

**Procurement Monitoring Report Template with Data from Portugal**  
**In view of the Member States' reporting process**  
**under the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU**

**Purpose and key features of the template**

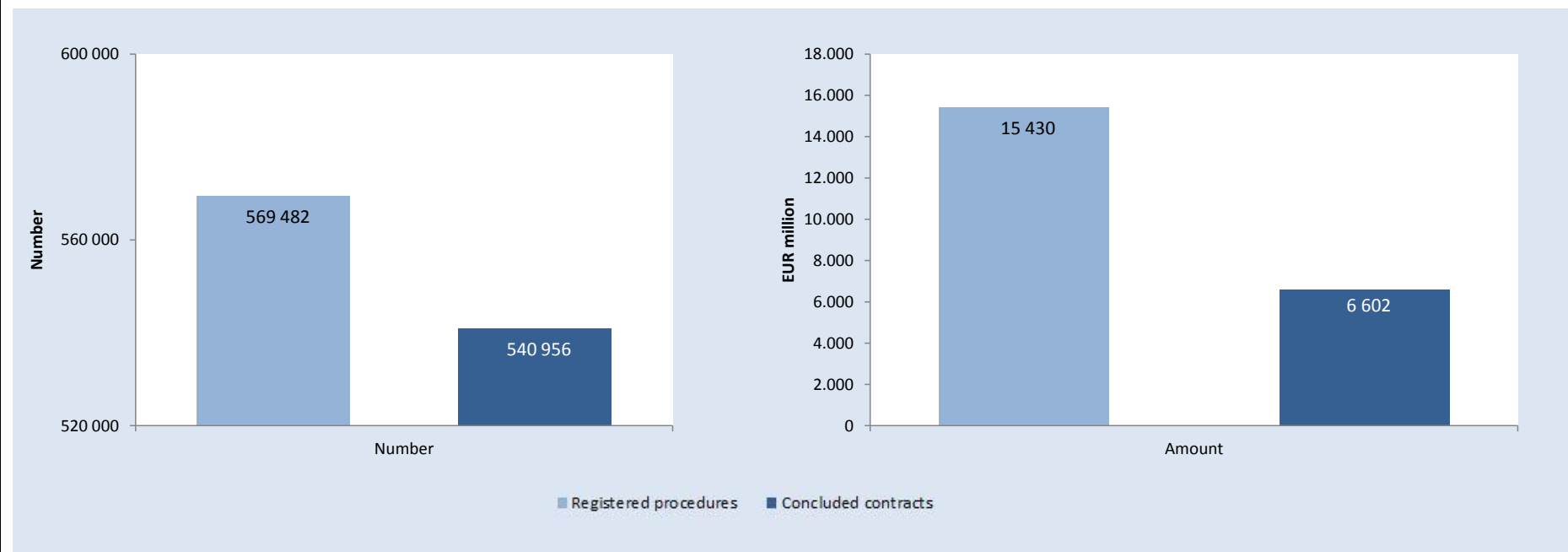
- This template aims at facilitating Member States' (MS) reporting in the context of the new procurement directives. The template sets out the scope of the reporting requirements and recommends MS a methodology to gather and systematise the collection of relevant information. Furthermore, it strives to propose a harmonised structure of the reports so as to allow easier comparison of the information provided by the MS.
- The questions in this template are non-binding specifications of the directives' legal obligations on monitoring reports. The template should be followed only as far as possible by the Member State, especially as concerns the availability of quantitative information. When information is not available, this may be noted in the report, possibly together with an explanation of whether there are plans to start collecting such information and including it in the future edition of the report.
- MS' reports will be published on the European Commission website. The information will feed the new Report on the implementation and best practices of national procurement policies in the internal market to be issued by the European Commission. The information provided by the MS will support the policy analysis work of the Commission.
- The template covers all domains for which reporting requirements are defined under the 2014 procurement directives.
- The template contains the following types of questions:
  - i) qualitative descriptions and assessment,
  - ii) supporting documents which provide the evidence for the descriptions and assessment made above,
  - iii) quantitative indicators.

- In the tables below, the left side contains the name of the information to be submitted, while the right side contains further specifications of what this means. The report should be submitted as a text (.doc) and PDF document based on this template.
- To avoid duplication of reporting obligations and reduce administrative burden, MS are invited to indicate any information/data requested in this template that has been already provided to the Commission via another channel (e.g. procurement irregularities falling within the scope of ESIF funds). When it is the case, please specify these channels, the context of the reporting and the nature of the information already provided.

## General information

<b>Scope of reporting</b>
<p>The report should cover the period between 1<sup>st</sup> January 2017 and 31<sup>st</sup> December 2017. For quantitative data based on procurement notices, this means that the contract award notice should have been awarded in this period. If an MS has transposed later than on 1<sup>st</sup> January 2017, the reporting period should still start on the 1<sup>st</sup> January 2017.</p> <p>If the scope of your report is broader than that indicated in the directives (e.g. because of lower thresholds, broader definition of contracting authorities, contracting entities, or subsidised contracts), please indicate this here. In such a case, for every indicator, information about procurement according to the EU directives and any other information should be presented separately, so that the same information can be compared between EU MS.</p> <p>This report focuses on the data available for the period from 1 January 2017 to 31 December 2017, pursuant to Decree-Law No 18/2008 of 29 January 2008 and the 2004 European Directives.</p> <p>It should be noted that the legal text transposing European Directives 2014/23/EU, 2014/24/EU, 2014/25/EU and 2014/55/EU, on the award of concession contracts, public procurement and e-invoicing in public procurement, i.e. Decree-Law No 111-B/2017 of 31 August 2017, amending for the ninth time the Public Procurement Code (PPC), as approved by Decree-Law No 18/2008 of 29 January 2008, entered into force only on 1 January 2018.</p>
<b>General information</b>
<p>Number of procurement procedures (i.e. the number of notices announcing a call for competition)</p> <p>Number of awarded contracts</p>

The number of procedures reported to the BASE portal in 2017 totalled 569,482 and their basic price amounted to EUR 15,430 million. In the same period, the number of contracts concluded and reported to the BASE portal – irrespective of the year in which the procedure was launched – was 540,956, corresponding to EUR 6,602 million in terms of contractual values.



Source: Public Procurement Portal – BASE Portal

Note: Figures on this graph relate to 2017. The legal text transposing the 2014 Directives entered into force only on 1 January 2018.

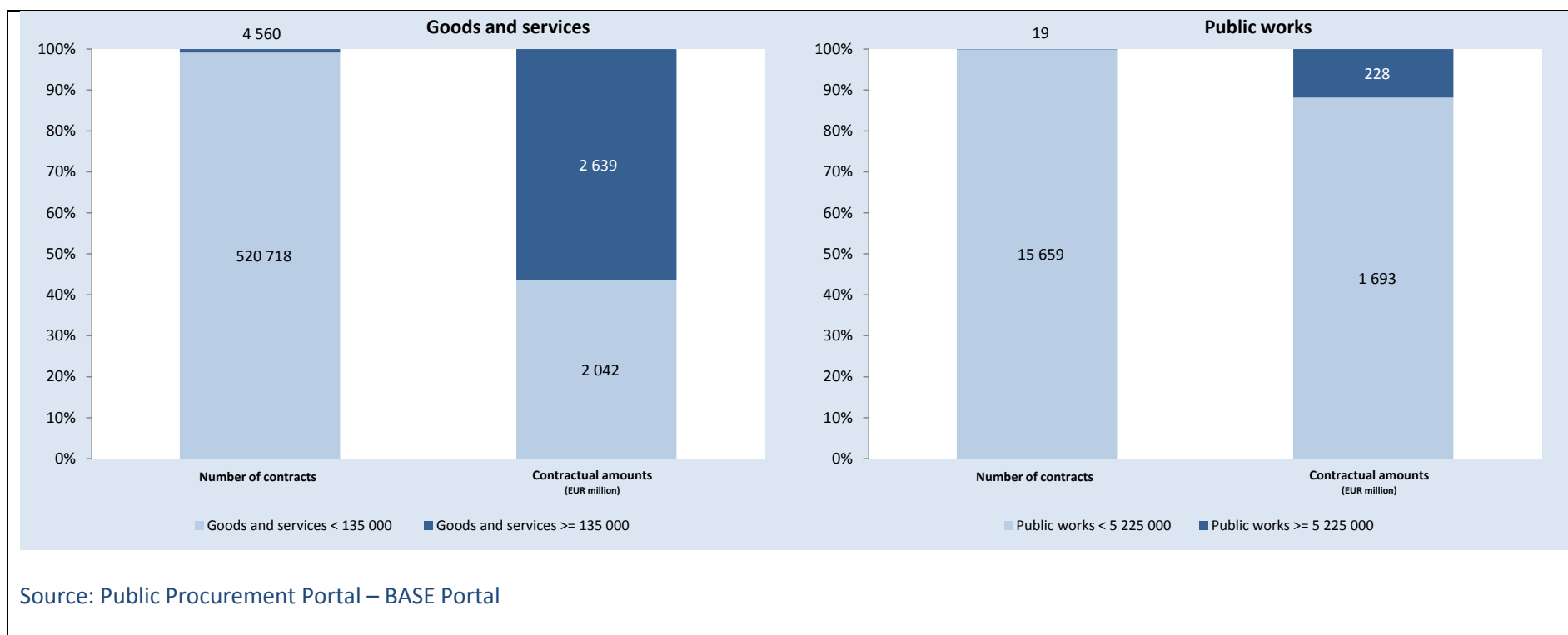
### Information on monitoring and reporting bodies

This section should include a list of the body/bodies performing the public procurement monitoring activities required by the public procurement directives and the entities in charge with the drafting of the report to be provided to the European Commission on the results of the monitoring activities.

- Institute of Public Procurement, Real Estate and Construction (IMPIC from Instituto dos **Mercados Públicos do Imobiliário e da Construção**, IP)
- Court of Auditors
- Inspectorates (Inspectorate-General of Finance, etc.)
- Competition Authority

I. **Estimation of the aggregated total value of procurement which would have been covered by the directives if its value had exceeded the relevant thresholds**

<b>Estimation of the aggregated total value of procurement which would have been covered by the directives if its value had exceeded the relevant thresholds</b>	<p>This stands for the value of procurement informally referred to as "below the EU threshold".</p> <p>This section should include information on the estimated value of procurement as well as the methodology used. The methodology used for the estimation should be explained in <b><u>Annex I</u></b>.</p> <p>"Value of procurement" should be understood as the value of the awarded contracts, so as to be comparable with estimates from contract award notices for above-threshold procurement. (Not as, for example, the value of procurement which could have taken place if a contractor was found, i.e. business opportunities, nor on the level of actual spending, i.e. paid invoices.)</p>
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## II. Most frequent sources of wrong application or of legal uncertainty, including possible structural or recurring problems in the application of the rules

<b>II.1. Qualitative reporting on application of public procurement rules</b>	
Main sources of wrong application or of legal uncertainty	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- the most frequent cases of wrong application of the rules and of legal uncertainty</li> <li>- the key causes for the wrong application of the rules and the legal uncertainty, including their relative importance, as well as the circumstances that explain their occurrence.</li> </ul>

	<p><i>Possible relevant (non-exhaustive) elements for consideration may be:</i></p> <ul style="list-style-type: none"> <li>• <i>types of contracting authorities particularly affected by public procurement errors</i></li> <li>• <i>types of procedures or contracts particularly affected by public procurement errors</i></li> <li>• <i>recurrent patterns pointing at specific difficulties at a particular stage of the procedure</i></li> </ul> <p>Since the Directives were transposed into national law in 2017, through the amendment to the Public Procurement Code brought about by Decree-Law No 111-B/2017 of 31 August 2017, which entered into force on 1 January 2018 for the procedures covered by procurement decisions made after the 1st January 2018, it will only be possible to report these data in the next monitoring report.</p> <p>As regards the Public Procurement Code that was in force until the end of 2017 (Decree-Law No 18/20018 of 29 January 2018), the following important legal uncertainties should be highlighted:</p> <ul style="list-style-type: none"> <li>• The duty to state reasons, by ensuring that, when launching a procedure, a <i>de facto</i> and <i>de jure</i> adequate reasoning is provided regarding the type of procedure adopted – “extreme urgency” <a href="#">Ac.8/2011-1.ªS/PL</a>;</li> <li>• The duty to state reasons, a <i>de facto</i> and <i>de jure</i> adequate reasoning is provided regarding the use of an “urgent public tender” as well as the deadline established for the submission of tenders <a href="#">Ac.29/2011-1.ªS/PL</a>, <a href="#">Ac.33/2011-1.ªS/PL</a>; <a href="#">Ac.30/2011-1.ªS/PL</a>; <a href="#">Ac.31/2011-1.ªS/PL</a>.</li> <li>• To match the qualifications necessary to execute the work by requiring a single category/subcategory related to the most significant type of works within the class that converts the overall value of the work, as it is inappropriate to require, in terms of technical qualifications, the possession of a general contractor «alvará», thereby breaching Article 31 of Decree-Law No 12/2004 and Article 8 of Law No 41/2015. <a href="#">Ac.30/2011-1.ªS/PL</a>, <a href="#">Ac.31/2011-1.ªS/PL</a>, <a href="#">Ac.37/2011-1.ªS/PL</a></li> </ul>
Specific legal provisions (from EU or national law) which appear to	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- the specific legal provisions in question</li> </ul>

raise significant problems of application	<p>- a description of the type of difficulties identified, if any</p> <p><i>Possible relevant (non-exhaustive) elements for consideration may be:</i></p> <ul style="list-style-type: none"> <li>• <i>lack of consistent application of a given provision by the contracting authorities</i></li> <li>• <i>high frequency of requests for guidance as to how to understand or interpret a given provision</i></li> <li>• <i>recurrence of the incorrect application of a given provision</i></li> <li>• <i>need to issue (additional) interpretative guidance on a given provision</i></li> </ul> <ul style="list-style-type: none"> <li>• The applicability of the legal provisions that establish the criteria for choosing procedures – Articles 18-33;</li> <li>• Provisions on the applicability of substantive criteria - Articles 24-27;</li> <li>• <i>De facto</i> and <i>de jure</i> adequate reasoning for using the urgent public tender procedure - Article 155;</li> <li>• Establishment of technical specifications in the procedure documents by the contracting entity – Article 49;</li> <li>• Assessment of the abnormally low price – Article 71.</li> </ul>
An assessment on whether a wrong application of rules might exist, by observing patterns of application of the rules which do not by themselves constitute cases of wrong application of the rules, but nonetheless point at structural or recurring problems yielding a sub-optimal outcome.	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- the specific type of problems identified, if any</li> <li>- any possible assessment of the impact of these difficulties on the efficiency of the public procurement process</li> </ul> <p><i>Possible relevant (non-exhaustive) elements for consideration may be</i></p> <ul style="list-style-type: none"> <li>• <i>bias towards the systematic use of certain award criteria irrespective of the context (e.g. systematic use of lowest price as award criterion)</i></li> <li>• <i>overly frequent use of derogatory procedures or shortest possible deadlines</i></li> <li>• <i>recurrent, particularly low number of bidders or of non-domestic bidders</i></li> </ul> <p>In the light of what we explain in the preceding point and taking into account that IMPIC is assisting in the interpretation and application of the rules, as well as that it was only in January 2018 that the transposition of the Directives came into effect in the Portuguese legal system, only in the next report will it be possible to answer this question.</p>
<b>II.2 Supporting documents</b>	
Please provide any available evidence of the issues identified under section II.1.	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):</i></p> <ul style="list-style-type: none"> <li>• <i>Audit reports on identified irregularities related to public procurement, including auditors specialising in ESIF</i></li> </ul>

*irregularities*

- Existing typologies of the most frequent errors in public procurement
- Reports on the most frequent requests for guidance
- Additional interpretative guidance documents published in order to clarify legal issues
- Policy or other administrative documents discussing issues in relation to the implementation of the rules

See point II.1 :

- The duty to state reasons, by ensuring that, when launching a procedure, a *de facto* and *de jure* adequate reasoning is provided regarding the type of procedure adopted – “extreme urgency” [Ac.8/2011-1.ªS/PL](#)-<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac008-2011-1spl.pdf>
- The duty to state reasons, a *de facto* and *de jure* adequate reasoning is provided regarding the use of an “urgent public tender” as well as the deadline established for the submission of tenders [Ac.29/2011-1.ªS/PL](#), [Ac.33/2011-1.ªS/PL](#); [Ac.30/2011-1.ªS/PL](#); [Ac.31/2011-1.ªS/PL](#).

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac029-2011-1spl.pdf>

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac033-2011-1spl.pdf>

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac030-2011-1spl.pdf>

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac031-2011-1spl.pdf>

- To match the qualifications necessary to execute the work by requiring a single category/subcategory related to the most significant type of works within the class that converts the overall value of the work, as it is inappropriate to require, in terms of technical qualifications, the possession of a general contractor «alvará», thereby breaching Article 31 of Decree-Law No 12/2004 and Article 8 of Law No 41/2015.

[Ac.30/2011-1.ªS/PL](#), [Ac.31/2011-1.ªS/PL](#), [Ac.37/2011-1.ªS/PL](#)

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac030-2011-1spl.pdf>

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac031-2011-1spl.pdf>

<https://www.tcontas.pt/pt/actos/acordaos/2011/1spl/ac037-2011-1spl.pdf>

IMPIC has also issued the following circular letters (circulares informativas):



	<ul style="list-style-type: none"> <li>• <a href="http://www.impic.pt/impic/assets/misc/pdf/Circular_1_IMPIC_2017.pdf">Circular Informativa nº 01/IMPIC/2017</a> - Law No 83/2017 of 18 August - Procedures to be adopted by the entities in the real estate sector obliged to comply with the Law. <a href="http://www.impic.pt/impic/assets/misc/pdf/Circular_1_IMPIC_2017.pdf">http://www.impic.pt/impic/assets/misc/pdf/Circular_1_IMPIC_2017.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/pdf/Circular_informativa_1_IMPIC_2016.pdf">Circular Informativa nº 01/IMPIC/2016</a> – European Single Procurement Document (ESPD). <a href="http://www.impic.pt/impic/assets/misc/pdf/Circular_informativa_1_IMPIC_2016.pdf">http://www.impic.pt/impic/assets/misc/pdf/Circular_informativa_1_IMPIC_2016.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2014_01.pdf">Circular Informativa nº 01/InCI/2014</a> – Interest rate charged for the late payment of works executed under a public works contract <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2014_01.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2014_01.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_07.pdf">Circular Informativa nº 07/InCI/2013</a> – Obtaining a bank guarantee as a way to provide security in public procurement (Articles 88-91 of the Public Procurement Code) <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_07.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_07.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_06.pdf">Circular Informativa nº 06/InCI/2013</a> – Practical implementation of the exceptional and temporary regime for the release of securities, approved by Decree-Law No 190/2012 of 22 August 2012 – answers to queries <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_06.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_06.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_05.pdf">Circular Informativa nº 05/InCI/2013</a> – e-Procurement Platforms <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_05.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_05.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_04.pdf">Circular Informativa nº 04/InCI/2013</a> – Validity period for bank guarantees provided under public works contracts <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_04.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_04.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_03.pdf">Circular Informativa nº 03/InCI/2013</a> - Abnormally low price (Article 71 of the Public Procurement Code) <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_03.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_03.pdf</a></li> <li>• <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_02.pdf">Circular Informativa nº 02/InCI/2013</a> – 2nd Corrigendum to Annexes I, II and V to the Public Procurement Code <a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_02.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CirInf_2013_02.pdf</a></li> <li>• <a href="#">Circular Informativa nº 01/InCI/2013</a> – Decree-Law No 149/2012 of 12 July 2012 amending the Public Procurement Code - Annexes I, II and V to the Public Procurement Code</li> </ul>
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	<p><a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2013_01.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2013_01.pdf</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Circular Informativa nº 02/InCI/2012</a> - Decree-Law No 149/2012 of 12 July 2012 amending the Public Procurement Code - Annexes I, II and V to the Public Procurement Code</li> </ul> <p><a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2012_02.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2012_02.pdf</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Circular Informativa nº 01/InCI/2012</a> - Practical implementation of the exceptional and temporary regime for the release of securities, approved by Decree-Law No 190/2012 of 22 August 2012</li> </ul> <p><a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2012_01.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2012_01.pdf</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Circular Informativa nº 02/InCI/2011</a> – Compulsory use of at least 5% of materials that have been recycled or incorporate recycled materials for the total quantity of raw materials used in construction works under a public works contract</li> </ul> <p><a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2011_02.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2011_02.pdf</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Circular Informativa nº 01/InCI/2011</a> – Compulsory use of EC marked construction products and inclusion of a provision therefor in the specifications of public works contracts</li> </ul> <p><a href="http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2011_01.pdf">http://www.impic.pt/impic/assets/misc/img/circulares_informacoes/CircInf_2011_01.pdf</a></p>
<b>II.3. Quantitative indicators</b>	<i>This section contains quantitative indicators related to section II.1. Other indicators can also be included in the report.</i>
Indicators about the national review system	<p>A list of proposed specific indicators will be drafted in the course of 2017, linked to a future remedies scoreboard, a part of the European Commission's Single Market Strategy. The indicators will be defined on the basis of the findings of a study to be commissioned by DG GROW in 2017 and further discussions with Member States, including in the context of the network of first instance administrative review bodies.</p> <p>A first study commissioned by the Commission services on the subject of procurement remedies is already available at <a href="http://bookshop.europa.eu/en/economic-efficiency-and-legal-effectiveness-of-review-and-remedies-procedures-for-public-contracts-pbKM0414023/">http://bookshop.europa.eu/en/economic-efficiency-and-legal-effectiveness-of-review-and-remedies-procedures-for-public-contracts-pbKM0414023/</a>.</p> <p>This study, together with other materials (including public and ad-hoc consultations), are the basis for the Commission's report and evaluation on the operation of the Remedies Directives.</p>

Based on all this, indicators such as the numbers of complaints, the number of appealed procurement procedures, the number of resolved complaints, the number of complaints resolved in favor of the complainant, or the average length of the review procedure could be considered.

For 2017, it is not possible to answer to this point. As the BASE portal has been collecting data on administrative, judicial or arbitral complains since 1 January 2018, for procedures launched after that date, only in the next report will it be possible to fill in this table.

The items concerned are listed in Annex IX of Decree Order (Portaria) No 57/2018 of 26 February 2018 (which regulates the operation and management of the Public Procurement Portal and approves data models for transmission to the Portal, for the purposes of the Public Procurement Code), as shown below:

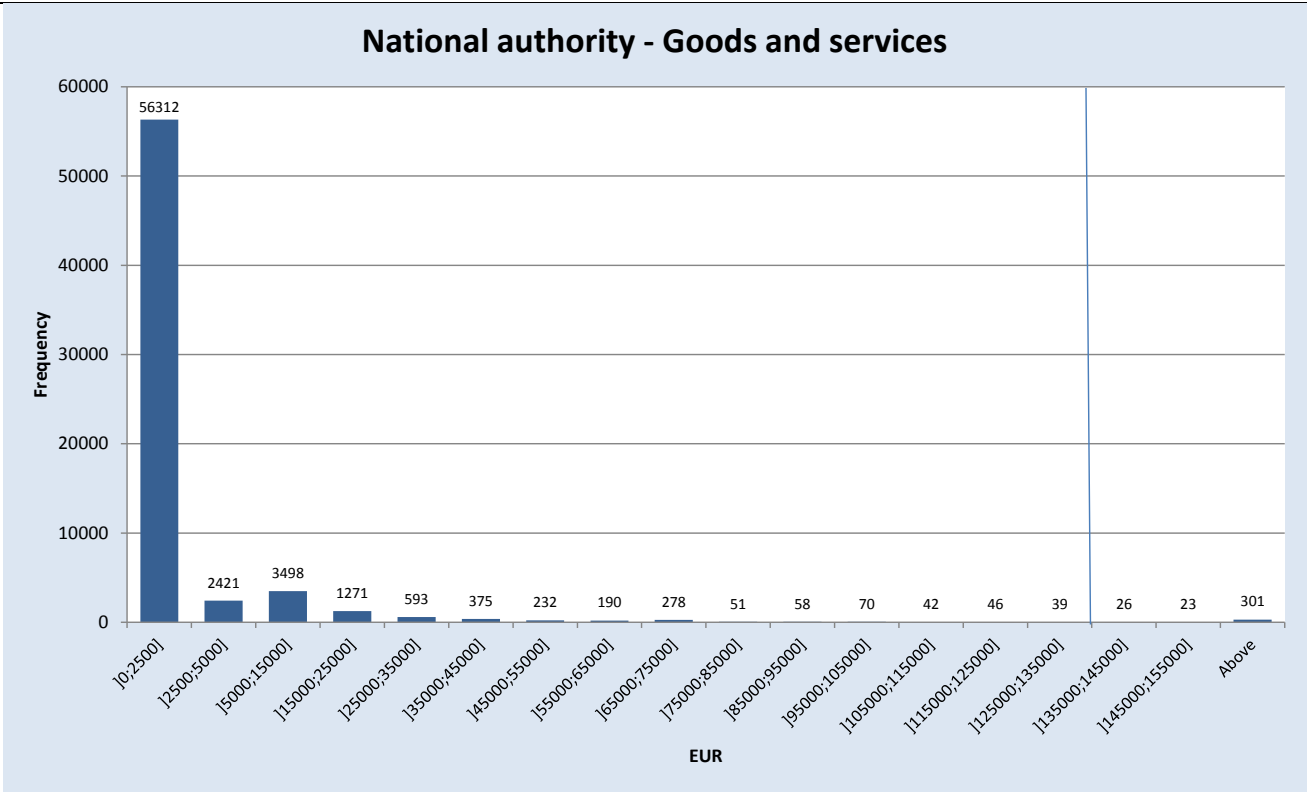
#### ANNEX IX

##### Complaints sheet (Ficha de impugnações) [referred to in Article 7(1)(j)]

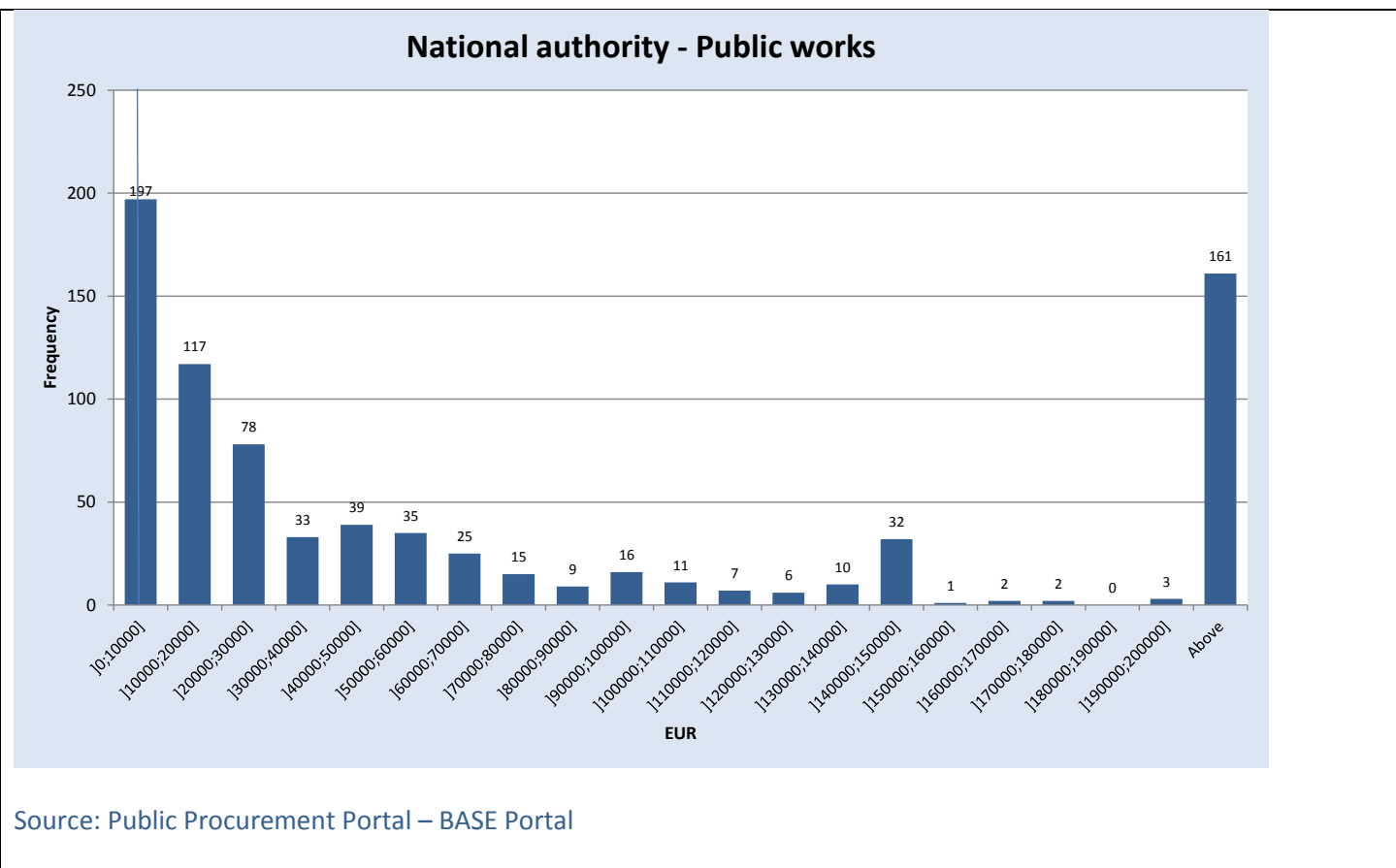
N	Items	Type
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APPLICABLE TO ALL TYPES OF PROCEDURES (except simplified direct awards and excluded procurement):		
1	Identification of the contracting entity(ies)	P
2	Identification of the procedure/ contract	P
3	Type of contract	P
4	Name of the procedure	P
5	Identification of the complainant	
6	Identification of the defendant (administrative/judicial/ arbitration)	
7	Subject of the complaint	

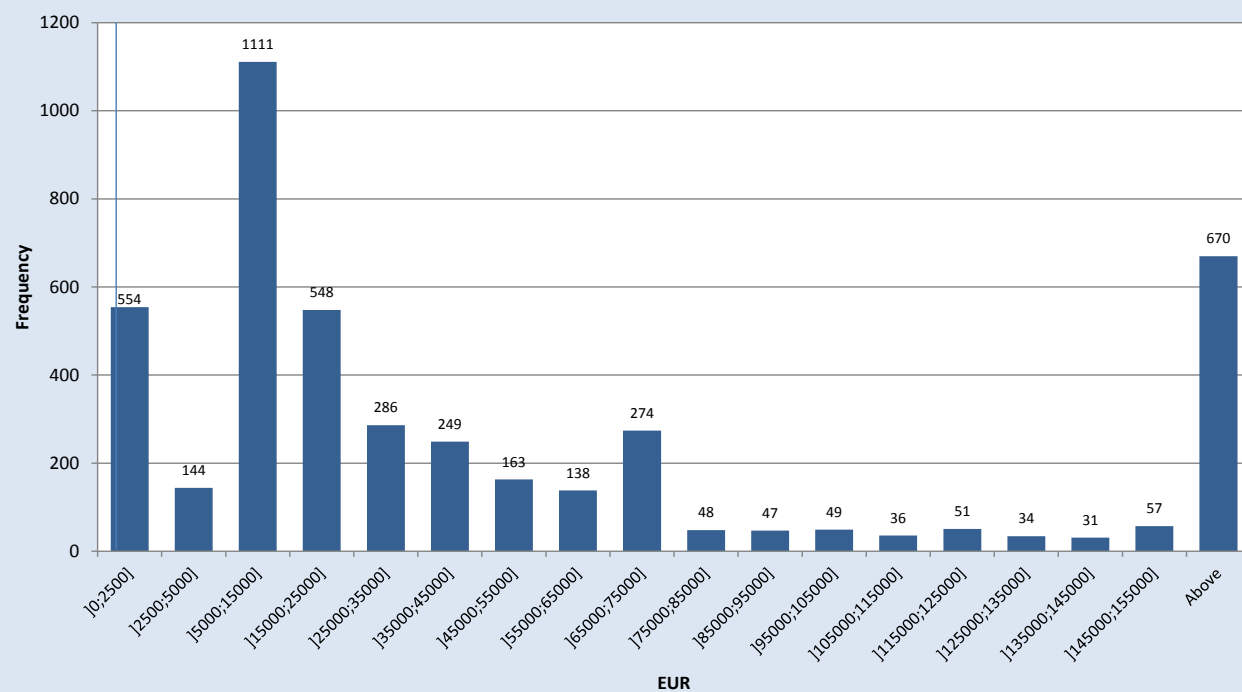
	8	Grounds for the complaint													
	9	Within the scope of the prior hearing?													
	10	Phase													
	11	Have there been any changes to the procedure before the complaint was filed?													
	12	Date of filing													
	13	Date of the decision													
	14	Decision													
	15	Identification of the decision-maker													
	16	Did it result in any change in the procedure / draft contract?													
	17	Notes													
<p><b>Type</b> – Referring to the interactive nature of the completion process, combined with the data already introduced in the information system;</p> <p><b>Type P</b> – Interactive process for the identification of entities and procedures, supported by the system's database;</p> <p><b>White row</b> – Designed for interactive identification processes (P type);</p> <p><b>Grey row</b> – Designed for entering new data.</p>															
Histogram of values of procedures, covering also procedures below the thresholds	<p>Please include histograms of values of procedures (i.e. calls for competition). These should be split at least to one for works and one for supplies and services, ideally also further by types of EU threshold.</p> <table border="1"> <thead> <tr> <th></th><th>National authority</th><th>Other contracting authorities</th><th>Entity operating in a special sector</th></tr> </thead> <tbody> <tr> <td>Threshold - Supplies and services</td><td>135000 EUR</td><td>209000 EUR</td><td>418000 EUR</td></tr> <tr> <td>Threshold - Public Works</td><td>5225000 EUR</td><td>5225000 EUR</td><td>5225000 EUR</td></tr> </tbody> </table>				National authority	Other contracting authorities	Entity operating in a special sector	Threshold - Supplies and services	135000 EUR	209000 EUR	418000 EUR	Threshold - Public Works	5225000 EUR	5225000 EUR	5225000 EUR
	National authority	Other contracting authorities	Entity operating in a special sector												
Threshold - Supplies and services	135000 EUR	209000 EUR	418000 EUR												
Threshold - Public Works	5225000 EUR	5225000 EUR	5225000 EUR												



Source: Public Procurement Portal – BASE Portal

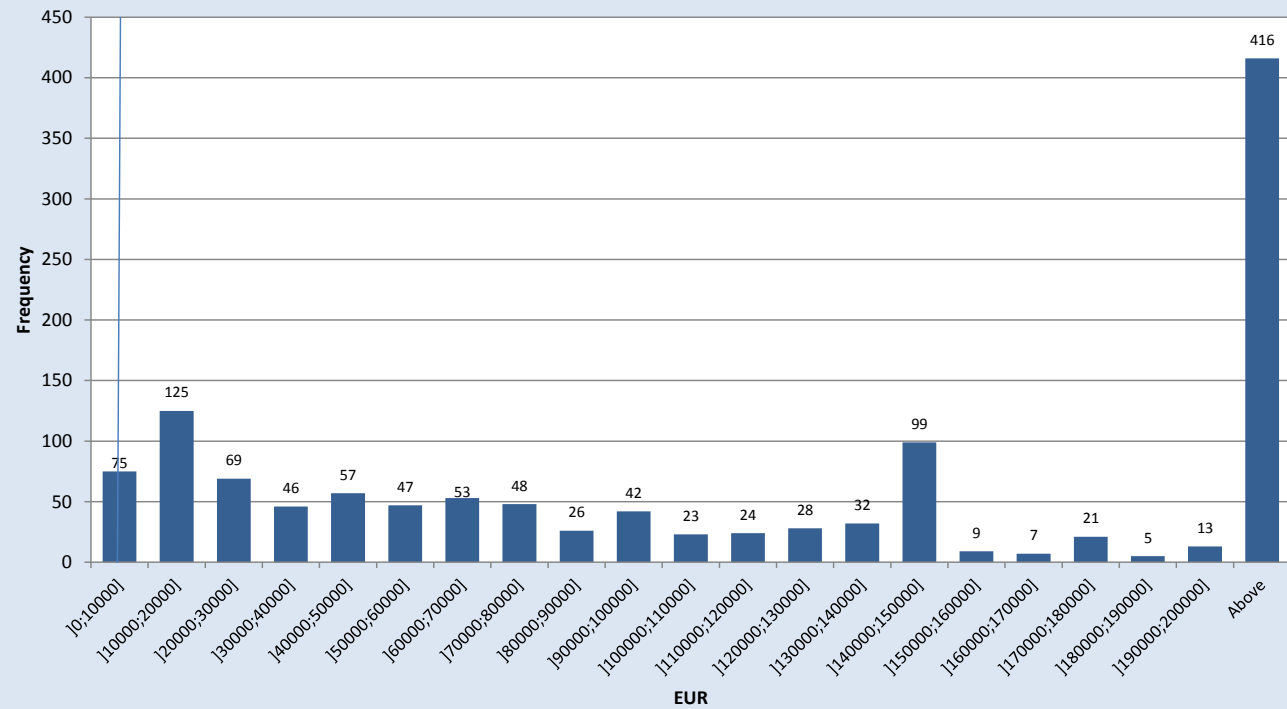


### Entity operating in a special sector - Goods and services



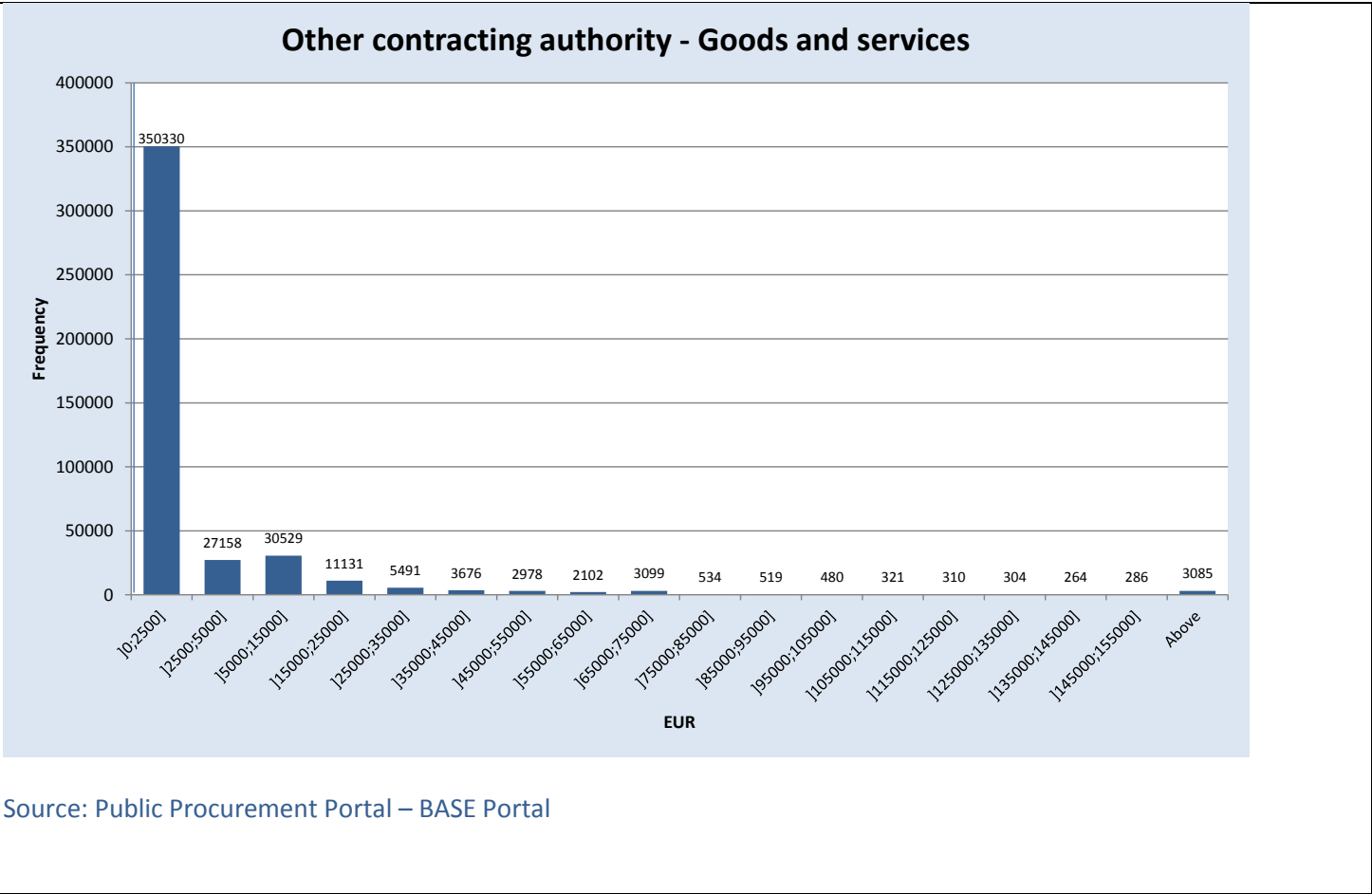
Source: Public Procurement Portal – BASE Portal

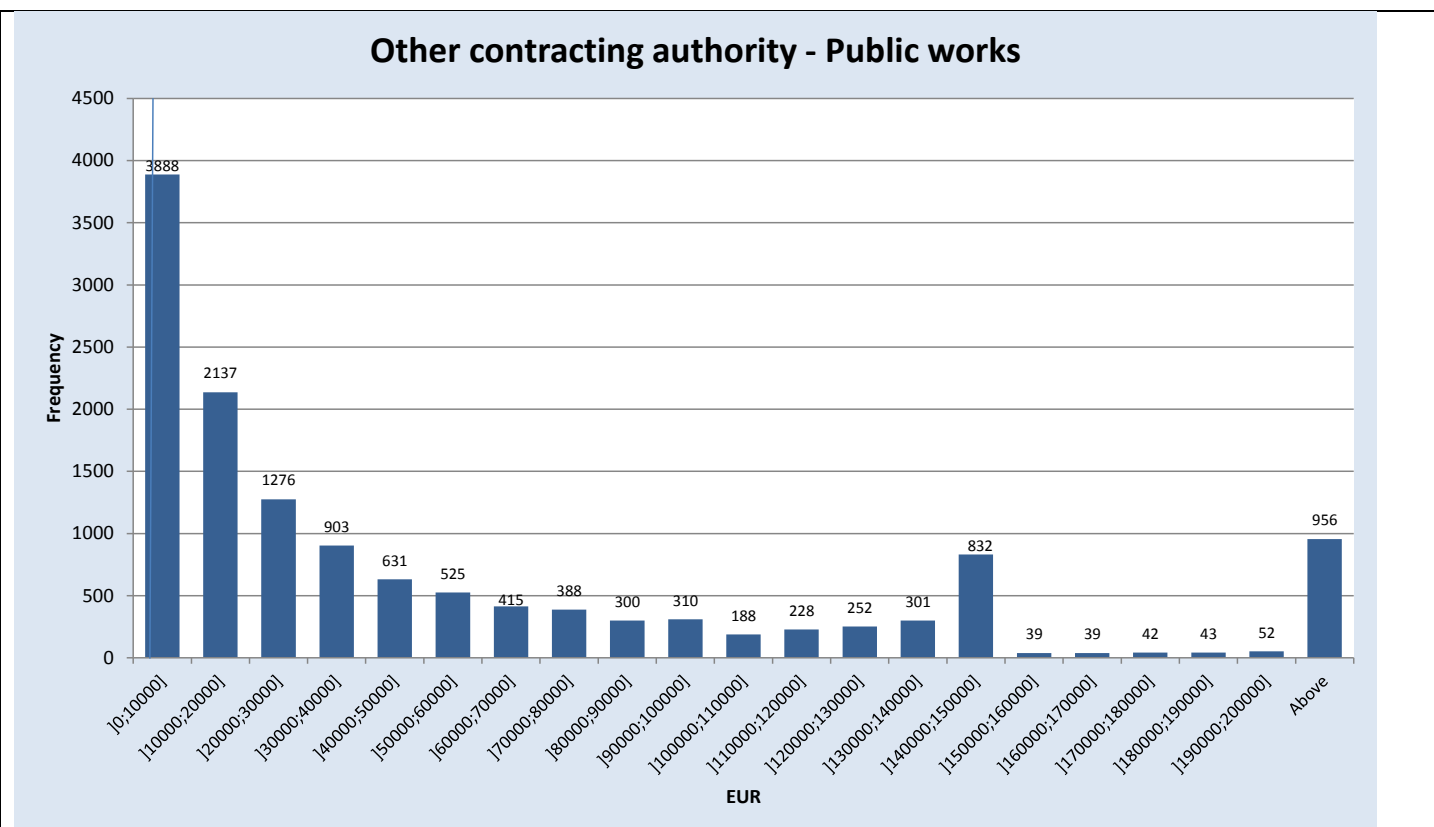
### Entity operating in a special sector - Public works



Source: Public Procurement Portal – BASE Portal







Source: Public Procurement Portal – BASE Portal

The aim is to find "spikes" in the distribution of values, indicating a bunching of procedures below the EU threshold.

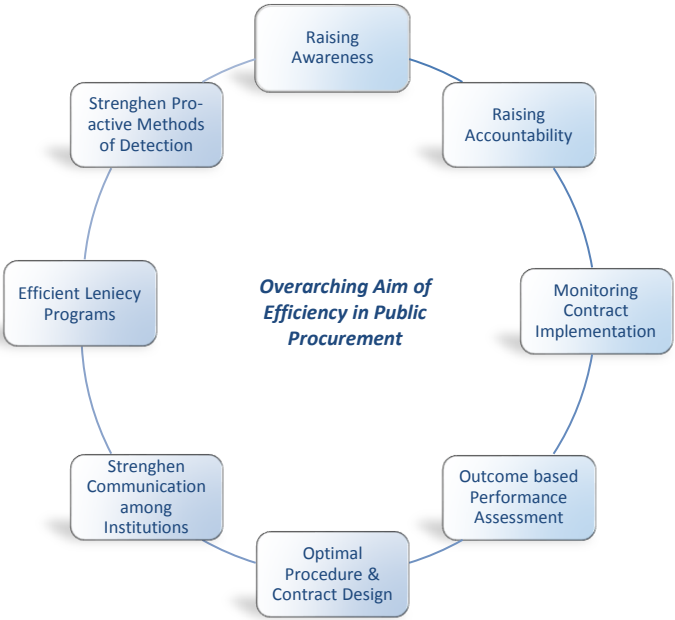
To improve comparability, please use histogram bins with a breadth of EUR 10 000 (or the national currency equivalent).

For more information on bunching analysis methodology, please see the Swedish Competition Authority's report [http://www.konkurrensverket.se/globalassets/publikationer/uppdraagsforskning/forsk\\_rap\\_2015\\_3.pdf](http://www.konkurrensverket.se/globalassets/publikationer/uppdraagsforskning/forsk_rap_2015_3.pdf), in particular

	section 3.4.2., or the recent article from the American Economic Association available at <a href="https://www.aeaweb.org/articles?id=10.1257%2Fpol.20150511&amp;&amp;from=f">https://www.aeaweb.org/articles?id=10.1257%2Fpol.20150511&amp;&amp;from=f</a> .
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III. **Prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interests and other serious irregularities**

<b>III.1. Qualitative reporting on fraud, corruption, conflict of interests etc.</b>	
<p>Describe the actions undertaken and/or mechanisms put in place to ensure compliance with the new provisions on the prevention, detection and adequate reporting of public procurement irregularities including fraud and corruption</p>	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- how these actions/mechanisms have been implemented</li> <li>- the key measures that have been put in place</li> </ul> <p><i>Possible elements for consideration may be as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>The main assumptions and objectives of the underlying actions</i></li> <li>• <i>Institutional arrangements made</i></li> <li>• <i>Existing links between the prevention, detection and remedial actions aspect</i></li> </ul> <p><u><i>AdC toolbox in public procurement and bid-rigging</i></u></p> <p>In the context of public procurement and bid-rigging, the Portuguese Competition Authority (Autoridade da Concorrência – AdC) strategic action plan for public procurement builds on three cornerstones through a policy mix: advocacy and enforcement; <i>ex-post</i> and <i>ex-ante</i> action on cartels; reactive and proactive detection tools. The figure bellow illustrates the multidimensional approach envisaged by the AdC and the broad range of interrelated factors that are required for efficient public procurement, among which the use of proactive detection tolls.</p> <p style="text-align: center;"><b>Policy-mix approach to promoting competition and efficiency in public procurement</b></p>

	 <p>Source: AdC.</p>
<p>Describe the actions undertaken and/or mechanisms put in place to ensure compliance with the new provisions on the prevention, detection and adequate reporting of conflicts of interests</p>	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- how these actions/mechanisms have been implemented</li> <li>- the key measures that have been put in place</li> <li>- presenting the definition of Conflict of interest, if it differs from the definition in the Directives</li> <li>- explaining the reasons for choosing the elements that have been added to the definition of Conflict of</li> </ul>

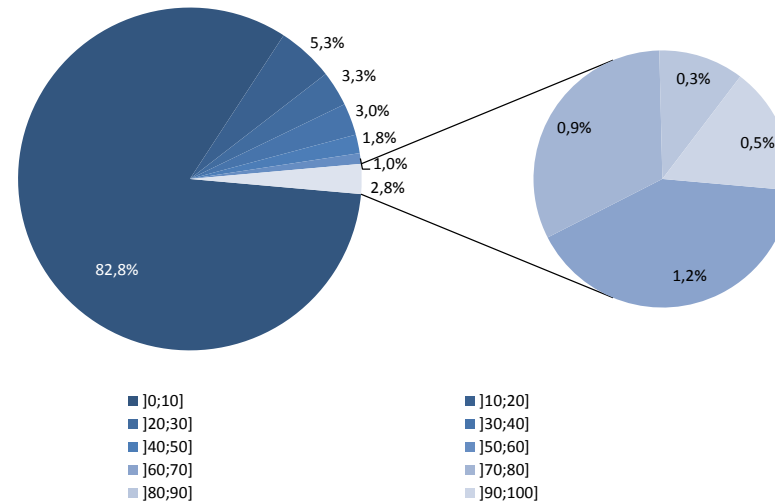
	<p>interest set out in the Directives</p> <p>- how the Directive requirement of effectiveness of the measures is fulfilled in practice</p> <p><i>Possible elements for consideration may be as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>The main assumptions and objectives of the underlying actions</i></li> <li>• <i>Institutional arrangements made</i></li> <li>• <i>Legislative framework</i></li> <li>• <i>Existing links between the prevention, detection and remedial actions aspect</i></li> </ul> <p><u><i>AdC advocacy role in fighting bid-rigging</i></u></p> <p>In June 2016, the AdC launched the <i>Fighting Bid-Rigging in Public Procurement</i> Campaign.</p> <p>This campaign aims at (i) raising awareness regarding the benefits of competition for public procurement efficiency by engaging stakeholders, (ii) aligning the goals of public procurement related entities with those of competition by engaging public procurement officials, and (iii) increasing contracting authorities' skills in detecting suspicious bidding patterns and in designing and implementing more efficient and competition-friendly and more "collusion-proof" tenders (i.e., less prone to bid-rigging).</p> <p>This multi-faceted outreach strategy includes high-level institutional relations with public and private stakeholders, the production and distribution of hands-on print and online materials for procurement officials and the organisation of training sessions with contracting authorities: training in designing public procurement procedures which are more competition-friendly and, essentially, in detecting signs of collusion in public procurement procedures.</p> <p>Contracting authorities, procurement officials and other procurement related entities (e.g., with monitoring powers) are the targets of the campaign. In order to foster an informal network of exchange of information, and achieve the effective communication of the main messages to the target audience, the AdC opted for an interactive approach, reaching out to public stakeholders and hands on public procurement officials directly through outreach sessions organised across Portugal as well as in-house in contracting agencies, and allowing them to receive information from case-handlers which have first-hand experience on the issue. Presentations are always followed by a Q&amp;A session to promote informal dialogue between the two entities</p> <p>So far, the AdC has reached nearly 1 500 public procurement officials and others with responsibilities in</p>
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	<p>public procurement, in a variety of sessions in different stakeholders, namely, the Ministry of Economy, the Court of Auditors, the Shared Services of the ministry of Health, the Public Prosecutor, Parque Escolar (in charge of procuring infrastructure for schools), amongst many others.</p> <p>The campaign has brought concrete results for the AdC's enforcement pipeline: more training for public procurement officials means more eyes on the ground. This creates a greater detection capacity, which is a deterrent for infringing the law and an incentive for leniency.</p> <p><u>AdC ex-ante action on fighting bid-rigging</u></p> <p>With the recent revision of the Portuguese Public Procurement Code, the AdC was given access to the e-procurement database – Portal Base database. As of January 2018, the AdC has been working closely with IMPIC in order to put in place the full access to the database. Up to January 2018, the AdC was able to access portions of this database only, and upon request.</p> <p>The AdC is using this dataset to conduct analysis in search of bidding patterns suggestive of collusive behaviour. This information can also bring valuable contributions in identifying the type of coordination mechanism that may eventually be in place to game the procurement procedure outcome and is thus useful for fine-tuning the data screening methodology (<i>e.g.</i>, cyclical winning patterns in bid rotation schemes, or subcontracting when this is the perceived rent sharing mechanism).</p> <p><u>New complaints' website</u></p> <p>The AdC has also launched a new complaints' website with a dedicated tip line, which aims to facilitate the job of complainants who want to bring valuable information to the AdC. It also provides information on infringements to competition law, so that complainants are encouraged to make more informative complaints.</p> <p>This platform will allow for a complainant to interact with the AdC – answering follow-up questions or providing further information or documentation – without the AdC having access to information that can identify the person.</p> <p>This platform can also be relevant in fighting collusion in public procurement.</p>
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<b>III.2. Supporting documents</b>	
<p>Please provide any available evidence on the actions/mechanisms and measures described under section III.1. above demonstrating compliance with the new provisions on the prevention, detection and adequate reporting of public procurement irregularities and conflicts of interests</p>	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):</i></p> <ul style="list-style-type: none"> <li>• <i>Policy or other administrative documents discussing issues in relation to the implementation of the actions/mechanisms</i></li> </ul> <p>Quantitative assessment of risks of collusion</p> <p>The Guide of Good Practices for Fighting Bid-Rigging in Public Procurement and the checklist identify a number of red flags of bid-rigging, and thus aim at capacity building for public procurement officials in assessing the risk of collusion in a public procurement procedure. While these red flags are mainly qualitative, the check list can help the contracting agency in identifying the risk of collusion in a public procurement procedure (for example, if in a procedure a number of the check list red flags are ticked).</p> <p>For the purpose of enforcing competition law, the AdC applies statistical tools to the e-procurement data base in order to detect patterns of bidding behaviour which suspicious of collusion.</p>
<b>III.3. Quantitative indicators</b>	<p><i>This section contains examples of quantitative indicators related to section III.1. Other indicators can also be included in the report.</i></p>
<p>Statistical distribution of buyers by frequency of actual competition</p>	<p>For each contracting authority or entity:</p> <ol style="list-style-type: none"> <li>1) Calculate the total number of contract awards.</li> <li>2) Calculate the number of contract awards which received only one bid.</li> <li>3) Divide the second number by the first number.</li> </ol>



**Distribution of buyers by frequency of actual competition**



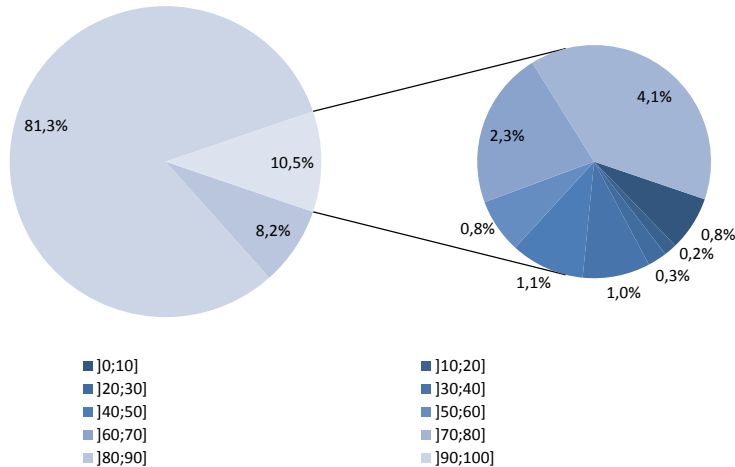
Source: Public Procurement Portal – BASE Portal

In the report, in a table, please include the number of contracting authorities or entities whose result from 3) above falls within each of the following intervals: <0%, 10%>, (10%, 20%>, (20%, 30%>, ... , (90%,100%><sup>1</sup>.

Please include only buyers with at least three contract awards over the reporting period and exclude all framework agreements as well as contracts based on framework agreements, as their number of bidders may be misleading (e.g. when multiple contract awards are based on the same framework agreement or for framework agreements with reopening of competition).

For more information about this indicator please see the following article from the European Journal on

<sup>1</sup> The symbols "<" and "(" indicate whether the endpoint of the interval should be included. For example (40%,50%> approximately means that the interval should contain contracting authorities or entities whose score is larger than 40.001% and smaller than 50.000%. The rest of the intervals are analogous.

<p>Statistical distribution of buyers by frequency of using a negotiated procedure without the prior publication of a call of competition</p>	<p>Criminal Policy and Research: <a href="http://link.springer.com/article/10.1007%2Fs10610-016-9308-z">http://link.springer.com/article/10.1007%2Fs10610-016-9308-z</a>.</p> <p>For each contracting authority or entity:</p> <ol style="list-style-type: none"> <li>1) Calculate the total number of procedures.</li> <li>2) Calculate the number of negotiated procedures without the prior publication of a call for competition.</li> <li>3) Divide the second number by the first number.</li> </ol> <p><b>Distribution of buyers by frequency of using a negotiated procedure without the prior publication of a call of competition</b></p>  <table border="1"> <caption>Data for the Distribution of buyers by frequency of using a negotiated procedure without the prior publication of a call of competition</caption> <thead> <tr> <th>Frequency Interval</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>]0;10]</td> <td>0,8%</td> </tr> <tr> <td>]10;20]</td> <td>1,1%</td> </tr> <tr> <td>]20;30]</td> <td>1,0%</td> </tr> <tr> <td>]30;40]</td> <td>0,3%</td> </tr> <tr> <td>]40;50]</td> <td>0,2%</td> </tr> <tr> <td>]50;60]</td> <td>0,8%</td> </tr> <tr> <td>]60;70]</td> <td>4,1%</td> </tr> <tr> <td>]70;80]</td> <td>2,3%</td> </tr> <tr> <td>]80;90]</td> <td>81,3%</td> </tr> <tr> <td>]90;100]</td> <td>8,2%</td> </tr> </tbody> </table> <p>Source: Public Procurement Portal – BASE Portal</p> <p>In the report, in a table, please include the number of contracting authorities or entities whose result from 3) above falls within each of the following intervals: &lt;0%,10%&gt;, (10%, 20%&gt;, (20%, 30%&gt;, ... , (90%,100%&gt;.</p>	Frequency Interval	Percentage	]0;10]	0,8%	]10;20]	1,1%	]20;30]	1,0%	]30;40]	0,3%	]40;50]	0,2%	]50;60]	0,8%	]60;70]	4,1%	]70;80]	2,3%	]80;90]	81,3%	]90;100]	8,2%
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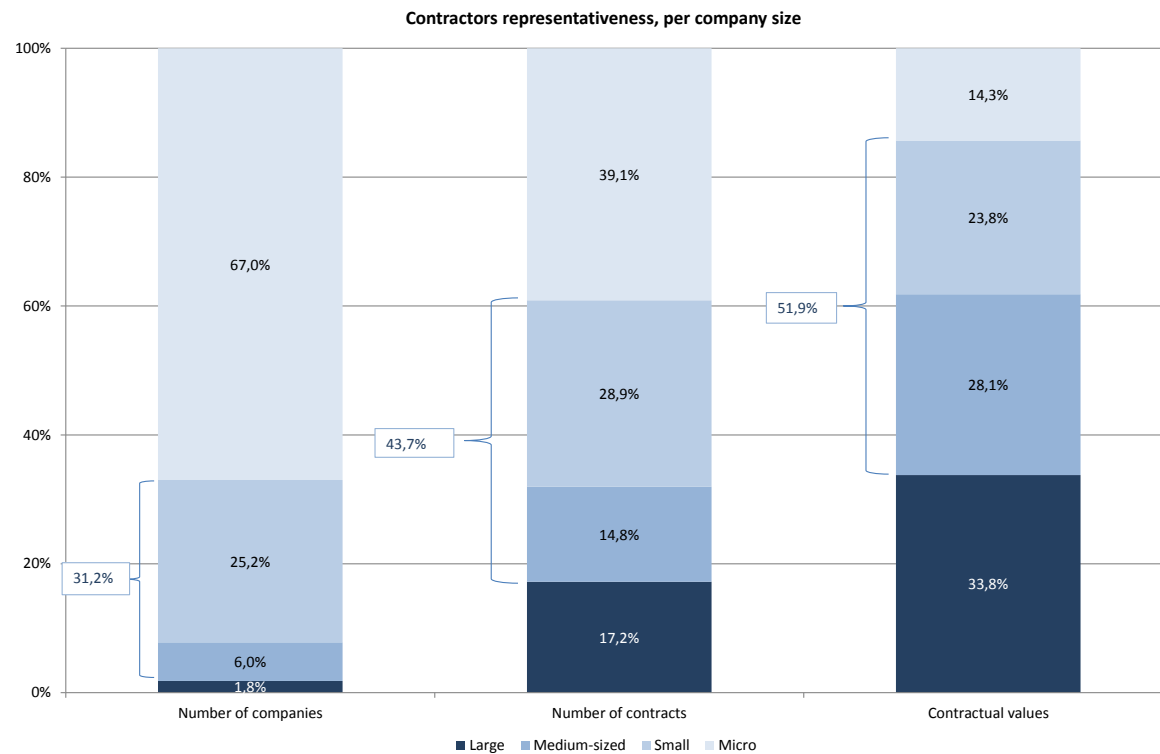
	<p>Please include only procurement procedures which resulted in at least one contract award and include only buyers who ran at least three procurement procedures over the reporting period.</p> <p>For more information about this indicator please see the following article from the European Journal on Criminal Policy and Research: <a href="http://link.springer.com/article/10.1007%2Fs10610-016-9308-z">http://link.springer.com/article/10.1007%2Fs10610-016-9308-z</a>.</p>
Quantitative assessment of collusion risks	<p>This analysis should be based on a country-specific methodology reflecting the business environment, data available from e-procurement and other platforms, etc. National competition authorities may have information relevant for this analysis.</p> <p>For an example of a collusion analysis methodology, see the following toolkit from the Government Transparency Institute: <a href="http://www.govtransparency.eu/index.php/2015/11/13/toolkit-for-detecting-collusive-bidding-in-public-procurement/">http://www.govtransparency.eu/index.php/2015/11/13/toolkit-for-detecting-collusive-bidding-in-public-procurement/</a>.</p>
Risk of undiscovered conflict of interest	<p>Percent of contracts awarded to companies with concealed ownership structure (i.e. whose ultimate beneficiary owner cannot be verified).</p> <p>Information for this indicator should be available in central registers of beneficial ownership, which are to be established by all Member States under the 4<sup>th</sup> Anti-Money Laundering Directive (2015/849 Art. 30) by June 2017.</p> <p>For more context for this indicator, please see the Commission's Anticorruption Report available at <a href="http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm">http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/index_en.htm</a></p>

#### IV. Level of SMEs' participation in public procurement

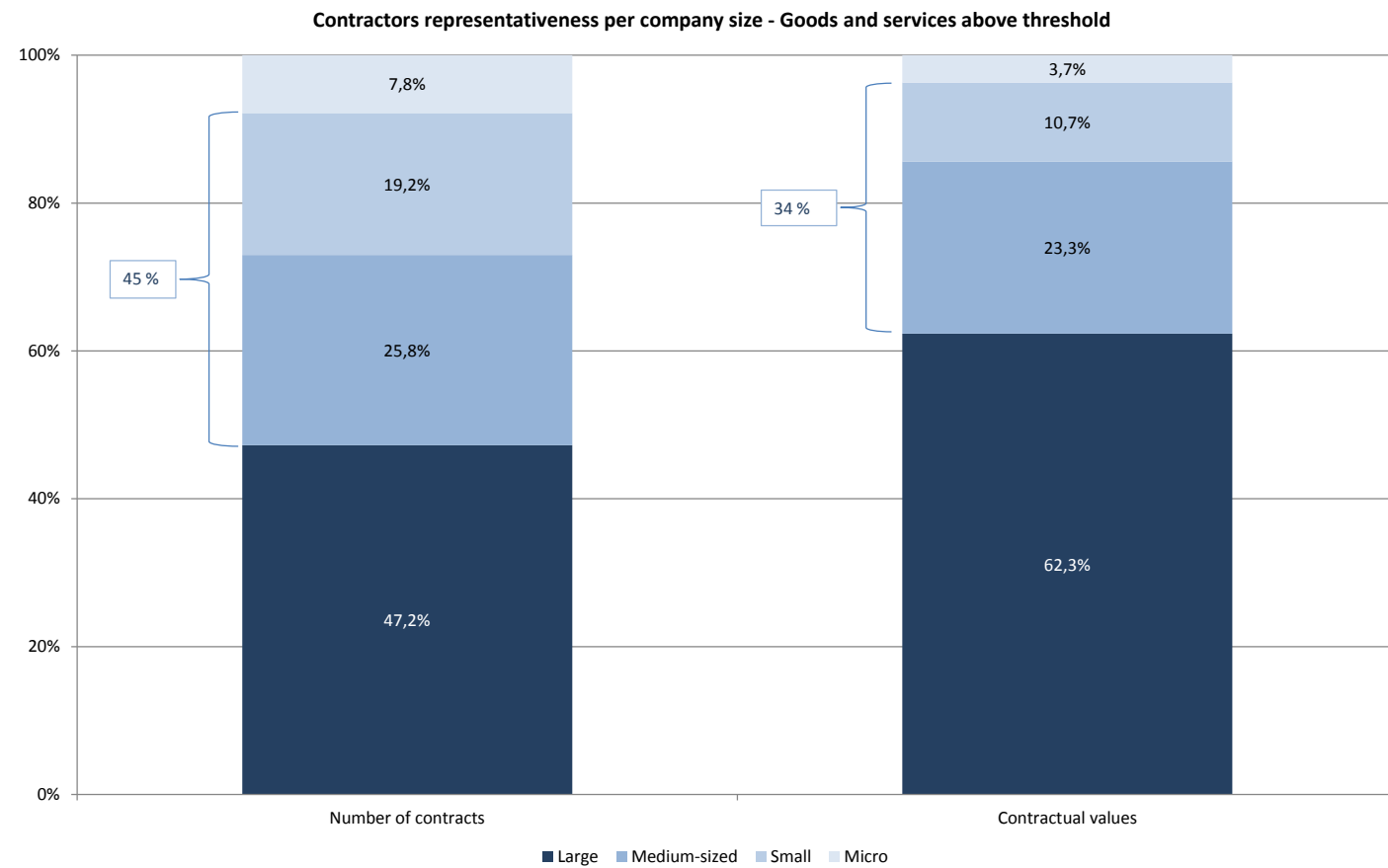
SMEs are defined in the Commission Recommendation (2003/361/EC) as having less than 250 persons employed and an annual turnover of up to EUR 50 million or a balance sheet total of no more than EUR 43 million. Further information is available at [http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en](http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en).

<b>IV.1. Qualitative reporting on SME participation</b>	
Key challenges encountered	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- key challenges encountered in facilitating the participation of SMEs in public procurement, if any</li> <li>- measures taken to overcome them</li> <li>- difficulties still existing in the Member State</li> </ul> <p>Since the measures designed to facilitate the participation of SMEs in public procurement are included in the legal text that transposed the 2014 Directives and that entered into force on 1 January 2018 for procedures covered by procurement decisions made after that date, it is not possible to report the requested data for 2017.</p>
<b>IV.2. Supporting documents</b>	
Please report any available evidence or supporting document for point IV.1, illustrating the measures, achievements or challenges faced, relating to the facilitation of the participation of SMEs in public procurement	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):</i></p> <ul style="list-style-type: none"> <li>• <i>List and provide a brief description of the policy and legislative initiatives launched to support SMEs participation in public procurement, including the results of their evaluations, where available</i></li> <li>• <i>Specific measures targeting SME participation in different techniques for aggregated procurement (framework agreements, dynamic purchasing systems, and centralised procurement activities)</i></li> <li>• <i>Specific measures targeting the participation of start-ups and scale-ups in public procurement</i></li> <li>• <i>Specific measures ensuring that payment for public contracts are made on time, especially in the case of SMEs</i></li> <li>• <i>Specific measures addressing the payments to subcontractors</i></li> <li>• <i>Existing guidelines or instructions for contracting authorities on how to treat grouping (e.g. consortia) of SMEs</i></li> <li>• <i>Existing guidelines for contracting authorities on the application of 'divide or explain' principle</i></li> <li>• <i>Existing targets for SME participation in public procurement</i></li> </ul> <p>As indicated in the preceding point, there is nothing to report.</p>

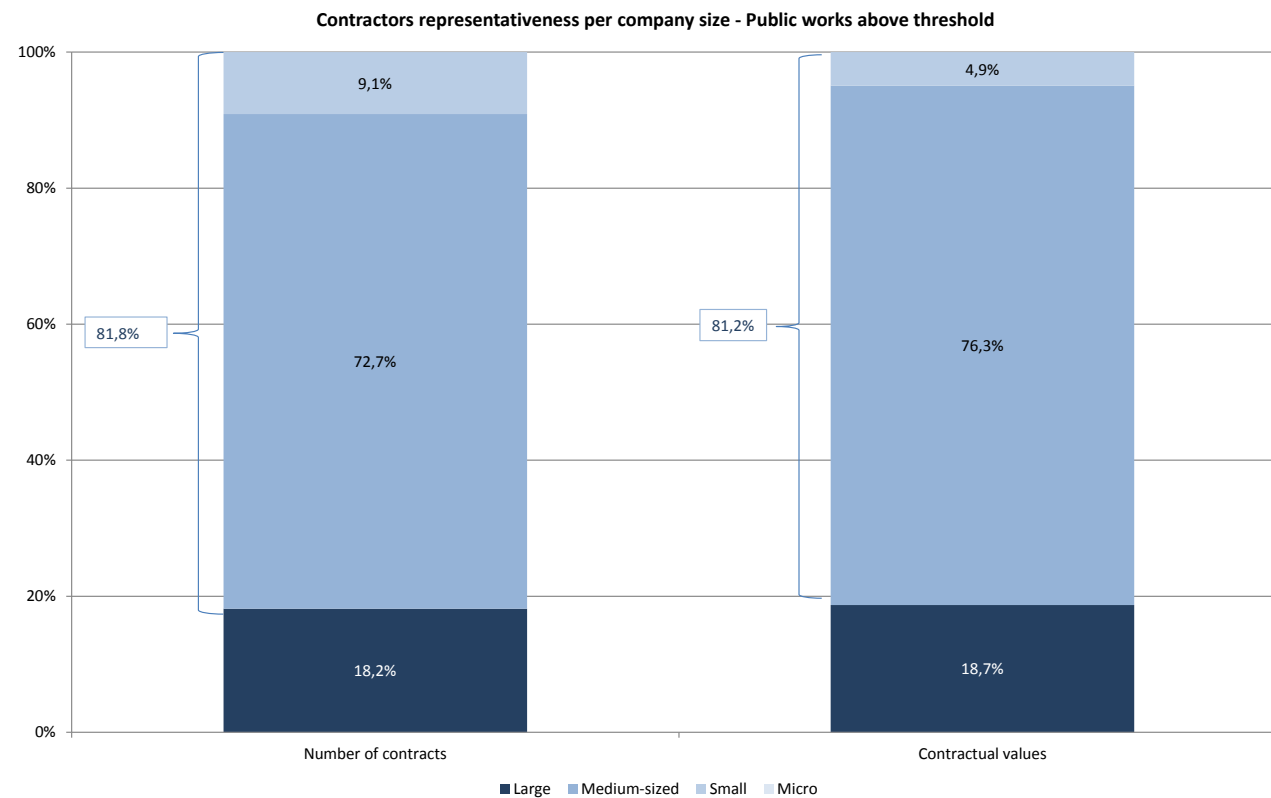
<b>IV.3. Quantitative indicators</b>	<i>This section contains examples of quantitative indicators related to section IV.1. Other indicators can also be included in the report.</i>
Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section IV.1. above	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Participation of SMEs in call for tenders above threshold</i></li> <li>• <i>Number of above-threshold contracts awarded to SMEs and</i></li> <li>• <i>Total value of contracts above threshold won by SMEs</i></li> <li>• <i>If additional data is collected in your MS, please report it in order to deepen our understanding about SME participation in public procurement. This might include the number and value of public procurement below threshold won by SMEs</i></li> <li>• <i>If applicable, current attainment rate of the target set for SMEs participation</i></li> </ul> <p>Based on a sample of 37,988 companies (47.3 % of the companies with which public contracts were concluded), representing 72.9 % of the number of contracts and 81.8 % of the contractual value, it was possible to characterize the business sector of the economic operators with which at least one contract was concluded in 2017.</p> <p>Most economic operators to which public contracts were awarded in 2017 were micro enterprises (67 %). However, they only represented 39.1 % of all contracts concluded and only 14.3 % of the contractual amounts.</p> <p>Small and medium-sized enterprises (SMEs) representing 31.2 % of the economic operators accounted for nearly half of the contracts (43.7 %), i.e. more than half of the contractual amounts (51.9 %).</p> <p>Lastly, large enterprises represented just 1.8 % of all economic operators, having concluded 17.2 % of the contracts, which correspond to more than 1/3 (33.8 %) of the contractual amounts.</p>



Source: Public Procurement Portal – BASE Portal

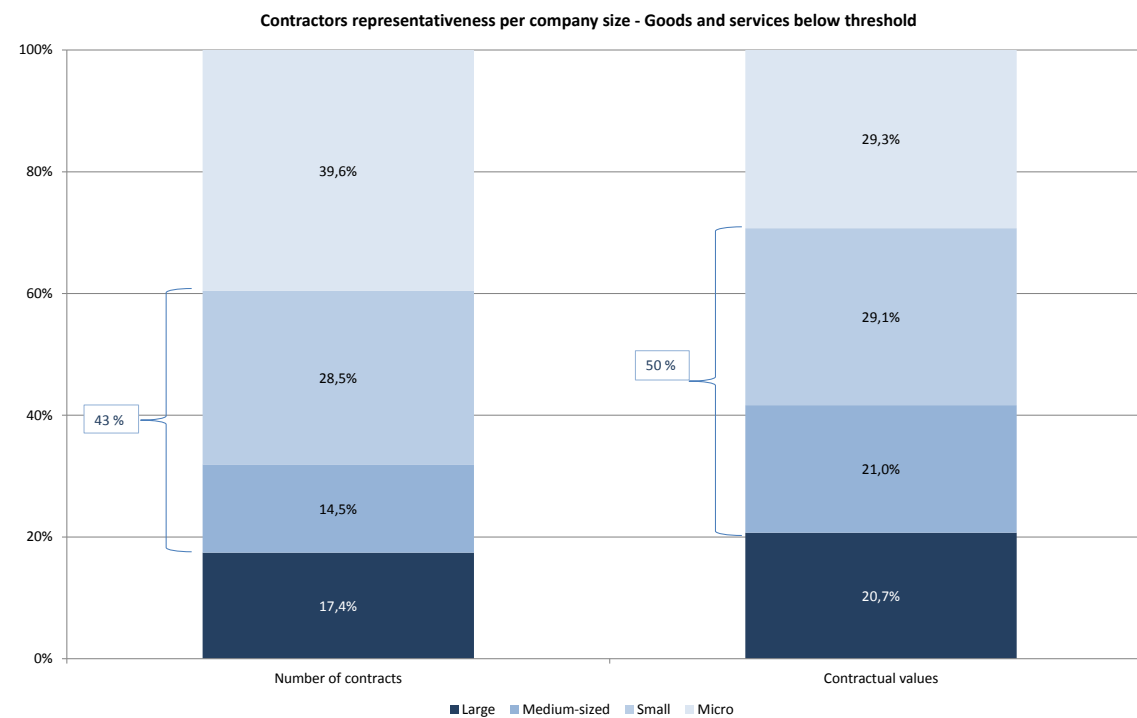


Source: Public Procurement Portal – BASE Portal

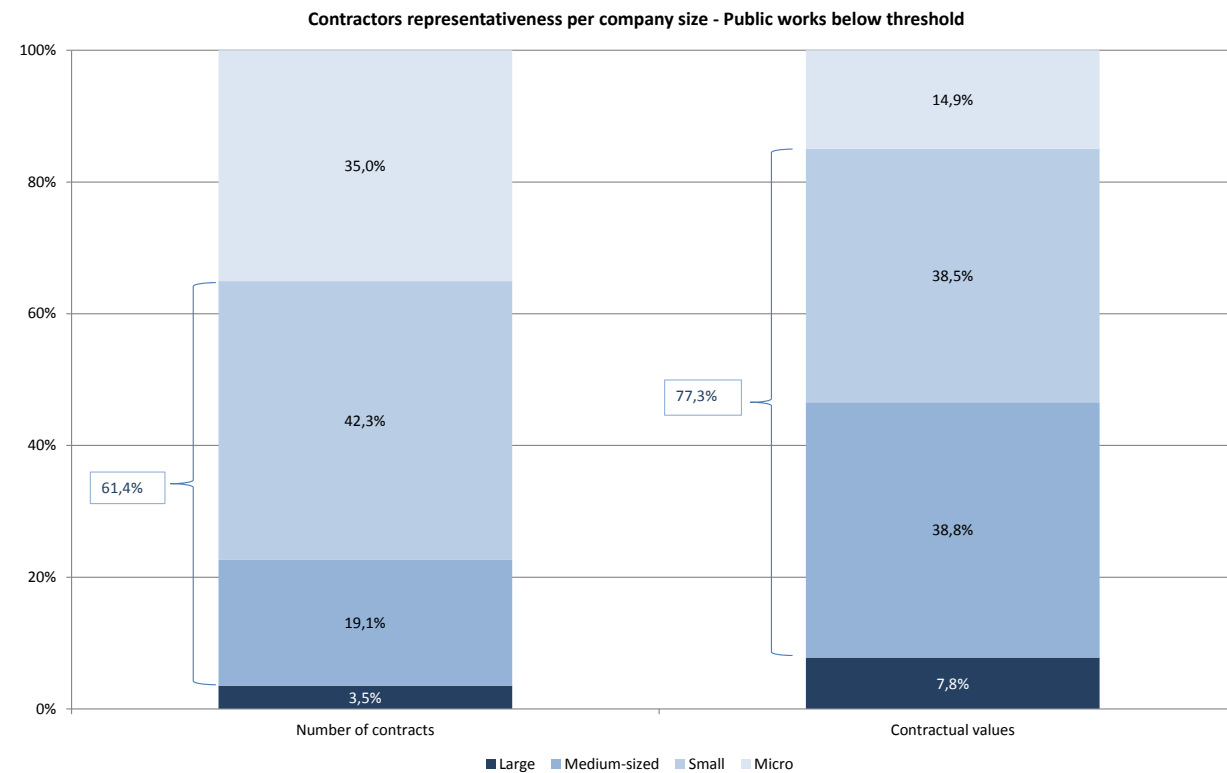


Source: Public Procurement Portal – BASE Portal





Source: Public Procurement Portal – BASE Portal



Source: Public Procurement Portal – BASE Portal

**V. Information on the practical implementation of national strategic procurement**

<b>V.1 Green procurement ('GPP')</b>	<p>Green Public Procurement ('GPP') is defined as "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured."<sup>2</sup> A voluntary target of 50 % GPP per Member State in number and value of relevant procedures was proposed by the Commission and welcomed by the Council in 2008.</p> <p>Council of Ministers Resolution No 38/2016 of 29 July 2018 established a national strategy for green public procurement (ESTRATÉGIA NACIONAL PARA AS COMPRAS PÚBLICAS ECOLÓGICAS 2020, or ENCPPE 2020) setting the following targets:</p> <p>For direct and indirect Administration:</p> <p>Obj. 1 — 60 % of the pre-contractual public procedures for the purchase of goods and services covered by the ENCPPE 2020 shall include environmental criteria;</p> <p>Obj. 2 — 60 % of the financial amount associated with pre-contractual public procedures for the purchase of goods and services covered by the ENCPPE 2020 have pre-contractual procedures that include environmental criteria.</p> <p>b) For State-owned Enterprises:</p> <p>Obj. 1 — 40 % of the pre-contractual public procedures for the purchase of goods and services covered by the ENCPPE 2020 shall include environmental criteria;</p> <p>Obj. 2 — 40 % of the financial amount associated with pre-contractual public procedures for the purchase of goods and services covered by the ENCPPE 2020 have pre-contractual procedures that include environmental criteria.</p>
<b>V.1.1 Qualitative reporting</b>	
Key challenges encountered	The information should focus on: - key challenges encountered in promoting green public procurement, if any

<sup>2</sup> Commission Communication (COM (2008) 400) "Public procurement for a better environment"

	<p>- measures taken to overcome them</p> <p>Building on the EUROPE 2020 strategy, which sets out the programming principles that express the economic, social and territorial development policy, a program named Portugal 2020 was created to promote those principles in Portugal during the period 2014-2020 in line with that strategy for a smart, sustainable and inclusive growth. To this end, it established Thematic Objectives to stimulate growth and job creation, the necessary measures to achieve them and their outcomes and results, namely the creation of the GAM ENCPPE 2020 (a steering group that will monitor the National Strategy for Green Public Procurement) in order to promote sustainability by using environmental criteria in public procurement. This action line also aims to contribute to a better implementation of the strategy, the dissemination of good practices and the development of a procurement model that increasingly contributes to the achievement of those objectives.</p> <p>Following this same action line, the Coalition for Green Growth (Coligação para o Crescimento Verde) brings together a group of entities for the establishment and operationalization of the Green Growth Commitment (<a href="http://www.crescimentoverde.gov.pt/compromisso/">http://www.crescimentoverde.gov.pt/compromisso/</a>). This commitment should result in a green economic growth with national impact and international visibility, by stimulating green economic activities, promoting the efficient use of resources and contributing to sustainability.</p> <p>The Coalition objectives and targets are grouped in ten thematic areas, including Public Procurement (<a href="http://www.crescimentoverde.gov.pt/compromisso/areas-tematicas/contratacao-publica-2/">http://www.crescimentoverde.gov.pt/compromisso/areas-tematicas/contratacao-publica-2/</a>). The intention is that public procurement should play a key role in stimulating behavioural changes among citizens and companies, not only through the associated turnover and their contribution to market creation, but also through the promotion of sustainability, thanks to the good example set by the Public Administration, and the contribution to set up a new concept of development.</p> <p>- difficulties still existing in the Member State</p>
<b>V.1.2. Supporting documents</b>	
Please report any available evidence or supporting document for point V.1, illustrating the measures, achievements or challenges faced, relating to the promotion of green public procurement.	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):</i></p> <ul style="list-style-type: none"> <li>• <i>National definition of 'green' and 'green public procurement'</i></li> </ul> <p>For the purposes of the ENCPPE 2020, the term «green public procurements» is defined as the procurement of a set of goods and/or services that are considered to be a priority, incorporating environmental technical specifications and requirements in the pre-contractual stages, with an effect</p>

	<p>on the subsequent stage of contract performance.</p> <ul style="list-style-type: none"> <li>• <i>Information about National action plans or similar documents on GPP in your Member State and the stage of their implementation. Target for the uptake of GPP and the way it is defined i.e. for overall procurement, for specific product groups, by value, by number of contracts</i></li> </ul> <p><i>Actions to be undertaken:</i></p> <ol style="list-style-type: none"> <li>1. <i>To support the ENCPE 2020 promotion actions;</i></li> <li>2. <i>To organize the annual seminar on Good Practices in Sustainable Public Procurement;</i></li> <li>3. <i>To promote the preparation of a study on the impact of contracts based on ecological criteria on the efficient use of resources and the circular economy;</i></li> <li>4. <i>To identify circular economy criteria in the green public procurement criteria (GPP) based on the EU GPP criteria and studying new criteria, if they do not exist;</i></li> <li>5. <i>To promote and/or monitor pilot projects, or GPP processes including circular economy criteria in public administration;</i></li> <li>6. <i>To promote improved information in the public procurement indicators, taking into account the monitoring of the performance of the purchased goods and services.</i></li> </ol> <p><i>1.2. Methodological Approach</i></p> <p><i>1.2.1 As part of the works within the scope of the ENCPE 2020, to support the actions it provides for, namely in the setting-up of the working groups for the definition of ecological criteria, by suggesting and recommending public and private entities representing the sector, and in the organization of seminars for promoting the ENCPE and disseminating good practices, both by providing logistical support (provision of facilities and publicity) and by suggesting speakers and practical cases;</i></p> <p><i>1.2.2 To organize a seminar to disseminate good practices for sustainable public procurement, in order to address subjects that are not included in the ENCPE 2020 and do not conflict with the activities provided for in the ENCPE 2020;</i></p> <p><i>1.2.3 To set out the minimum requirements of the study on public contracts with ecological criteria, by assessing their impact on the efficient use of resources and the circular economy. The aim is to define the requirements the study should consider for subsequent recommendation;</i></p> <p><i>1.2.4 Bearing in mind the relevant public contracts, actions should be carried out to identify criteria that take into account the circular economy principles and to propose new criteria that foster the circular economy. A scale should be developed for assessing the relevance of public contracts in terms of their value, size, subject-matter, etc.;</i></p>
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	<p>1.2.5 To hold a workshop aimed at disseminating circular economy criteria and identifying good practices in circular procurement taking into account the preceding point;</p> <p>1.2.6 To draw up an inventory of the existing tools for collecting public procurement data and indicators and to prepare a proposal for new indicators.</p> <p>As it was only in January 2018 that the transposition of the Directives came into effect in the Portuguese legal system, only in the next report will it be possible to specify the figures and values in question.</p> <p><a href="https://encpe.apambiente.pt/">https://encpe.apambiente.pt/</a></p> <ul style="list-style-type: none"> <li>Any obligations to include green requirements in the tender documents and the authorities for which they apply</li> </ul> <p>This obligation was only introduced by the legal text that transposed the Directives - Decree-Law No 111-B/2017 –, which entered into force on 1 January 2018, although in 2017 there were already targets to be met by virtue of Resolution No 38/2016 of the Council of Ministers of 29 July 2016.</p> <ul style="list-style-type: none"> <li>Any recommendations concerning the use of specific selection criteria, technical specifications/award criteria/performance clauses which public authorities or contracting entities wishing to procure green can include in their tender documentation. Categories of products for which these are relevant and the relevant website, if possible</li> </ul> <p>Six Working Groups have been created to develop criteria for the following categories:</p> <ol style="list-style-type: none"> <li>Office Buildings</li> <li>Electrical and Electronic Equipment (EEE) in the Health sector</li> <li>Public Lighting and Traffic Signalling</li> <li>Copying Paper and Paper for Graphic Use</li> <li>Food products and catering services</li> <li>Transport</li> </ol> <ul style="list-style-type: none"> <li>Any information on environmental labels, environmental management systems or standards</li> </ul>
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	<p><a href="http://www.ecolabelindex.com/ecolabels/?st=country,pt">http://www.ecolabelindex.com/ecolabels/?st=country,pt</a></p> <ul style="list-style-type: none"> <li>Any recommendations to use the 'green procurement' criteria developed by the European Commission, respectively for which product groups. If different criteria are recommended, please specify whether they are similar to/inspired by the EU criteria</li> </ul> <p><i>The criteria to be developed by the Working Groups shall be based on the GPP criteria developed by the European Commission and shall be adapted to the national context as appropriate, taking into account the documents that have been drawn up in this context, in particular the EU GPP criteria.</i></p> <ul style="list-style-type: none"> <li>Activities in the area of capacity-building for procuring green (institutionalised or ad-hoc training, helpdesks, etc.)</li> </ul> <p><i>The implementation of the ENCPE 2020 shall be supported by two types of tools:</i></p> <p><i>Manuals designed to enable contracting entities to properly apply:</i></p> <ul style="list-style-type: none"> <li>environmental criteria for the qualification of candidates and the assessment of public procurement proposals relating to the provision of goods, services and projects for the execution of public works;</li> <li>cost estimates of environmental externalities taking into account the most relevant impacts;</li> <li>the concept of lifetime cost taking into account the estimates and criteria mentioned in the preceding points;</li> </ul> <p><i>Information tools based on:</i></p> <ul style="list-style-type: none"> <li>the development of a specific area for green public procurement on the APA's Website, as a repository of information, dissemination of green specifications and criteria, both general and adapted ones;</li> <li>an annual conference designed to disseminate and spread up-to-date knowledge on the various themes, as well as communicate the results relating to the follow-up of the goals and targets pursued during the reporting year;</li> <li>training activities for the entities covered by the ENCPE 2020 and other stakeholders.</li> </ul>
<b>V.1.3. Quantitative indicators</b>	<i>This section contains examples of quantitative indicators related to section V.1. Other indicators can</i>

	<i>also be included in the report.</i>
Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section V.1.1 above. To the extent possible, these indicators should be further grouped by type of legal problem.	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows:</i></p> <ul style="list-style-type: none"> <li><i>Percentage of public procurement procedures incorporating green criteria out of the whole volume of procurement at national level and if available, for the GPP product groups (e.g. <a href="http://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm">http://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm</a>) for which monitoring is being done, measured by number and value</i></li> </ul> <p><i>Reporting fields were created in the BASE portal as established in the Public Procurement Code to be applicable from 1 January 2018. As a result, this can only be quantified in the next report.</i></p>
<b>V.2 Socially responsible public procurement ('SRPP')</b>	<p>Socially Responsible Public Procurement ('SRPP') is defined as procurement that takes into account one or several social considerations for advancing social objectives. SRPP covers a wide spectrum of social considerations, such as for example employment opportunities, decent work conditions, compliance with social and labour rights, social inclusion, equal opportunities and accessibility.</p> <p><i>In 2017 there was a lack of socially responsible measures in public procurement because the 2014 EU Directives were transposed only in 2018.</i></p>
<b>V.2.1 Qualitative reporting</b>	
Key challenges encountered	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- key challenges encountered in promoting socially responsible public procurement, if any</li> <li>- measures taken to overcome them</li> <li>- difficulties still existing in the Member State</li> </ul>
<b>V.2.2. Supporting documents</b>	
Please report any available evidence or supporting document for point V.2.1 illustrating the measures, achievements or challenges faced, relating to the promotion of SRPP.	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):</i></p> <ul style="list-style-type: none"> <li><i>National SRPP definition</i></li> <li><i>List and brief description of national policy initiatives launched in the area of SRPP</i></li> <li><i>Any obligation to include socially responsible criteria or contract performance clauses in the tender documents imposed by your national system, and the contracting authorities or contracting entities which are required to comply</i></li> <li><i>Any information on social labels in use</i></li> </ul>
<b>V.2.3. Quantitative indicators</b>	<i>This section contains examples of quantitative indicators related to section V.2. Other indicators can also be included in the report.</i>



<p>Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section V.2.1 above.</p>	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Number of public procurement procedures incorporating socially responsible award criteria. Please specify how many of those are regulated under the 'light regime' of Title III Chapter I (Articles 74-77 of Directive 2014/24/EU and Articles 91-94 of Directive 2014/25/EU)</i></li> <li>• <i>Number of public procurement procedures reserved to sheltered workshops and economic operators in line with article 20 of the Directive</i></li> <li>• <i>Number of public procurement procedures for the provision of health, social or cultural services as referred to in article 77.1 reserved to organisations fulfilling the conditions listed in article 77.2.</i></li> <li>• <i>Number of public procurement procedures incorporating socially responsible contract performance clauses criteria. Please specify how many of those are regulated under the 'light regime' of Title III Chapter I (Articles 74-77 of Directive 2014/24/EU and Articles 91-94 of Directive 2014/25/EU)</i></li> </ul>
<p><b>V.3 Public procurement of innovation</b></p>	<p>An innovative solution is defined in 2014/24/EU Art.2 (1.22) as "a new or significantly improved product, service or process". This includes not only those solutions resulting from R&amp;D but also those solutions resulting from activities, "including but not limited to production, building or construction processes, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations." Please report both dimensions of innovation procurement: procurement of R&amp;D and procurement of innovative solutions.</p> <p>In 2017 there was a lack of innovation policies because the 2014 EU Directives had not been transposed yet.</p>
<p><b>V.3.1 Qualitative reporting</b></p>	
<p>Key challenges encountered</p>	<p>The information should focus on:</p> <ul style="list-style-type: none"> <li>- key challenges encountered in promoting innovation procurement, if any</li> <li>- measures taken to overcome them</li> <li>- difficulties still existing in the Member State</li> </ul>
<p><b>V.3.2. Supporting documents</b></p>	
<p>Please report any available evidence or supporting document illustrating the measures, achievements or challenges faced, relating to the promotion and implementation of innovation procurement.</p>	<p><i>Possible relevant (non-exhaustive) documents for consideration may be as follows (please provide a link to the document, and if possible, a summary of the document in English, if the document is in another language):</i></p> <ul style="list-style-type: none"> <li>• <i>National Action Plan and/or targets for innovation procurement and its stage of implementation. Information on how are they defined.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Any additional provisions for innovation procurement in your national legislation that go beyond the provisions in the EU public procurement directives (e.g. more detailed definition of innovative solutions and/or R&amp;D, specific provisions on innovation procurement Art 33 of 2014 EU State aid rules on R&amp;D&amp;I)</i></li> <li>• <i>National guidelines on innovation procurement (e.g. on IPR handling, joint procurement to create demand pull for buying innovative solutions, on R&amp;D procurement)</i></li> <li>• <i>National activities on capacity-building on innovation procurement (institutionalised or ad-hoc training, helpdesks, etc.)</i></li> <li>• <i>Information about outcomes e.g. impact on demand side (increase in quality and/or efficiency of public services), impact on the supply side (increase in sales/company growth, intensified investments in R&amp;D/innovation and/or IPRs), wider market impacts (number/value of contracts awarded to SMEs, amount of contracts awarded to non-domestic providers)</i></li> </ul>
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## VI. Replicability

This section should provide information allowing anyone to fully replicate the quantitative results presented in the report.

Links to datasets used to prepare the report	The Commission recommends publishing the source data as open data, e.g. as is the case for the Tenders Electronic Daily database at <a href="http://data.europa.eu/euodp/cs/data/dataset/ted-csv">http://data.europa.eu/euodp/cs/data/dataset/ted-csv</a> .
Files used to obtain the results from the datasets	This section should include for example the scripts or code for the relevant statistical software or the Excel files used. <a href="#">Excel files attached</a>

## Annex I:

### Methodology for estimating the value of procurement which would have been covered by the directives if its value had exceeded the relevant thresholds

#### 1. Classification and methodology

Indicate the basic characteristics of the methodology used by selecting from the options below. Description of the methodology is to be given in the subsequent section.

##### 1.1. General approach: Information is made available according to the legal obligations deriving by the PPC.

- a) [data available under national publication requirements]
- b) [sample-based estimates]
- c) [combined]

Please note that in our opinion using existing administrative data is preferable, as it implies both lower administrative burden (no additional data collection is necessary) and higher data quality.

If a sampling approach is taken, both the source of the sample and the sampling methodology, provided in the following subsection, must be able to withstand careful scrutiny. This ensures that the estimate is representative of the whole Member State.

##### 1.2. Source of data: All the information comes from the Public Procurement Portal – BASE Portal

Scope: Source of data:	above national publication thresholds [✓]	below national publication thresholds [✓]
[e-notification platforms]		
[e-submission platforms]		
[invoices]		
[budgets]		
[other]		

## 2. Methodology description

Indicate, amongst others, information on the sources of data, approaches taken to deal with possible missing data and erroneous data, and representativeness of the sample used (if a sample-based approach was taken). If methodology is different depending on the thresholds or source of data, please clearly indicate this, including the relevant thresholds.

The single source of data used to produce the information needed to fill in the report was extracted for the Portuguese public contract register, the Base portal.

An overall analysis of the data quality was performed and some erroneous data was detected and reported to the concerning contracting authorities for correction (ex: Universidade de Lisboa).

The only key performance indicators produced resorting to sampling were the ones concerning the level of SMEs' participation in public procurement. All other indicators were a result of working full sets of information.

Thresholds had no influence on the methodologies used to report the information.