

# Procurement Monitoring Report Template

## In view of the Member States' reporting process under the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU

Fields marked with \* are mandatory.

### I. Information about reporting authority

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[EUSurvey Privacy Statement-2020.pdf](#)

\* Country

Slovak Republic

\* Name of National Authority

Office for Public Procurement (hereinafter referred to as the PPO)

\* Name of Unit/Department

Department of digital agenda - Section of analysis and reporting

\* E-mail address

euzalezitosti@uvo.gov.sk

Name of contact person (not published)

E-mail address of contact person (not published)

## II. The public procurement framework

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### 1. Legal framework

- \* Please indicate links to the main legal instrument implementing the public procurement Directives and its main amendments that occurred during the current reporting period.

*5000 character(s) maximum*

Please list the links in the text box below. You can link multiple links.

9/2021 Coll. - The act amending some related laws with the second wave of the COVID-19 pandemic  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/9/20210119.html>

141/2021 Coll. – Act supplementing Act No. 343/2015 Coll. on public procurement and on the amendment of certain acts, as amended  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/141/20210506.html>

214/2021 Coll. – Act on the support of ecological vehicles and on the amendment of certain acts  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/214/20210802.html>

395/2021 Coll. – Act amending Act No. 343/2015 Coll. on public procurement and on the amendment of certain acts as amended and by which certain acts are amended  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/395/20220801.html>

64/2022 Coll. – Act amending Act No. 343/2015 Coll. on public procurement and on the amendment of certain acts as amended and by which certain acts are amended  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/64/20230101.html>

86/2022 Coll. – Act amending Act No. 343/2015 Coll. on public procurement and on the amendment of certain acts, as amended  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/86/20220401.html>

121/2022 Coll. – Act on contributions from European funds and amendments to certain acts  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/121/20220701.html>

151/2022 Coll. – Act on the establishment of administrative courts and on amendments to certain acts  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/151/20230601.html>

### 2. Procurement institutional framework

Please provide key bodies and institutions regarding public procurement matters, in charge of:

	Relevant bodies <i>(multiple entries possible)</i>
Body of normative regulatory function (including transposition) and policy development	Government Office of the Slovak Republic The PPO
Bodies responsible for monitoring and reporting	The PPO
Review bodies	The PPO
Bodies responsible for the e-procurement and the functioning of the public procurement web portal	Government Office of the Slovak Republic
Centralised procurement bodies	-
Competence centres	-
Other bodies	Ministry of Economy of the Slovak Republic Ministry of Investments, Regional Development and Informatization of the Slovak Republic Ministry of Environment of the Slovak Republic Ministry of Education, Research, Development and Youth of the Slovak Republic Ministry of Transport of the Slovak Republic Ministry of Interior of the Slovak Republic Ministry of Justice of the Slovak Republic Ministry of Finance of the Slovak Republic Ministry of Health of the Slovak Republic Ministry of Labour, Social Affairs and Family of the Slovak Republic Supreme Audit Office of the Slovak Republic Antimonopoly Office of the Slovak Republic

### III. Key quantitative indicators on public procurement

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#### 1. The total number of awarded contracts

Total number of contracts awarded **above** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Number	1 349	1 949	1 643

\* Please describe the methodology on collection of data and/on the source (in case of a database(s)) of data collected:

*5000 character(s) maximum*

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Total number of contracts awarded **below** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Number	1 597	1 681	915

\* Please describe the methodology on collection of data (in case of assessment based on a sample) and/on the source (in case of a database(s)) of data collected:

*5000 character(s) maximum*

**2. The total value of procurement**



Total value of contracts awarded **above** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Value (in EUR million)	3 531 860 138	6 224 413 525	4 946 089 246

\* Please describe the methodology on collection of data and/on the source (in case of a database(s)) of data collected:

*5000 character(s) maximum*

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Total value of contracts awarded **below** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Value (in EUR million)	743 282 166	935 151 409	474 024 343

\* Please describe the methodology on collection of data (in case of assessment based on a sample) and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

## IV. Sources of wrong application or of legal uncertainty (including possible structural or recurring problems)

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### 1. Preparation and launch of a public procurement procedure:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 2, 7, 8 or 9 is yes, additional options will appear.

- 1. Preliminary market consultation
- 2. Estimation of contract value (if yes, please specify below)
- 3. Wrongful setting of deadlines
- 4. Inappropriate selection criteria (too restrictive, tailor made for a particular economic operator, not related to subject matter of contract)
- 5. Discriminatory technical requirements
- 6. Conflict of interest
- 7. Procedures without publication (if yes, please specify below)
- 8. Inappropriate use of specific procedures (if yes, please specify below)
- 9. Other issues (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with 'enter'.

Education across the entire area of public procurement, i.e. companies involved in procurement, procuring bodies as well as controllers.  
<https://www.uvo.gov.sk/dohlad/analyticke-vystupy/analyzy-najcastejsich-poruseni>

### 2. Evaluation of tenders and contract award:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 8 is yes, additional options will appear.

- 1. Unlawful exclusion of tenderers/rejection of offers
- 2. Non compliance with mandatory exclusion grounds
- 3. Unlawful exclusion of third country bidders covered by GPA or by other international agreement
- 4. Incorrect evaluation of award criteria
- 5. Incorrect application of rules related to abnormally low tender

- 6. Lack of publication of contract award notice
- 7. Unlawful modification of the tender conditions before conclusion of the contract
- 8. Other reason (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with 'enter'.

Training and professionalisation of contracting authorities, contracting entities and persons pursuant to Section 8 of the Public Procurement Act (PPA), as well as unification of decision-making practice in order to ensure predictability of the procedure on the part of the PPO.  
<https://www.uvo.gov.sk/dohlad/namietky/prehľad-rozhodnuti-o-namietkach>

### 3. Contract implementation:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 2, or 3 is yes, additional options will appear at the end of STAGE 3 to provide further details.

- 1. Illegal contract modifications
- 2. Wrong application of procurement instruments (if yes, please specify below)
- 3. Other reasons (if yes, please specify below)

3. Other reasons, please specify:

*5000 character(s) maximum*

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Conceptual education of contracting entities in the form of training, issuing methodological materials and organizing professional conferences on this issue of the PPA.  
<https://www.uvo.gov.sk/dohlad/kontrola/prehľad-rozhodnuti-o-kontrolach>

### 4. Problems that may originate at different stages:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 4 is yes, additional options will appear.

- 1. Wrong application of centralised or joint procurement
- 2. Failure to comply with legal deadlines (prescribed by EU or national law)
- 3. Biased prior involvement of candidates or tenderers
- 4. Other issues (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Training and professionalisation of contracting authorities, contracting entities and persons pursuant to Section 8 of the PPA, as well as unification of decision-making practice in order to ensure predictability of the procedure on the part of the PPO  
<https://www.uvo.gov.sk/dohlad/kontrola/prehľad-rozhodnuti-o-kontrolach>

## 5. Which are the specific legal provisions of EU public procurement law that raise problems?

Directive 2014/23/EU ('Concessions Directive')

Directive 2014/24/EU ('Classical Directive')

Directive 2014/25/EU ('Utilities Directive')

Directive 2007/66/EC ('Remedies Directive')

Please list the articles of the Directives and describe the issue you face (e.g., unclear, too strict/vague, meets contradictory interpretations or practices):

*5000 character(s) maximum*

## 6. Which are the patterns and behaviours that do not stem from wrong application or of legal uncertainty, but indicate possible problems in the application of public procurement rules?

In case your answer to any of these questions is yes, additional options will appear below to provide further details.

- 1. Preference for lowest price as award criteria negatively affective quality of the purchase (if yes, please specify below)
- 2. Frequent use of derogatory procedures (if yes, please specify justifications used for derogatory procedures)
- 3. Frequent use of shortest possible deadlines (if yes, please specify below)
- 4. Recurrent award of contracts to the same economic operator
- 5. Recurrent award of contracts to third country economic operators not covered by GPA or by other international agreement (if yes, please specify justification below)
- 6. Contract awarded in suspected situation of unfair competition (if yes, please see below)
- 7. Low use of green requirements or award criteria (if yes, please provide us with further explanation below)
- 8. Low use of social requirements or award criteria (if yes, please provide us with further explanation below)
- 9. Low use of procurement of innovation (if yes, please provide us with further explanation below)
- 10. Lack of monitoring of implementation of contract (if yes, please specify below)
- 11. Other issues (if yes, please specify below)

1. Preference for lowest price as award criteria negatively affective quality of the purchase, caused by:

- Lack of professionalisation

- Lack of resources
- Budgetary constraints
- Purchase of commonly used or off-the-shelf products, works or services

3. Frequent use of shortest possible deadlines due to:

- Lack of mid-term/long-term planning
- Situation of unexpected urgency
- Other justifications

7. Low use of green requirements or award criteria, caused by:

- Lack of governance
- Lack of professionalisation
- Lack of legal certainty
- Higher prices
- Lack of available offers on the market
- Other reasons

8. Low use of social requirements or award criteria, caused by:

- Lack of governance
- Lack of professionalisation
- Lack of legal certainty
- Higher prices
- Lack of available offers on the market
- Other reasons

9. Low use of procurement of innovation, caused by:

- Lack of governance
- Lack of professionalisation
- Lack of legal certainty
- Higher prices
- Lack of available offers on the market
- Other reasons

10. Lack of monitoring of implementation of contract due to:

- Lack of resources
- Lack of professionalisation
- Other reasons

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Planning by contracting entities and continuing training of contracting entities.  
<https://www.uvo.gov.sk/dohlad/analyticke-vystupy/analyzy-najcastejsich-poruseni>

## V. Qualitative reporting on application of public procurement review system



**1. Please indicate relevant figures for the national review system in the table below, as described below.**

(A) **Number of first instance review decisions** (all the first instance review decisions),

(B) **Median length of first instance reviews - median length of all the first instance reviews** (the number of calendar days between a starting date and an end date, where the starting date is when the complaint/action is registered and the end date is when the review decision is issued) and

(C) **Number of first instance review decisions that were appealed to the (next) judicial level and its results** - (all the first instance review decisions that were appealed to the (next) judicial level, both on merit or procedural reasons, in addition, it shall include the number of first instance review decisions that were

a) (primarily) upheld;

b) (primarily) rejected; or

c) neither upheld nor rejected by the (next) judicial level (e.g. because they were not yet decided, retracted).

	2021	2022	2023
A. Number of first instance review decisions	729	661	469
B. Median length of first instance reviews	61,66	62,66	65,21
C. Number of first instance review decisions that were appealed to the (next) judicial level and its results	60	42	25

**2. Indicate best practices** that are aimed at reducing the number of obstructive complaints/actions for review (A)

*5000 character(s) maximum*

**3. Indicate best practices** that are aimed at reducing the length of first instance review decisions as marked in the previous column (B)

*5000 character(s) maximum*

**4. Indicate best practices** that are aimed at reducing the number of first instance review that were appealed to the next judicial level as marked in the table above (C)

*5000 character(s) maximum*

## VI. Fraud, corruption, conflict of interests and other serious irregularities

Describe the actions undertaken and/or mechanisms put in place to ensure prevention, detection and adequate reporting of case of public procurement serious irregularities including fraud and corruption and conflicts of interests.

### **1. Regulatory requirements on:**

- Enhanced rules on the application of whistle-blower system
- Enhanced rules on transparency
- Enhanced rules on conflict of interest
- Enhanced rules on anti-corruption
- Enhanced rules on the application of exclusion grounds
- Other rules (if yes, please describe below)

### **1.1. Best practices.**

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

*5000 character(s) maximum*

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Act No.300/2005 – Criminal Code, general anti-corruption rules enshrined in the third part of the act (§ 328 to § 336)  
- Act No.54/2019 - Act on the protection of whistleblowers of anti-social activities and amendments to certain acts

- Public Procurement Act No.343/2015 (PPA) defines conflict of interests in § 23 par. 2 in particular as a situation if an interested person who can influence the outcome or course of public procurement has a direct or indirect financial interest, economic interest or other personal interest that can be considered as a threat to his impartiality and independence in connection with public procurement. The institute of conflict of interest applies to all types of orders.
  - § 32 par.1 letter a) PPA - participation ban for an applicant who is convicted of a crime of corruption in the conditions of participation
  - PPA defines, in relation to the conflict of interests, delictual criminal responsibility towards the interested person who does not report the conflict of interests (§ 182a Offences)
  - Great amendment of PPA No.395/2021 includes an amendment which according to § 11 par. 1 letter c) PPA prohibits concluding a contract with a supplier in public procurement if the final user of the supplier's or its subcontractor's benefits is a defined public official
  - The PPO may request the Antimonopoly Office of the SR for cooperation pursuant to § 167 par. 7 PPA - Supervision of public procurement, also informs him of suspicions of agreements restricting economic competition.
  - The PPO is authorized to request information from the Police Force or from law enforcement authorities in accordance with § 167 par. 4 PPA.
  - Act No.315/2016 on the register of public sector partners and on amendments to certain acts
  - Central Register of Contracts (CRZ) – public list of mandatorily published contracts - No.498/2011 - Regulation of the Government of the Slovak Republic establishing details on the publication of contracts in the Central Register of Contracts and information on the conclusion of a contract
  - the Government of the Slovak Republic by resolution No. 585/2018 approved the Anti-Corruption Policy of the Slovak Republic for the years 2019-2023. Each departmental body will adopt its own anti-corruption program
- The PPO developed the Anti-corruption Program from 06/2023 - it is a set of anti-corruption measures  
<https://www.uvo.gov.sk/index.php?eID=dumpFile&t=f&f=31380&token=6055506c4d2d44ee8d83181a0e5737199ac36db9>  
<https://www.uvo.gov.sk/index.php?eID=dumpFile&t=f&f=31368&token=cb7b81ae87e6334d98777c57a37f8af233dce026>
- The PPO, within its competence pursuant to § 152 PPA, maintains a list of economic entities that have demonstrated fulfillment of the conditions for participation in a personal capacity pursuant to § 32 par. 1 letter a) to f)
  - The PPO maintains a register of entities prohibited from participating in public procurement  
<https://www.uvo.gov.sk/zaujemma-uchadzac/registre-o-hospodarskych-subjektoch/zoznam-hospodarskych-subjektov>
  - For reporting suspected irregularities in public procurement, the PPO has established an email address: nezrovnalosti@uvo.gov.sk
  - The Ministry of Investments, Regional Development and Informatization of the Slovak Republic issued: Methodological instruction CKO No.35 on cooperation with the Antimonopoly Office of the Slovak Republic in the area of control of the public procurement financed from the EŠIF (risk indicators that could mean a violation of the rules for the protection of economic competition).  
Methodological instruction CKO No.13 on the assessment of the conflict of interests in the public procurement process (contains a sample affidavit regarding the absence of the conflict of interests, an overview of situations indicating conflict of interests). This document was transposed into the internal Order of the Chairman of the PPO No.1/2021 dated July 8,2021, which imposes the obligation to proceed in the public procurement process in accordance with the methodological instruction. All methodological instructions are freely available on the website: <https://www.partnerskadohoda.gov.sk/metodicke-pokyny-cko-a-uv-sr/>
  - On 1.1.2020, the Decree of the Office of the Government of the Slovak Republic No.400/2019 provides the Code of Ethics for civil servants, in which, among other things, the field of donations is regulated in more detail.

<https://www.uvo.gov.sk/o-urade/kariera/eticky-kodex-statneho-zamestnanca>

- Creation of an intermediary body as the only control body of Eurofund contracts: By Resolution of the Government of the Slovak Republic No.641 of November 3, 2021, the PPO was designated as the intermediary body for the "Program Slovakia" for the program period 2021-2027 (SO PSK). From the point of view of the organizational structure, its activity is separate from the PPO as the central body of the state administration for public procurement.

## 2. Enforcement measures:

- Reporting/monitoring system in place to prevent/detect fraud, corruption, conflict of interest and other serious irregularities
- Reporting/monitoring system in place to measure fraud, corruption, conflict of interest and other serious irregularities
- Systemic audit in place to prevent/detect fraud, corruption, conflict of interest and other serious irregularities
- Sanction system in place to remedy fraud, corruption, conflict of interest and other serious irregularities
- Other rules (if yes, please describe below)

### 2.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

*5000 character(s) maximum*

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

## 3. Soft law/Policy measures

- Guidance related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Recommendations related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Guidance on ethical conduct for public administration staff
- Guidance on fighting bribery practices
- Guidance on the detection of collusion/bid-rigging practices
- Guidance on compliance with competition rules
- National strategy to prevent fraud, corruption, conflict of interest, serious irregularities
- Action plan for the implementation of practices to prevent fraud, corruption, conflict of interest, serious irregularities
- Training/conference related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Reinforced cooperation among different state bodies
- Establishment of open-access information system to enhance transparency (public registry, declarations)
- Other measures (if yes, please describe below)

### 3.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

*5000 character(s) maximum*

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

- The PPO by implementing the national project "Increasing efficiency in the field of public procurement in Slovakia" financed from the European Social Fund through the Operational Program Effective Public Administration (03/2020 – 02/2023) within Activity No. 1 "Support for the unification of decision-making practice" introduced an innovative process of more effective identification of conflicts of interest in public procurement in control procedures. With the support of this project, a group of internal methodologists of the PPO was created, who analyze and evaluate risk identifiers and reveal a potential conflict of interests between the successful applicant and the procurement entity using a database license and other freely available resources. In this context, a step-by-step manual and a template/application for identifying conflicts of interest were created, which are available on the PPO's inner-system.

This procedural procedure was implemented in the internal Directive No. 1/2020 on the procedures prior to the initiation of the procedure for reviewing the actions of the auditee.

The PPO's ambition is to keep this process even after the end of the EU project, and in 2023 the PPO expanded the internal procedural procedure for examining conflicts of interest in public procurement in control procedures to several organizational units of the PPO. Individual departments have implemented this procedure in their internal guidelines. In this context, the internal step-by-step manual for identifying conflicts of interest was also modified. In 2023, the PPO purchased a new database system for the identification of connections, which draws from more resources than the previous system, and can also make a graphic visualization of the red flags found.

The mentioned measures significantly contributed to the effectiveness of investigation and disclosure of conflicts of interest and to the professionalism of supervisory activities.

The PPO, in cooperation with the OECD, organized within Activity No. 1 Support for the unification of decision-making practice online international workshop on October 18-19, 2021 entitled "On combating conflict of interests" published on the project website of the national project:

<https://zevo.uvo.gov.sk/zoznam-aktualit/aktualita/uvo-v-spolupraci-s-oecd-zorganizoval-medzinarodny-workshop-s-nazvom-o-boji-proti-konfliktu-zaujmov>

- On October 25, 2022, the PPO, in cooperation with the OECD, prepared the "Compendium of examples of good practice in the field of conflict of interests". The given examples are based on the experience gained so far and the knowledge of internal methodologies of the PPO from Slovakia and OECD countries.

<https://zevo.uvo.gov.sk/zoznam-aktualit/aktualita/zbornik-prikladov-dobrej-praxe-pre-oblast-konfliktu-zaujmov>

- On 28 February 2023, the PPO processed the document "Strategy for combating conflict of interests". This document transparently opens a view into the interior of the PPO and shows the steps taken by the PPO against the unfavorable phenomenon of conflict of interests.

<https://zevo.uvo.gov.sk/zoznam-aktualit/aktualita/strategia-na-boj-s-konfliktom-zaujmov>

- On February 22, 2023, the PPO organized a workshop entitled "On the correct implementation of the Public Procurement Act" in the premises of the Bôrik Hotel. Its aim was to provide space for discussion on the topic of conflict of interests.

<https://zevo.uvo.gov.sk/zoznam-aktualit/aktualita/uvo-zorganizoval-workshop-s-nazvom-o-spravnom-aplikovani-zakona-o-verejnom-obstaravani>

- On February 27, 2023, the PPO prepared the Analysis and methodology of the most frequent violations of Act V., in which it focused on implementation of the conflict of interest institute.

<https://zevo.uvo.gov.sk/zoznam-aktualit/aktualita/uvo-pripravil-dalsiu-analyzu-a-metodiku-najcastejsich->

poruseni-zakona-v

- On April 4, 2022, the PPO signed an Agreement on cooperation with the Office for the Protection of Whistleblowers of Anti-Social Activities for the purpose of developing mutual relations while ensuring effective protection of public procurement conditions.

<https://crz.gov.sk/zmluva/6310898/>

- On September 18, 2023, the PPO signed a Memorandum on cooperation with the Government Office of the Slovak Republic in the field of education development, prevention of corruption and creation of measures to improve the anti-corruption environment in the public procurement.

<https://crz.gov.sk/zmluva/8329180/>

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

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### SMEs' participation

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)

#### 1. Qualitative reporting on SME participation

Policy measures:

- Policy initiatives launched to support SMEs participation in public procurement;
- Measures targeting SME participation in different techniques for aggregated procurement (framework agreements, dynamic purchasing systems, and centralised procurement activities);
- Measures targeting the participation of start-ups and scale-ups in public procurement;
- Measures ensuring that payment for public contracts are made on time, especially in the case of SMEs;
- Measures addressing the payments to subcontractors;
- Guidelines for contracting authorities on the application of 'divide or explain' principle (concerning division into lots);
- Policy measures in place to monitor SME participation in subcontracting
- Other measures (if yes, please describe below)

Other measures, please describe below:

*5000 character(s) maximum*

The measures regarding payments to subcontractors are set out in Article 41 (7) of the PPA, which allows the contracting authority or contracting entity to stipulate in the draft contract or framework agreement that it will make payments for goods, works or services directly to the subcontractor who delivered the goods, performed or provided to the contractor if the subcontractor requests it.

Measures ensuring that payments for public contracts are made on time are set out in Article 340b paragraph 1 of the Commercial Code, if the debtor is the subject of public law according to Article 261 par. 3 and 5, is obliged to fulfill the monetary obligation from the delivery of goods or provision of services within 30 days from the date of delivery of the document or within 30 days from the date of proper performance by the

creditor, whichever occurs later.

The PPO as the central body of state administration in the field of public procurement does not have direct opportunities to provide program assistance and support to small and medium-sized enterprises (SMEs). To support SMEs, the Public Procurement Office (OPO) issued a document on 13.05.2020 entitled "What you need to know about doing business with the state."

Link to the update with the guide:

<https://www.uvo.gov.sk/aktualne-temy/aktualita/pomahame-najzranite%C4%BEnejsim-dokument-pre-malych-a-strednych-podnikate%C4%BEOv>

Another document that supported SMEs was issued on 03.06.2020 entitled "How to do business with SMEs."

Link to the update with the guide:

<https://www.uvo.gov.sk/aktualne-temy/aktualita/vyuzime-ich-potencial-ako-obchodovat-s-malymi-a-strednymi-podnikmi>

## 1.1. Best practices.

Indicate best practices that are aimed at encouraging the participation of SMEs in public procurement as marked in the previous column.

Please provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

Guidelines for public contracting authorities on the application of the "Division of contracts" principle are set out in Article 28 of the PPA - see links:

[https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?](https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=Delenie&organizacia=&cisloSpisu=&popis=&paragraf=28&month=&year=&ext=1&sort=datum&sort-dir=DESC)

[text=Delenie&organizacia=&cisloSpisu=&popis=&paragraf=28&month=&year=&ext=1&sort=datum&sort-dir=DESC](https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=Delenie&organizacia=&cisloSpisu=&popis=&paragraf=28&month=&year=&ext=1&sort=datum&sort-dir=DESC)

Guidelines for public contracting authorities on the application of the "Dynamic purchasing systems" principle are set out in Article 58 of the PPA - see links:

[https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?](https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=DNS&organizacia=&cisloSpisu=&popis=&paragraf=58&month=&year=&ext=1&sort=datum&sort-dir=DESC)

[text=DNS&organizacia=&cisloSpisu=&popis=&paragraf=58&month=&year=&ext=1&sort=datum&sort-dir=DESC](https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=DNS&organizacia=&cisloSpisu=&popis=&paragraf=58&month=&year=&ext=1&sort=datum&sort-dir=DESC)

[https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=Dynamick%C3%](https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=Dynamick%C3%BD&organizacia=&cisloSpisu=&popis=&paragraf=58&month=&year=&ext=1&sort=datum&sort-dir=DESC)

[BD&organizacia=&cisloSpisu=&popis=&paragraf=58&month=&year=&ext=1&sort=datum&sort-dir=DESC](https://www.uvo.gov.sk/metodika-vzdelavanie/metodicke-usmernenia-a-vykladove- stanoviska/metodicke-usmernenia-k-zakonu-c-343-2015-zz?text=Dynamick%C3%BD&organizacia=&cisloSpisu=&popis=&paragraf=58&month=&year=&ext=1&sort=datum&sort-dir=DESC)

## 2. Quantitative reporting on SME participation

Please quantify the impact of these best practices in the table below:

**2.1. Value of contracts directly awarded to SMEs over total value of awarded contracts – above threshold**

	2021	2022	2023
Value (in EUR million)	51%	48%	63%



**2.1.1. Value of contracts directly awarded to SMEs over total value of awarded contracts – below threshold**

	2021	2022	2023
Value (in EUR million)	83%	84%	90%

Please explain the calculation/assessment method used for collection of data.

Estimates of indirect participation of SMEs in public procurement and current attainment rate of the target set for SMEs participation are not available

**2.2. Number of contracts directly awarded to SMEs over total number of awarded contracts – above threshold**

	2021	2022	2023
Number	71%	72%	71%

**2.2.1. Number of contracts directly awarded to SMEs over total number of awarded contracts – below threshold**

	2021	2022	2023
Number	85%	84%	87%

Please explain the calculation/assessment method used for the collection of data.

5000 character(s) maximum

Estimates of indirect participation of SMEs in public procurement and current attainment rate of the target set for SMEs participation are not available

## VIII. Practical implementation of national strategic procurement

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### 1. Green procurement ('GPP')

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." [1] 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.

[1] Commission Communication (COM (2008) 400) "Public procurement for a better environment".

#### 1.1. What is the state of play of green procurement in your Member State? (regulatory requirements and policy measures related to GPP)

1.1.1. How do you in general evaluate the degree of the GPP implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
  - Existence of GPP policies/action plans,
  - Provisions of practical support to practitioners,
  - Results of monitoring of contracts which include sustainability requirements,
  - Results of monitoring of sustainable outcomes.
- Implementation is advanced
- Implementation is in progress
- Implementation is low

The broad objectives in GPP policies are met:

- Yes
- Partially
- Not yet

1.1.2. Existing GPP regulatory requirements in your Member State:

- General legal obligation imposing GPP goals
- Sectoral regulations requiring sustainable development including public procurement
- Sectoral regulations encouraging sustainable development including public procurement
- Other regulatory requirements (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

### 1.1.3. GPP policy measures applied in your Member State:

- Guidelines to encourage the use of GPP
- National strategy to encourage the use of GPP
- National action plan to implement measurable objectives in GPP
- National target of GPP in certain sectors/in public procurement
- Monitoring/reporting on the use of GPP criteria
- Existence of national competence centre/national network of experts to promote the use of GPP
- Existence of specific working groups to promote the use of GPP in specific sectors
- Mandatory regular trainings for the promotion of GPP
- Optional trainings/events/workshops for the promotion of GPP
- Online information tool on the use/on best practices of GPP
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

The Government of the Slovak Republic approved the Environmental Policy Strategy of the Slovak Republic until 2030 (Environstrategy). The goal of this strategy is to achieve a 70 % share of green public procurement from the total value of public procurement and a 70 % share of green public procurement from the total number of public procurement by 2030. As we mentioned above, the PPO implemented a national project entitled "Increasing the efficiency of public procurement in Slovakia," which was financed from the European Social Fund through the Operational Program Effective Public Administration (03/2020 – 02/2023). The goal of the project was within activity No.2 entitled Sustainable and strategic public procurement as well as long-term support of "strategic public procurement" in Slovakia through its individual components such as green, social and innovative public procurement. Detailed information about the project's activities (workshops / seminars / webinars) and outputs (methodology, examples of good practice) can be found at <https://zevo.uvo.gov.sk/dokumentacia/projektove-vystupy>.

The Ministry of the Environment of the Slovak Republic, in cooperation with the Slovak Environment Agency and the PPO, has prepared specific manuals for selected product groups to support the use of green public procurement, such as the procurement of road transport, copy and graphic paper, computers and monitors, cleaning products and cleaning services: <https://www.uvo.gov.sk/metodika-vzdelavanie/tematicke-materialy/spolocensky-zodpovedne-verejne-obstaravanie>.

Public procurement professionals can also find help in the form of the GPP helpdesk, where information related to green public procurement is provided: <https://www.sazp.sk/zivotne-poředrie/environmentalne-manazerstvo/zelene-verejne-obstaravanie-gpp/gpp-helpdesk>.

### 1.2. What are the key challenges for the uptake of green public procurement?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff

- Risk or a perception of a risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such risk exists
- Risk of legal actions for wrong application of GPP criteria or a perception of some public buyers that such risk exists
- Lack of policy guidance and support on GPP
- Lack of policy strategy on GPP
- Lack of guidance on implementation of GPP requirements/criteria in procurement procedures
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

Key challenges for increasing the uptake of green public procurement are:  
 strengthening cooperation between key actors at governmental level;  
 centralisation of public procurement at national and regional level;  
 preparation of model tender documents;  
 presentation of examples of good practice and exchange of know-how between contracting authorities;  
 strengthening the preparatory and post-contract phases (contract management).

## 2. Socially responsible public procurement ('SRPP')

Socially responsible public procurement 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 employment opportunities, decent work conditions, compliance with social and labour rights, social inclusion, equal opportunities and accessibility.

### 2.1. What is the state of play of SRPP in your Member State?

2.1.1. How do you in general evaluate the degree of the SRPP implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
  - Existence of SRPP policies/action plans,
  - Provisions of practical support to practitioners,
  - Results of monitoring of contracts which include social requirements,
  - Results of monitoring of social outcomes.
- Implementation is advanced  
 Implementation is in progress  
 Implementation is low

The broad objectives in SRPP policies are met:

- Yes  
 Partially  
 Not yet

2.1.2. Existing SRPP regulatory requirements in your Member State:

- General legal obligation imposing SRPP goals
- Mandatory requirements regarding employment from vulnerable groups
- Respecting minimum criteria on human- and labour rights in the value chain
- Specific SRPP requirements for the performance of contracts
- Mandatory exclusion grounds related to SRPP
- Sectoral regulations requiring equal treatment and non-discrimination

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

2.1.3. SRPP policy measures applied in your Member State:

- Guidelines to encourage SRPP
- National strategy to encourage SRPP
- National action plan to implement measurable objectives in SRPP
- National target of SRPP in certain sectors/in all sectors
- Monitoring/reporting on the use of SRPP criteria
- Existence of national competence centre/ specific working groups to promote the use of SRPP
- Mandatory regular trainings for the promotion of SRPP
- Optional trainings/events/workshops for the promotion of SRPP
- Online information tool on the use/on best practices of SRPP
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

In order to support the development of social public procurement, the PPO implemented a national project entitled "Increasing the efficiency of public procurement in Slovakia," which was financed from the European Social Fund through the Operational Program Effective Public Administration (03/2020 – 02/2023). The goal of the project was within activity No. 2 entitled Sustainable and strategic public procurement as well as long-term support of "strategic public procurement" in Slovakia through its individual components such as green, social and innovative public procurement. Detailed information about the project's activities (workshops / seminars / webinars) and outputs (methodology, examples of good practice) can be found at <https://zevo.uvo.gov.sk/dokumentacia/projektove-vystupy>.

Additional useful information regarding innovative public procurement can be found at the following hyperlinks:

- <https://katalogsp.sk/>
- <https://www.ia.gov.sk/narodny-projekt-institut-socialnej-ekonomiky/materialy-na-stiahnutie/index.html?csr=11044686885260323244>
- <https://socialnaekonomika.sk/category/priklady-dobrej-praxe/slovensko-priklady-dobrej-praxe/page/2/index.html?csr=10955577284773543050>
- <https://bratislava.sk/mesto-bratislava/transparentne-mesto/verejne-obstaravanie/zodpovedne-verejne-obstaravanie>



## 2.2. Key challenges – What are the key challenges in the uptake of SRPP?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such risk exists
- Risk of legal actions for wrong application of SRPP or a perception of some public buyers that such a risk exists
- Lack of policy guidance and support on SRPP
- Lack of policy strategy on SRPP
- Lack of guidance on implementation/insufficient implementation of policies on SRPP
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

## 3. Public procurement of Innovation

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&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 on both dimensions.

### 3.1. What is the state of play of procurement of innovation in your Member State?

3.1.1. How do you in general evaluate the degree of the innovation procurement implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
  - Existence of innovation policies/action plans,
  - Provisions of practical support to practitioners,
  - Results of monitoring of contracts which include innovation aspects,
  - Results of monitoring of innovation procurement.
- 
- Implementation is advanced
  - Implementation is in progress
  - Implementation is low

The broad objectives in policies supporting innovation are met:

- Yes
- Partially
- Not yet

3.1.2. Innovation policy measures applied in your Member State:

- Guidelines to describing the procurement of innovation
- National strategy to encourage the procurement of innovation
- National action plan to implement measurable objectives to procure innovation
- National target to procure innovation in certain sectors/in all sectors
- Monitoring/reporting on the procurement of innovation
- Existence of national competence centre/specific working groups develop policies on the procurement of innovation
- Mandatory trainings related to the procurement of innovation
- Optional trainings/events/workshops related to the procurement of innovation
- Online information tool on the use/on best practices related to the procurement of innovation
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the procurement of innovation. Please provide a link to any publicly available document relevant for the issues you indicated.

*5000 character(s) maximum*

In order to support the development of innovative solutions in public procurement, the PPO implemented a national project entitled "Increasing the efficiency of public procurement in Slovakia," which was financed from the European Social Fund through the Operational Program Effective Public Administration (03/2020 – 02/2023). The goal of the project was within activity No. 2 entitled Sustainable and strategic public procurement as well as long-term support of "strategic public procurement" in Slovakia through its individual components such as green, social and innovative public procurement. Detailed information about the project's activities (workshops / seminars / webinars) and outputs (methodology, examples of good practice) can be found at <https://zevo.uvo.gov.sk/dokumentacia/projektove-vystupy>.

Additional useful information regarding social public procurement can be found at the following hyperlinks:

- <https://www.mhsr.sk/inovacie/strategie-a-politiky?csrt=10945764742459504656>
- <https://www.mhsr.sk/inovacie/podporne-nastroje?csrt=10945764742459504656>
- <https://www.mhsr.sk/inovacie/podujatia?csrt=10945764742459504656>
- <https://www.mhsr.sk/inovacie/medzinarodna-spolupraca?csrt=10945764742459504656>
- <https://www.mhsr.sk/inovacie/podnikatelsky-zamer-na-realizaciu-inovativneho-projektu?csrt=10945764742459504656>

**3.2. Key challenges – What are the key challenges for the uptake of Procurement of Innovation?**

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of a risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such a risk exists
- Risk of legal actions for procedures carried out wrongly
- Lack of policy guidance and support on Innovation
- Lack of policy strategy on procurement of innovation

- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at mitigating indicated issues.

*5000 character(s) maximum*

## IX. The level of competition in public procurement

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### 1. Do you monitor the level of competition in public procurement in your Member State?

To assess please consider in particular: proportion of single bids, proportion of negotiated procedures without prior publication, proportion of cancelled tenders

- Yes, the level of competition is monitored
- Yes, the level of competition is partially monitored (not comprehensive for all the procurement markets)
- No, the level of competition is not monitored

**If the reply to the previous question is yes, please indicate whether the level of competition compared to the previous reporting period:**

- Increased
- Remained unchanged
- Decreased

**If the reply to the above question is yes, please provide best practices** (e.g.: including on the tools used, methodology, indicators, etc.)

*5000 character(s) maximum*

The PPO - the Supervision section for the period from 1/1/2021 to 31/12/2023 submitted several petitions to the Supreme Audit Office and the Antimonopoly Office to check efficiency or review compliance with competition rules.

### 2. Did you launch/complete a comprehensive analysis of main causes of the lack of competition on the public procurement market during the current reporting period?

- Yes, a comprehensive analysis of main causes of the lack of competition was launched/completed in the current reporting period
- No, a comprehensive analysis of main causes of the lack of competition was not launched/completed in the current reporting period
- No, a comprehensive analysis of the main causes of the lack of competition was not launched/completed in the current reporting period as the level of competition is satisfactory

### 3. What are the sectors mostly concerned by low competition?

Please list the sectors concerned:

*5000 character(s) maximum*

Please list other relevant factors (for example regions, areas, level of administrative level, type of public buyer, calendar period):

*5000 character(s) maximum*

**4. What are the main causes for the decrease in competition?**

- 1. Structure of the market (e.g. size of the market)
- 2. Market concentration in the sectors concerned
- 3. Recurrent, particularly low number of bidders due to (if yes, please specify below):
- 4. Low attractiveness of the public procurement market, in particular (if yes, please specify below):
- 5. Anticompetitive market practices (collusions)
- 6. Other reasons (if yes, please specify below)

Please provide a link to any publicly available document relevant for the issues you indicated:

*5000 character(s) maximum*

## X. Additional information

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Please provide any other information you consider relevant:

*5000 character(s) maximum*

In 2023, the PPO switched to a new information system - eFORMs, in which the data were correctly migrated only until 30/9/2023; then there were problems with the availability of data and their export, which are currently being resolved and deficiencies are being eliminated. Therefore, only data for the period from 1/1/2023 to 30/9/2023 were processed for this monitoring report "Procurement Monitoring Report Template". In the analysis, the data for the type of "concession" and "design contest" procedures were not taken into account.

### Contact

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