; misdemeanour if CA doesn't publish CR - fine
ELECTRONIC PUBLIC PROCUREMENT PLANS
<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
<th>CPV</th>
<th>Date of Notice</th>
<th>Date of Public Consultation</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grad Krapina</td>
<td>Izgradnja prostora dla kulture</td>
<td>452393000-9</td>
<td>11.04.2018</td>
<td>17.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Ministarstvo unutarnjih poslova</td>
<td>Izgradnja i izgradnja područja za tvrtke</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>16.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Grad Vinkovci</td>
<td>Radovi na izgradnju jake naselja u Ulici Hrvatskih naroda u Vinkovcima</td>
<td>452393000-9</td>
<td>10.04.2018</td>
<td>17.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Cipola Velika</td>
<td>Modernizacija IC u Mostaru Radovanov</td>
<td>452393000-9</td>
<td>10.04.2018</td>
<td>15.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Grad Šibenik</td>
<td>Izgradnja i remontiranje područja tvrtke</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>20.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Filozofski fakultet</td>
<td>Uređenje potroša za radove u Šibeniku</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>17.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Grad Zadar</td>
<td>Prehrambena usluga za razvoj iz 70. godine</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>15.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Osvjetučitje u Rijeci Medicinski Fakultet</td>
<td>Osniva radova na energetskoj obnovi medicinskog fakulteta u Rijeci</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>18.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Hrvatska automobile d.d.</td>
<td>Osiguranje za upravljanje, građenje i održavanje autostola</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>15.04.2018</td>
<td>Published</td>
</tr>
<tr>
<td>Grad Novigrad</td>
<td>Izgradnja i izgradnja područja za tvrtke</td>
<td>452311000-9</td>
<td>10.04.2018</td>
<td>15.04.2018</td>
<td>Published</td>
</tr>
</tbody>
</table>
CONTRACTS registers
THANK YOU FOR YOUR ATTENTION!

Thank you for your attention!