

Public procurement : Commission recognises need for accelerated procurement procedure

In its conclusions of 12 December the European Council invited the Commission to adopt a number of measures in response to the financial crisis. One of these measures concerns the use of accelerated procedures in public procurement.

The public procurement Directive 2004/18/EC allows recourse to accelerated procedures where justified on the grounds of urgency. The Commission recognises that the exceptional nature of the current economic situation can justify the use of the accelerated procedure reducing considerably the overall time limit of the procedure from 87 days to 30 days. Such presumption of urgency should apply throughout 2009 and 2010 for all major public projects.

Background

The Commission considers that speeding up procurement procedures can significantly support Member State action to foster their economies through rapid execution of major public investment projects. Such action should be based on the existing internal market acquis.

The time limits set out by the public procurement Directive 2004/18/EC include a certain time frame for potential bidders to decide whether to participate and to draw up their tenders. Furthermore the Remedies Directive 2007/66/EC provides for a standstill period between the award decision and the conclusion of the contract to allow for review of the award decisions. In the restricted procedure, bidders first have to request to participate. Subsequently, selected candidates are invited to submit their tenders.

The regular regime for the restricted procedure, leading to the above time limit of 87 days, provides for minimum 37 days from the date on which the contract notice is sent for lodging requests to participate as well as for another minimum 40 days for the selected candidates to submit their tenders. After the award decision, the above-mentioned "standstill period" of 10 days applies before the contract can be concluded.

Under the accelerated restricted procedure, which the Commission considers justified in the light of the financial crisis, contracting authorities can shorten the time limit for requests to participate from 37 to 10 days if the contract notice was sent by electronic means and the subsequent time limit for the selected candidates to submit their tenders from 40 to 10 days. With the remaining standstill period of 10 days, time limits for the restricted procedure can therefore be ultimately shortened to 30 days all in all.

Further details about public procurement legislation can be found at:

http://ec.europa.eu/internal_market/publicprocurement/index_en.htm