



EU public procurement rules

Blood Quality Management (B-QM) Conference: *Keeping up with Reality and Quality: A Challenge for Blood Establishments, 27-29 October 2020*

A. Baeyens

1

Overview

- What is it?
- Wat are the core principles?
- What is it good for?
- How does it work?
- How does it apply to Blood Banks?

2



What is it?

- EU public procurement rules to be followed by public authorities, contracting entities and bodies governed by public law
- For the purchase of public works, supplies, services
- Contracts for pecuniary interest in writing
- If estimated value above thresholds set in Dir. 2014/23, 2014/24 and 2014/25

	Central authorities	Non-central authorities
Works	€5.350.000	€5.350.000
Supplies & Services	€214.000	€139.000
Social services (listed in Annex)	€750.000	€750.000
CONCESSIONS	€5.350.000	

3



What are the core principles?

- **Transparency** for instance, several publication obligations in Tender Electronic Daily, supplement to the Official Journal, contract notice (informing the launching of a tender procedure), contract award notice (informing the award of a contract to the winning bidder)
- **Equal treatment** of all economic operators
- **Non-discrimination** of all economic operators: for instance tender specifications cannot be tailored to a specific company excluding participation of others, but also if there has been a preliminary market consultation, all economic operators should receive the same information

These three principles are the basis on which the EU legal framework on public procurement has been build.

4



What is it good for?

Making sure that public buyers get 'value for money'



5



How does it not work?



6



How does it work?

- Organise a preliminary market consultation: to understand whether what the contracting authority needs is available on the market or not
- Choose the right procedure: open or restricted procedure. In case the product or service is not on the market yet, consider an innovation partnership (which contains both R & D and the first production phase)
- Draft tender specifications, choosing the right selection and award criteria
- Contract notice shall be published in Tender Electronic Daily (TED), Supplement to the Official Journal
- Once the contract has been awarded, a contract award notice shall be published in TED

7



How can you create value for money?



8



How can you create value for money?

- Be smart when designing a tender
- Involve the end-users in order to understand what their needs and problems are and endeavour reflect this in the tender, ideally this should be done before the preliminary market consultation.
- Using a functional description of the subject-matter can bring innovative solutions that you had not considered before a way that stimulates, participation and innovation. Be smart by using award criteria other than price alone, by describing what you want to achieve with your purchase rather than just mentioning the subject-matter
- Minimum criteria in technical specifications: to be met by all offers

9



How can you create value for money? (2)

Award criteria in order to compare all offers that meet minimum criteria, with award criteria: no guarantee that these criteria will be met by all tenders

Besides price, cost (basic price, maintenance cost, operational costs, etc.), or life-cycle cost, also other award criteria can be used (see Art of Dir 2014/14): e.g. qualitative criteria

(a) quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;

(b) organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract; or

(c) after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

10



How can you create even more than value for money



11



How can you create even more than value for money

Whilst organising a tender, the contracting authority may want to use it to reach other policy objectives, such as greener and more social contracts or simply to spur innovation.

- Beside quality award criteria, also
- Environmental or social award criteria can be used,
- Provided that the general requirements be respected: objective, link with the subject-matter, sufficiently specified, must not be prejudicial to fair competition, be transparent (known in advance, and disclosed to tenderers), relative weighting shall be specified
- Social and environmental labels can be used but cannot automatically lead to ¹² exclusion



How can you create even more than value for money (2)

Environmental added value:

- Production process
 - Use of non nocif substances (e.g. paper without chlorine)
 - Reduced CO2 emission during the production process
 - Reduced CO2 emission for buildings or equipment
- Life-cycle costing, could also include external environmental costs, provided their monetary value can be determined and verified

13



How does it apply to Blood banks?

- The EU legal public procurement framework applied to Blood banks if those are qualified as contracting authorities or bodies governed by public law
- Supply contracts for the purchase of blood products
- Works contracts related to the infrastructure
- Supply or service contracts in order to ensure the good functioning of the blood bank in as far as works, supplies or services are available on the market (IT infrastructure, offices, medical devices and equipment, etc...)

14



Thank you!



© European Union 2020

Unless otherwise noted the reuse of this presentation is authorised under the [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/) license. For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders.

Slide xx: element concerned, source: e.g. Fotolia.com; Slide xx: element concerned, source: e.g. iStock.com

