

Targeted thematic guidance materials

Summary

Targeted thematic guidance materials are documents, short video tutorials, or similar tools, aimed at providing practical information on specific procurement related themes, measures or processes.

Guidance material can provide support for technical aspects of public procurement such as explaining key steps of a procedure or a sub-process that has to be conducted according to the law. Usually, such procedures concern the pre-award and the award phase of the contract. Common examples include guidelines on how to evaluate offers, how to perform framework agreements, how to conduct e-procurement and how to use the national e-procurement system. Guidance materials may also provide explanations of transparency requirements for publishing contract notices and contract awards as per national law and other compliance-related themes.

Guidance material can also cover aspects of procurement considered optional or sector-specific. Such support material can include guidance for IT procurements, health sector related procurements, guidance on how to integrate strategic procurement or green public procurement criteria, or how to spot corruption and bid-rigging.

Typically, guidance materials are produced by the Public Procurement Office or by the national body responsible for drafting public procurement laws. Sector-specific guidance, however, is usually prepared by the relevant ministry, industry associations and NGOs, as they are more knowledgeable and have extensive experience working in a specific sector.

The main benefits of targeted thematic guidance materials include time savings when preparing tender documents, more tailored and fit-for-purpose tender specifications, increased legal certainty when conducting procurement procedures, and reduction of irregularities and errors. Ultimately, achieving such results contribute to better quality procurement and more knowledgeable and professionalised procurers.

Input

Cost – €

- Low set-up cost (e.g. dedicated staff to draft the guidance documents)
- Low operations cost (e.g. update of published materials)



Time – Less than 6 months



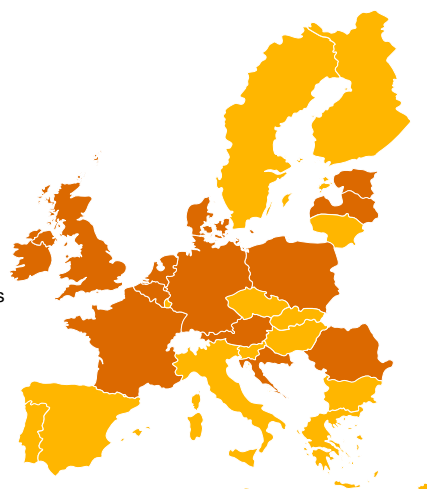
Complexity – Low

- Involvement of industry or other stakeholders for input to guidance materials
- Dissemination and promotion activities
- Regular and timely update of information, particularly concerning legal and regulatory aspects



Good Practice Examples

- ✓ Austria
- ✓ Belgium
- ✓ Croatia
- ✓ Denmark
- ✓ Estonia
- ✓ France
- ✓ Germany
- ✓ Ireland
- ✓ Latvia
- ✓ Poland
- ✓ Romania
- ✓ The Netherlands
- ✓ United Kingdom



Impact

Ensure better compliance



Targeted thematic guidance material contribute to clearer and more tailored tender specifications for works, supplies or services contracts. Furthermore, compliance with specific aspects of procurement law, such as transparency and reporting requirements, is a common topic for targeted guidance materials. As such, their creation and use reduces the risk of errors and potential changes to the contract once it has been awarded.

Promote professionalisation



Procurers who use targeted thematic guidance materials when conducting procurements in the same sector on a regular basis develop specific knowledge and eventually become more experienced procurers.

Related Good Practices

- Detailed and up-to-date methodological manual
- Library of strategic procurement criteria
- One-stop shop procurement portal
- Helpdesk for contracting authorities

Key success factors and potential pitfalls

Stay up-to-date

In order to be useful for practitioners, targeted thematic guidance should be updated to reflect the latest changes in the law and regulations. Updates to guidance material should be timely, ideally being released before new rules go into effect.

Rely on private stakeholders

When deciding which targeted thematic guidance materials are most needed, it is recommended to look at what is already available on the market. Industry associations for instance might have already studied best practices in conducting procurements in the sector they are active in. Therefore, they might already have prepared specific guidelines or support material for procuring works, supplies or services in that specific sector.

Have one unique template design

Facilitating readability and user-friendliness of the material is key in saving procurers' time understanding the purpose and content of the material. Therefore, consistency in the structure and layout across all different guidance material is important.

Promote and disseminate

Sufficient awareness raising methods should be put in place to make sure all procurers know where to find the guidance material.

Maintain consistency at audit

Targeted guidance needs to be consistent with the practices implemented by national audit authorities to ensure legal certainty for practitioners. Thus, consulting with audit authorities at the time of developing the guidance is important.

Case Studies

United Kingdom – Guidance material on Public Contracts, Utilities Contracts and Concession Contracts Regulations

The Crown Commercial Service website hosts a section dedicated to EU procurement Directives and the UK regulations including related guidance and training material aimed at explaining and supplementing policy notes, i.e. official documents that announce the entry into force of a specific measure introduced by the public procurement law.¹ More than 15 detailed and subject-specific guidance documents are available.

Topics covered by subject-specific guidance materials range from guidance on standstill periods, changes to procedures, amendments to contract during their execution, to subcontracting provisions, transparency requirements to publish in the public contract registry, framework agreements and social and environmental guidance.

Thematic guidance materials are available in PDF or as editable documents and can be easily downloaded and printed. All guidance materials are structured in the same way and uses the same template. Therefore, users rapidly learn how the information is organised and can quickly identify the type of information contained. This also ensures that the same level of information is provided across all thematic guidance materials.

Latvia – Sector-specific recommendations from The Procurement Monitoring Bureau (IUB)

The Procurement Monitoring Bureau (IUB) of the Latvian Ministry of Finance publishes sector-specific support material in the form of guidelines and recommendations.² To do so, the Bureau relies on the experience and expertise of non-governmental organisations and industry associations that prepare support material in the form of good practices and recommendations.

Sector-specific guidelines are based on economic operators' experience acquired on the job and in participating in several procurements in a specific sector. They shed light on key issues and the most frequent problems encountered in the sector in order to help contracting authorities better understand sector specificities. Sector-specific guidelines available on the IUB's website cover construction, furniture, food service, medical equipment, security services, credit guarantees, car delivery and long-term lease purchases, IT procurements, business travel services, cleaning services, and management consulting and training services purchases, as well as guidelines on corruption prevention in public procurement and competition law.

The IUB conducts dissemination and promotion activities for these thematic guidelines. However, it can neither be held responsible for the accuracy of the content provided nor for reflecting all economic operator's point of view. Thematic guidelines only provide recommended actions and cannot guarantee the successful outcome of procurement procedures.

Latvia has relied on industry experts to produce thematic guidelines. This ensures that information provided is grounded in practice and has proven useful in concrete situations. However, because sector-specific guidelines are produced by different industry associations, the length, layout, and the level of detail of guidance documents vary from one guideline to another.

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¹ See: <https://www.gov.uk/guidance/transposing-eu-procurement-directives>

² See: <https://www.iub.gov.lv>