

## **PUBLIC PROCUREMENT REFORM**

### **FACTSHEET No. 4 : e-procurement**

#### **How can e-procurement improve public procurement?**

E-procurement means to conduct public procurement electronically. This involves, publishing contract notices online (e-notification), publishing all documents for a call for tenders online (e-access to tender documents), suppliers submitting offers to public buyers/contracting authorities electronically (e-submission) etc.

E-procurement can significantly simplify the way procurement is conducted, reduce waste and deliver better procurement outcomes (lower price, better quality) by stimulating greater competition across the Single Market.

Public buyers who have already made the transition to e-procurement commonly report savings of between 5 and 20%. Given the size of the total procurement market in the EU, each 5% saved could return around €100 billion to the public purse.

#### **E-procurement will gradually become mandatory in the EU**

Given the advantages offered by e-procurement, the new Directives make the **use of e-procurement progressively mandatory**. Practically this means that:

- By March 2016, electronic notification (notices will be sent electronically to be published) and electronic access to tender documents will become mandatory;
- By March 2017, electronic submission of offers (e-submission) will become mandatory for Central purchasing bodies (public buyers buying on behalf of other public buyers);
- By September 2018, electronic submission of offers (e-submission) will become mandatory for all contracting authorities.

#### **E-procurement needs to be open to all companies**

The new Directives specifically mention that tools and devices used for communicating electronically should be non-discriminatory, generally available, and interoperable. This means that a public buyer should not restrict the ability of a company to participate in a public procurement procedure. For example a public buyer cannot oblige a company to purchase software which is not generally available to reply to a call for tenders.

#### **Electronic signatures**

Electronic signatures can be used in public procurement to certify that the company which sent an offer is indeed the company it claims to be . In many cases an electronic signature is also used to protect the content of what has been signed (encryption).

The new Directives leave the option to Member States to decide whether they require the use of electronic signatures. However Member States should assess the proportionality of applying different security requirements. Due to possible interoperability issues, the use of electronic signatures is not mandatory.

To help public buyers in validating electronic signatures issued in another Member State, the new Directives impose the mutual recognition of electronic signatures which are published on a Trusted List. Each Member State publishes a list of e-signatures which it considers trust worthy on the Trusted list. Each Member State has to accept the signatures considered as trust-worthy by other Member States.

### E-Certis

**E-Certis<sup>1</sup>** is a **free, on-line information system** for companies and contracting authorities on:

- different *documents required* when tendering for a public contract in another country
- *certificates most frequently requested* in procurement procedures across the EU to understand what information is being requested / provided and *identify mutually acceptable equivalents*.

The new Directives require that Member States keep up-to-date all the information about certificates required in their country in public procurement procedures. Thus, users can be sure that by consulting e-Certis they have always up-to-date and correct data. Public buyers should request as a general rule the types of certificates available in e-Certis, to avoid requiring too many certificates from companies.

### Dynamic Purchasing Systems

Dynamic Purchasing Systems (DPS) are electronic systems allowing public purchasers to consult a large number of potential suppliers of standardised (“off-the-shelf”) works, supplies or services, whose capabilities have already been verified. The DPS has been revised by the new Directives:

- These systems have been thoroughly **simplified**.
- Companies may enter the system **easily** and **at any time** during their period of validity.
- The **notice** informing companies of the existence and purpose of the various DPS will be **published on a permanent basis**.

### Electronic auctions

The **procedure** for the use of an electronic auction follows essentially the same rules as the current ones.

In a **specific procurement procedure**, when the offers have been presented and examined, an electronic auction can be launched to determine in particular the **final price to be paid** for the – generally standardised goods, works or services.

### Electronic catalogues

The electronic catalogue is a completely **new electronic procurement tool** which was made available to public purchasers and companies. An electronic catalogue allows companies to

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<sup>1</sup> <http://ec.europa.eu/markt/ecertis/login.do?selectedLanguage=en>

submit offers in a structured format. Their offer can be **assessed automatically** by the e-procurement system of the purchaser, thus generating savings and increasing efficiency.