

Detailed and up-to-date methodological manual

Summary

Public procurement methodological manuals are explanatory documents that act as reference guides for buyers when conducting procurement procedures.

Methodological manuals can take one of many forms, including among others: guidance manuals, procurement best practice guides, walkthroughs or vade-mecums and compendiums. However, their objective is broadly the same and is generally twofold. On the one hand, methodological manuals explain the theoretical and legal background of the public procurement system in the MS. On the other hand, they give practical information regarding the implementation of the procurement legislation through examples, cases and advice.

Typically, methodological manuals are made available electronically, mostly PDF and web-based formats. While PDF formats allow to easily print the manual and have it at hand, web-based formats are useful when searching for specific information.

More recently, MS have tried to present methodological guidance in a more interactive way by developing them in the form of web-based guides. The idea is to have a dedicated portal that describes procedures to be carried out by contracting authorities, from the needs identification to reviewing procurement performance indicators, and that provides additional support tools such as standardised tender documents and checklists. Web-based guides offer interactive features such as links to relevant legislation and jurisprudence. Some web-based guides are planned to be interoperable with MS e-procurement systems in the long-term, so that contracting authorities can automatically access these support tools when logging on an e-procurement platform.

The potential value of methodological manuals depends heavily on the extent to which it reflects current procurement rules and regulations. As such, in order to be effective these materials must be updated to reflect amendments to national and EU-level laws and regulations, major developments in case law and changes to procurement systems that affect the step-by-step guidance on how to perform each procurement procedure.

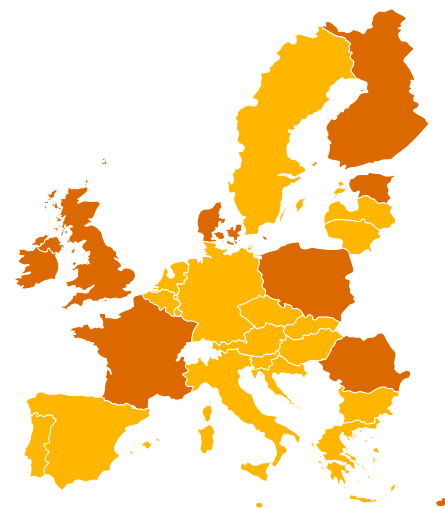
The main benefits of methodological manuals include time saving in performing procurement procedures, increased legal certainty and reduced errors.

Related Good Practices

- Helpdesk for contracting authorities
- One-stop shop procurement portal
- Targeted thematic guidance material

Good Practice Examples

- ✓ Cyprus
- ✓ Denmark
- ✓ Estonia
- ✓ Finland
- ✓ France
- ✓ Ireland
- ✓ Poland
- ✓ Romania
- ✓ United Kingdom



Impact

Ensure better compliance



Methodological manuals give practical advice on how to correctly implement public procurement rules, thereby limiting the risk of irregularities and errors.

Promote professionalisation



Methodological manuals allow practitioners to be better informed about rules, procedures and practices in public procurement, helping them to carry out their tasks more effectively.

Input

Cost – €€

- Medium set-up cost (e.g. dedicated staff to draft the guidance documents)
- Low operations cost



Time – 6 to 12 months



Complexity – Low

- Consult with procurement experts and users for drafting the manual
- Implement HTML functionalities
- Disseminate and promote information
- Update the manual regularly, in particular in case of legal changes



Key success factors and potential pitfalls

Consult with audit authorities for consistency purposes

It is important to consult a wide range of stakeholders, including the relevant national auditors and review bodies, to ensure consistency in the guidance provided. Practitioners will align their behaviour with the institutions performing controls, therefore the guidance needs to reflect their point of view.

Keep it comprehensive and up to date

In order to prove useful for practitioners, the manual should be comprehensive and cover the entire lifecycle of a public contract: from needs identification of the procurement to the completion of the contract. In addition, the manual must reflect latest changes to the law and should thus be regularly updated.

Make it detailed and practical

Different procurement methods should be described precisely and could be summarised in flowcharts to provide users with a practical view of the step-by-step process. Practical examples should also be presented to ensure that theoretical information is well grounded in practice.

Provide clear structure and easy navigation

The manual should be structured with sections and subsections that clearly identify the type of information it contains and that can be consulted independently without having to read what is before or after.

Promote and disseminate

Adequate awareness-raising activities should take place to make sure all contracting authorities and procurers know where to find the methodological manual.

Avoid delays in publication

Producing a complete and comprehensive public procurement manual takes time. Therefore, planning its design and write-up in advance is crucial to ensure a timely publication. Failures to provide procurement practitioners with adequate material at the time new public procurement laws take effect may lead to delays in procedures, errors and subsequently lead to significant administrative burden.

Case Studies (1)

Cyprus – Public Procurement Best Practice Guide

Concerned by the fact that contracting authorities are struggling to perform their work, the Public Procurement Directorate (PPD) of the Treasury of the Republic of Cyprus has developed a best practice guide on public procurement.¹ This guide provides public procurers with detailed information about the national public procurement law transposing EU 2014 Public Procurement Directives. The PPD mandated a consortium of two consulting firms to elaborate the best practice guide. The first iteration of the guide was published in October 2007 and has been updated repeatedly since then.

The guide covers the entire lifecycle of a public contract and provides practical instructions and guidelines as regards to the correct and effective application of the Community and national public procurement legislation. To this end, the guide is structured around seven chapters that individually correspond to a phase of the procurement lifecycle. Chapters are relatively independent and can be studied separately from each other. For instance, the last chapter of the guide proposes good practices in project management, an aspect that is often overlooked in these types of manuals. Here the emphasis is not only on the correct application of the law and the respect of procedures, but also on planning, executing, monitoring and controlling the contract implementation.

In addition, support material such as standardised tender documents for the award of public works, supplies or services contracts for open, restricted or simplified procedures are also available in the Annexes to the guide.

In terms of format, the guide is available in HTML on a dedicated website, and each chapter can be downloaded as a PDF file as well. In order to make the guide easy to follow, visual, user-friendly and specific symbols are used to indicate:

- When a good practice is only recommended as a suggestion;
- When an element is absolutely crucial and special attention should be paid to it;
- When a practice is rather a lesson learnt and should therefore be avoided;
- When additional information is provided for a key topic;
- When support tools or techniques are available to simplify the procedure's implementation.

Case Studies (2)

France – Vade-Mecum of public procurement

The Directorate of Legal Affairs (DAJ) of the French Ministry of the Economy and Finances (*Minefi*) is in charge of the development of the national public procurement law. The DAJ is France's main procurement body, tasked with representing France in public procurement councils and expert groups nationally and internationally. It also plays a key role in providing legal advice to central, regional and local public administrations.

The DAJ has produced a comprehensive manual on public procurement called the Vade-Mecum of Public Procurement.² This manual is the result of the work of a taskforce composed of legislative experts within the Ministry with extensive knowledge of public procurement rules and experience in advising contracting authorities.

The manual is extensive and structured around four main sections. The first section is divided in five sub-sections that each cover a phase of the procurement lifecycle, for which good practices and examples are provided. The second section complements the first one by providing technical fiches on key topics at each phase of the procurement lifecycle such as sector-specific procurement information. The third section provides several tables summarising the rules, times and thresholds for publishing and awarding contracts according to the different procurement procedures. Tables are available for both public entities falling under the Public Procurement Code including the State and state public institutions, local authorities and local public institutions, public health establishments, and contracting authorities falling under the Ordinance of 6 June 2005. The last section contains flowcharts illustrating the different steps in conducting the following six types of procurement procedures:

- Open procedures;
- Restricted procedures;
- Competitive dialogue procedure;
- Negotiated procedure with prior advertisement;
- Negotiated procedure after prior advertisement;
- Specialised procedure.

Finally, at the end of the manual, an index of procurement related terms is available, where each term is linked to a relevant technical fiche or a paragraph within the manual.

The Vade-Mecum is available in PDF and HTML formats and can also be consulted on a tablet. Being both a practical tool and a reference book for interpreting the law, the manual has become popular among procurement practitioners, as well as within academia.

Contact

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¹ Public Procurement Directorate, "Best Practice Guide on public procurement" (2008), see: <http://www.publicprocurementguides.treasury.gov.cy/OHS-EN/HTML/index.html>

² Direction des Affaires Juridiques, "Vade-Mecum des marchés publics (2015)", see: <http://www.economie.gouv.fr/daj/vade-mecum-des-marches-publics-ed2015>