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# KEY ROLES AND FUNCTIONS OF THE PUBLIC PROCUREMENT AUTHORITIES – INTERNATIONAL PRACTICES

## Albania

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# Public Procurement Agency-Albania

- Established for the first time in 1995 (following the adoption of the first PPL no. 7971, of date 26 July 1995);
- Central Institution, under Prime Minister authority (currently operating on the basis of a new PPL 162/2020);
- PPA is chaired by the General Director (PPA in Albania is not a collegial institution)
- PPA General Director is appointed by Prime Minister and is part of the Top Level Corp of civil servants.





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# Internal organization

❖ Actual staff: 44 employees working in 5 different units:

1. Legal and Procedures Monitoring Unit;
2. Coordination and Contract Monitoring Unit;
3. Integration and Implementation of Strategic Policies Unit;
4. Data Management and Publication Unit;
5. Support Services Unit.

**Web address: <https://www.app.gov.al>**





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# PPA evolution competences and structure

- **1995 – 2010 PPA** had regulatory, monitoring and review competences as well.
- **Since 2010** PPA has no more review competences (exercised by Public Procurement Commission).
- The PPL of 2020 (applicable as of 2021) provided for the first time the competences to monitor contract execution.
- Gradual increase of the staff from 23 to 44.

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# Areas of competences

- PPA has competences provided in 4 laws, in the following sectors:
  - Full regulatory and monitoring competences in classic public procurement procedures (Public Procurement Law);
  - Publication and monitoring competences in defense and security procurement system (Law on Defense and Security Procurement Procedures);
  - Publication and monitoring competences in concessions and public-private partnership procedures (Law on Concessions and PPP);
  - Publication and monitoring competences in public auctions procedures (Law on Public Auctions).





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# PPA competences on classic public procurement

The Public Procurement Agency performs the following functions:

- submits (to the Prime Minister) legal and sub-legal proposals on public procurement;
- issues decisions, guidelines and recommendations for the proper implementation of the legal framework on public procurement;
- adopts, by a decision, the standard tender documents,;





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## PPA competences on classic public procurement

- provides advice and assistance in the field of public procurement,
- verifies the proper implementation of public procurement procedures:





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# PPA competences on classic public procurement

- monitors the contracts execution based on periodic reports of contracting authorities or entities;
- imposes fines according to the provisions of PPL, or proposes to the head of the contracting authority or body or higher bodies disciplinary measures for individuals of contracting authorities or entities, who have committed these violations;





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# PPA competences on classic public procurement

- excludes an economic operator from the right to be awarded public contracts;
- manages the database of procurement procedures in the electronic procurement system;
- analyses public procurement data and prepares statistical reports;





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# PPA competences on classic public procurement

- cooperates with international institutions and other foreign entities on issues that relate to the public procurement system;
- plans and coordinates foreign technical assistance to Albania in the public procurement sector;
- cooperates with the institutions responsible for providing training for public institutions, in order to build institutional capacities and professionalize the public procurement system in general;





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# PPA competences on classic public procurement

- submits an annual report to the Prime Minister on the overall functioning of the public procurement system.
- cooperates with the contracting authorities, the Public Procurement Commission, other institutions, as well as the auditing bodies, on issues related to the public procurement system, in view of the efficiency of this system;

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# PPA challenges on new legal package

- **Taking the leadership of public procurement reform in Albania**

*Have to be highly professional, within legal boundaries, coherent and sustainable in our decision making and trustful.*

- **Increase internal capacities first, to be able to assist and train all contracting authorities on new legislation**

*It is very important that every one who represents the PPA, while speaking, is professional and knowledgeable on the topic.*





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# PPA challenges on new legal package

- **Setting up good communication with contracting authorities**
  - ✓ *Especially at the first year of application of new legislation, it's very important to understand how it is applied in practice, and if there are clauses or rules that are not clear, or that need to be amended. Communication via email is the most convenient communication way*
  - ✓ *publishing recommendations, instructions and manuals,*
  - ✓ *CAs always try to use PPA opinions to support their decisions.*





# PPA challenges on new legal package

- **Good coordination with the Review Body (PPC).**

*Coordination between PPA and PPC means that both institutions should read the rules at the same way. It does not always happen and that is why coordination is a challenge. Coordination is a must, otherwise it will impact the efficiency of the whole procurement system.*

- **Managing the e-procurement system**

*Application of an e-procurement system demands continuous efforts to keep it running safe and update it to the newly introduced procurement rules.*





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**Thank you for attention!**

