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

TURKEY

31 March 2022





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TURKISH PUBLIC PROCUREMENT AUTHORITY (PPA)

AGENDA

- Historical Background
- Organisational Structure
- Main Duties
 - Regulation
 - Dispute resolution
 - E-procurement
 - Training
 - International relations
 - Other duties

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Historical Background

- Establishment of the PPA is a stunning **institutional reform**.
- **In the previous system, there were too many actors** such as:
 - The Ministry of Public Works and Settlement, The Ministry of Finance, The Court of Accounts.
 - None of them were responsible for the whole sector.



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- In order to fill that need, PPA was established by Public Procurement Law (PPL) No. 4734 in 2002.





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Public Procurement Authority

- PPA was established by PPL No. 4734 in **2002**.
- PPA is a **regulatory and supervisory** body.
- PPA is a public authority with **legal personality**
- PPA is linked to the **Ministry of Finance**
- PPA has **administrative and financial autonomy**
- PPA is **independent** in fulfillment of its duties.
Nobody can issue orders or instructions to influence the decisions of the Authority.

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Organisational Structure

PPA consists of

Presidency

Public Procurement Board

Service units.

Presidency

- The president of the PPA is also the chairman of the Board.
- Executive body of the PPA is **Presidency + 4 deputy presidents + 15 departments.**
- **The president is liable for:**
 - The general management and representation of the PPA
 - Execution of decisions taken by the Board

Public Procurement Board

Board members of the PPA **are assigned for a period of 4 years.**

A member can be elected **more than once.**

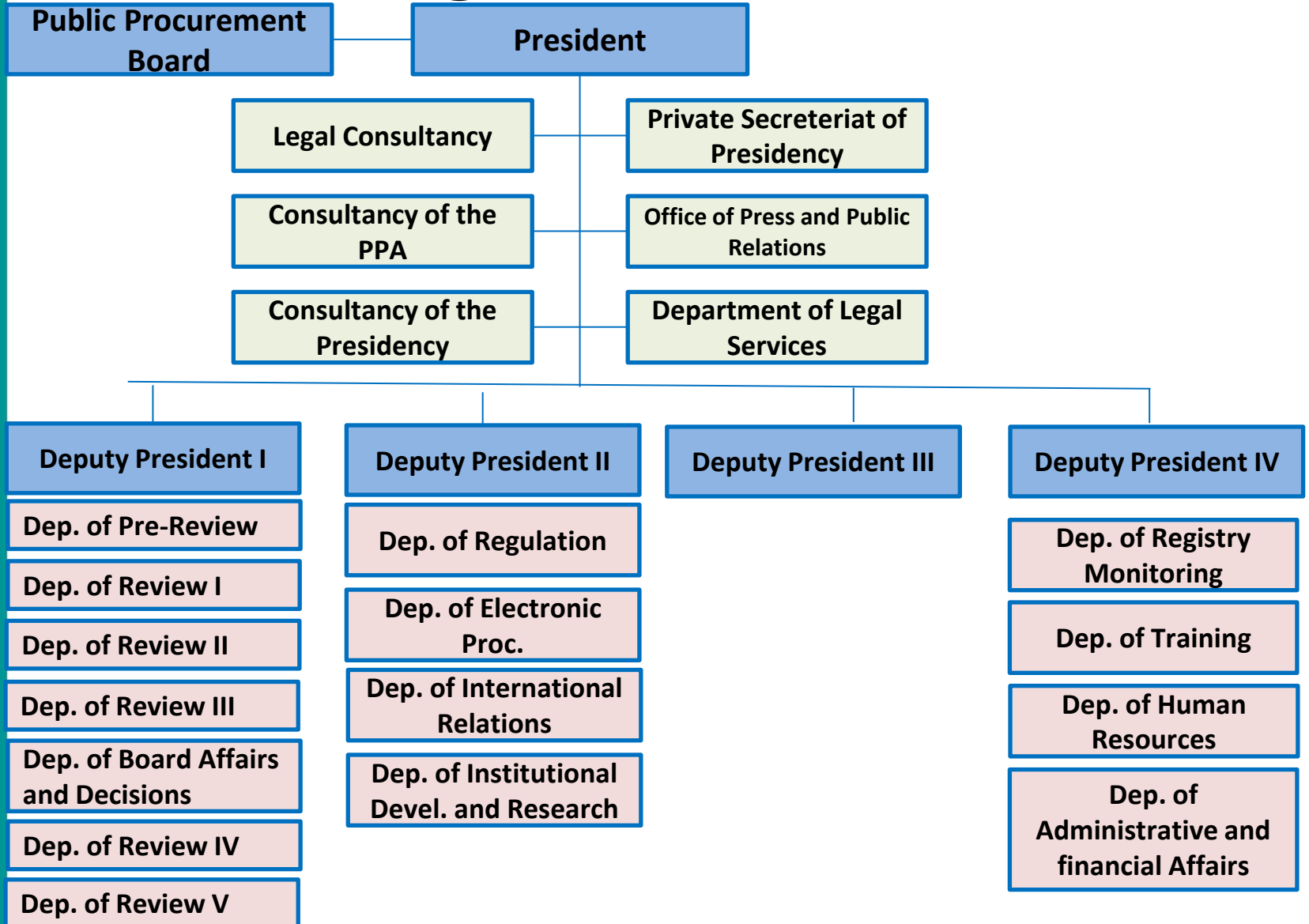
- **Board members can not be dismissed before their term is over unless:**
 - **They become incapable to work** due to illness or lose the conditions to be assigned as Board Member or
 - **Found guilty** of a infamous crime or professional misconduct.





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Organizational Chart



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Revenues of the PPA

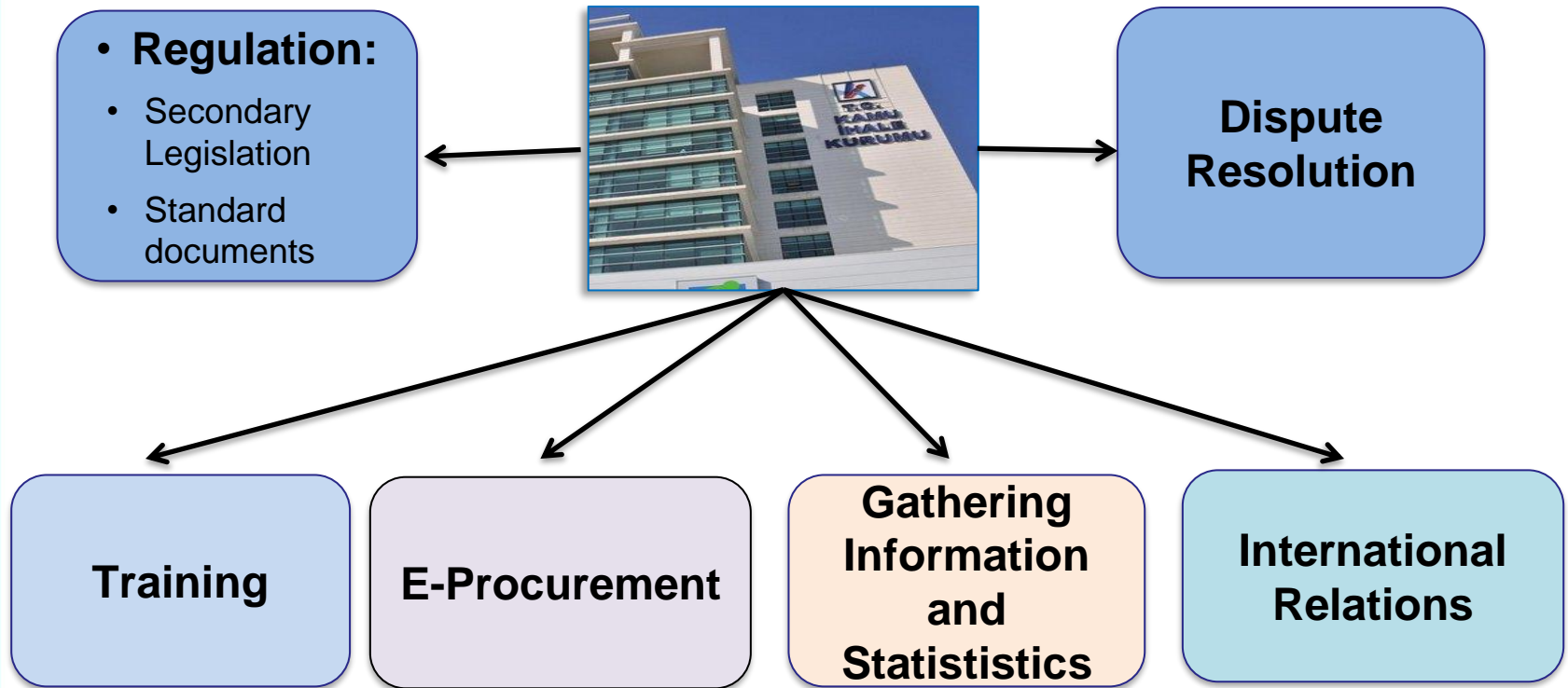
- **Five per ten thousand (0,05%) of the contract price** to be collected from the contractors for the contracts whose **value exceed TRY 1.456.202 (\$98.120)** (year 2022)
- **2) Compliant fee** collected from **complainants (TRY 13.819 – 55.316) (\$ 931 – 3727)**
- **3) Revenues from activities** such as training programs, courses, seminars and meetings
- **4) Revenues** to be obtained from all kinds of printed papers, forms, publication of notices, documents, and other publications
- **5) Supports from the general budget**, when necessary
- **6) Other revenues**





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Main duties of the PPA



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Regulatory Activities

Regulation

- Implementation Regulations on: Procurement of Goods, Procurement of Services, Procurement of Consultancy Services, Procurement of Works, Framework Agreements, Electronic Procurement standard bidding documents, draft contracts, specifications
- Other regulations: Regulation on Complaints, Regulations on Inspection and Acceptance

Communiqué

- General Communiqué on Public Procurement
- Communiqué on Complaints
- Communiqué on the usage of EPPP
- Communiqué on the implementation of additional price difference (escalation)
- Communiqué on similar work groups in the procurement of works

Other

- Regulatory Board decisions
- Involvement in the preparation of draft laws

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Regulatory Activities

Secondary legislation adopted by the **PPA** is amended from time to time based on:

- Problems encountered in **practice, court decisions and changes in the primary legislation**

Amendment of primary legislation relating to public procurement is also carried out with the involvement of the PPA

Regulatory activities of the PPA include intense **consultation process with the relevant stakeholders**

Best international practices and implementation in other developed countries are taken into account in preparation of draft regulations





Dispute resolution

Complaint Process to CA

Complaint Against the Decision of CA to PPA

Judicial Process





Dispute resolution

- **Number of Complaints by Years**

Years	Number of Complaint
2021	2.343
2020	2.316
2019	1.864
2018	2.017
2017	3.526
2016	3.395

In 2021, complaints submitted to the PPA is approximately **3,25 %** of all procurements subject to the PPL.



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E-procurement

History

- 2004 Receiving Contract Notices by e-mail
- 2005 Public Procurement Platform was established
- 2008 Articles related to EPPP was added to the Public Procurement Law
- 2009 The studies and facilities to establish EPPP has started
- 2010 EPPP (Electronic Public Procurement Platform) became operational.

Main Achievements

- Preparation and publication of electronic contract notice and contract award notice,
- Preparation, publication and downloading of tender documentation,
- Conducting procurement transactions on EPPP (such as preparation of tender evaluation records)
- Black list confirmation, Tender Search, Tender Status, Data Collection and Storage,
- Electronic inquiry of information such as tax liabilities, balance sheets, income statements, social security premium debts of tenderers,
- Electronic notification to economic operators
- Electronic submission of bids was initiated in the last quarter of 2016
- E-auction in open or restricted procedures
- E-complaint to CA and PPA

Target

- Making e-procurement obligatory
- Increasing use of electronic means in contract management stage

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Training Activities

Training of Stakeholders

- Trainings in cooperation with academic institutions
- Trainings Organized by the PPA
- Trainings Based on CAs Requests

In-service trainings

- Training of Assistant Experts
- Training of Other Staff Members

Ekap Academy

- E-learning platform called “EKAP Academy” was initiated
- <http://ekapakademi.kik.gov.tr/>
- The platform is free and doesn't require membership
- Interactive training videos, written documents, glossary of procurement terms etc.

Years	# of People Participated to Trainings
2021	4718
2020	2396
2019	9612
2018	8588

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International Activities

Aim

- Support the **improvement of legislation in EU Accession Process**
- Following **int. developments and applying the best practices** in the Authority
- Supporting **international agreements**

Principle

- **Pioneering activities** contributing to the country and the PPA
- **Improving relations in the field of public procurement** in accordance with the role of our country in foreign relations

Meetings

- **EU Countries**
- **International Organizations** (OECD, EU, WB, EBRD, etc)
- **Other Countries**

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Other Duties of PPA

- Providing opinion to CAs on public procurement
- Publication of Public Procurement Bulletin
- Keeping blacklist of economic operators
- Compiling statistics on public procurement and publishing them

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Thank you for attention!