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

Croatia

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Historical background

- **2003 – 2008**
 - Public Procurement Office (PPO) – Government Office
 - Ministry of Finance – in charge for legislation
- **2008**
 - beginning of the reform process of the public procurement system
 - requirements of the EU accession process

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Historical background

- **2008**
 - PPO didn't have adequate capacities for management of the reform process
 - non-adequate position within state administration
 - non-adequate managerial capacities
 - decided to transfer responsibility for public procurement system to ministerial level
 - PPO was transformed into the Directorate for Public Procurement System within the Ministry of Economy

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Public Procurement Authority

- today - **Directorate for Trade and Public Procurement Policy (PP Directorate)**
- within the **Ministry of Economy and Sustainable Development**
- Public Procurement Law – defines competences of the “central state administration body in charge for public procurement policy”

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Competences of the PPA

- Strategic development of the national PP policy
- Drafting laws and regulations on public procurement
- Monitoring and coordination of the PP system
- Expert assistance on implementation of the PPL and subordinate legislation
- Administrative supervision of the PPL implementation

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Competences of the PPA (2)

- Initiation of misdemeanour procedures defined in the PPL
- Carrying out control procedures
- Training in public procurement sector
- Drafting of the statistical reports

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Competences of the PPA (3)

- Setting up and maintaining of the Public Procurement Portal (website with all relevant information)
- Administrative control over providing services of the e-Procurement Portal
 - managed by the Official Gazette Ltd
- international cooperation in the public procurement sector

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Overview of the PPA competences

- strategic and coordinative
- regulatory
- advisory
- training
- control and monitoring
- reporting
- administrative control over e-procurement
- cooperation

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PPA structure

- Directorate for Trade and Public Procurement Policy – part on public procurement:
- Sector for public procurement policy
 - Service for expert assistance and control
 - Department for expert assistance
 - Department for control
 - Service for system improvement and international cooperation
 - Department for international cooperation, development and system harmonization
 - Department for monitoring, analytics and reporting
 - Department for training





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Challenges of the PPA work

- **Regulatory function** – finding adequate balance between tackling issues identified in practice and need for stable legal framework, not changed to often
- **Advisory function**
 - it needs to be fast and efficient – use of email, phone, etc. opposite to much longer sending of official memos
 - publishing of FAQs, manuals, instructions with practical examples

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Challenges of the PPA work (2)

- **Advisory function**
 - contracting authorities - trying to get opinions being into their favour (providing selected information) or using PPAs opinions as "fig leaf" for justifying their proceedings, not always in line with the PPL
 - example – asking opinions in case of direct award of contracts
 - PPA – always emphasising that opinion is based only on provided data and that responsibility for procedure is on the contracting authority





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Challenges of the PPA work (3)

- **Advisory function**
 - providing advices and instructions that are in line with decision making of other institutions
 - review body, courts
- **Coordination and cooperation**
 - not all institutions willing to discuss and cooperate on identified implementing issues

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Challenges of the PPA work (4)

- **Training**
 - very resource consuming
 - Croatia introduced system combining external (market) and internal (PP Department) resources
- **Control function**
 - political pressure always present – need for strong leadership

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Thank you for attention!