

SME_Public_Procurement_survey_2018

Fields marked with * are mandatory.

Reporting on public procurement for SMEs: questionnaire for business organisations

Dear business organisations with knowledge in the SME field,

The questionnaire is part of the work of the SME Envoy Network and aims to compare SMEs' access to public procurement in the Member States. It is structured around the four following points:

- the transposition of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on the award of public contracts;
- the administrative and legal procedures;
- the selection and award criteria;
- payments.

The approach here is to address the challenges faced by SMEs with regard to the award and obtaining of public procurement contracts at the national (federal) level. At the same time a questionnaire on the same themes is presented to the procurement officers in the 28 EU states. It is therefore a bottom-up approach which should help better identify existing problems in practice. In this respect, the questionnaire differs from that sent by the Commission this year as it directly addresses the practical aspects of the implementation of the legislation underlying the transposition of Directive 2014/24/EU. [1]

The report based on the answers of this questionnaire will be summarised and discussed in a report under the auspices of the EU SME Envoy network. The results will give insights on how to make public procurement easier for SMEs, where needed.

About filling in the survey

The survey asks single choice and multiple choice questions and also open questions. Sometimes, after answering a question, a more specific question will pop-up to clarify the given answer.

Please answer all questions, as far as they apply to your experiences with public procurement.

Your name and contact details will only be used in case the survey team would like to ask you some clarifications, if any. They also will be provided in case others reading the report would be interested to know more details. (In case this would not be an option for you, please mention this in the respective fields in the questionnaire.)

At any time you can save a draft, and continue another time (for this, please keep the subscription ID that will be given to you after saving your answers.)

If you feel at a certain moment that the possibilities for answering do not fit your response completely, you can give additional information under question IV.1.

*Under question IV.2 you have the possibility to upload any files that might be interesting regarding public procurement for SMEs (e-links or texts of the procurement process, forms, evaluations, explanations, etc.). You can add many files, but **any file should not be larger than 1 Mb. If you have larger files**, please mail them directly to the contact persons mentioned below.*

Deadline / timelines for filling in this questionnaire

*We would be grateful if you can fill in the questionnaire **before 10 August 2018**. In case you would have any questions or additional remarks (or would have difficulties to reach the deadline), please e-mail to the contact persons mentioned below.*

It is the team of the SME Envoy of Belgium, in cooperation with the European Commissions, who is practically carrying out the survey and related reporting.

On behalf of the SME Envoy network we would like to thank you already for the efforts you make in completing this survey.

Best regards,

The Belgian 2018 Public Procurement Survey Team

E-mail: Johan.Westra@economie.fgov.be

Cc: Renaud.Gosselin@economie.fgov.be and Hilde.desadeleer@economie.fgov.be

(21 June 2018)

[1] Procurement Monitoring Report Template In view of the Member States' reporting process under Directives 2014/23/EU, 2014/24/EU and 2014/25/EU

I. Practical information

*** Please indicate the country where the organisation is primarily located**

Belgium

I.1. Contact information

1) Name and address of the organisation

European Business Service Alliance (EBSA), Square de Meeus 22B, 1050 Ixelles

2) The organisation is:

- a) A European network
- b) A national network
- c) A national business organisation

- d) An international business organisation
- e) Other

3) Name of the person who fills in most of this questionnaire

Katinka Clausdatter Worsøe

Your first name

Katinka

Title

- Mr
- Mrs

* 4) Email

kcw@servicealliance.eu

5) Name and e-mail address of a colleague to contact if you cannot be reached

I.II. General information

1.II. 1) Have you participated in public procurement procedures in the past 3 years?

- a) Yes
- b) No

1.1.b) Please explain why not

EBSA is an alliance of associations and we do therefore not participate directly in public procurement procedures

1.2.b) Are you interested in taking part in the future?

- Yes
- No

1.2.b.2) Please explain why not

EBSA is an alliance of associations and we do therefore not participate directly in public procurement procedures

1.II. 2) Were you provided with enough information about the changes introduced by the transposition of the new Directive 2014/24/EU which has led to new national regulatory procedures in terms of public procurement?

Please give us your opinion on a scale from 1 (not notified) to 5 (perfectly informed).

- 1
- 2

- 3
- 4
- 5

2.1) How have you been informed?

Where appropriate, you can fill in multiple fields

- a) In writing b) Orally c) Other

2.2) Through which channel were you informed?

Where appropriate, you can fill in multiple fields

- a) Central government b) Regional/local government c) European Commission d) Other

II. 3) Have you received any training or support following the implementation of the new directive 2014/24/EU and the changes to the national regulatory procedures of public procurement?

- a) Yes b) No

3.1.b) Would it be useful? If so, what kind of training would be most useful?

Training for authorities on how to use the price/quality ratio and other non-price criteria in public procurement would be very useful.
Training for companies in using the eESPD is also needed.

II. Administrative and legal procedures

II.I. Obligatory electronic means of communication

II.I. 1) Does the mandatory use of electronic means (i.e. paperless) simplify the procedure?

- a) Yes b) No

1.1.a) Please describe why

Harmonisation and more practical

II.I. 2) Is your organisation ready for the processing of the procedure for awarding public contracts electronically?

- a) Yes b) No

II.II. Exclusion and selection criteria

II.II. 1) Do you consider the exclusion conditions to be proportionate for:

1.1) The grounds for exclusion related to social and/or tax debts?

- a) Yes b) No c) I do not know

1.2) The optional grounds for exclusion?

- a) Yes b) No c) I do not know

1.2.1.b) Please describe why not

It is problematic that it is the bidder who has the burden of proof

II.II. 2) Do you use e-CERTIS to prove your certificates?

- a) Yes b) No c) I do not know about e-CERTIS/ Not applicable

II.II. 3) Do you think that the information requested concerning the economic, financial and/or technical capacity of the bidder are proportional to the objective pursued?

- a) Yes b) No c) I do not know

3.1.a) Please clarify your opinion mentioned above on a scale of 1 to 5 (1 being the lowest degree of proportionality):

- 1
 2
 3
 4
 5

II.II. 4) The use of the European Single Procurement Document (ESPD) facilitates well the procedure for SMEs?

- a) Yes b) No c) I do not know/ Not applicable

4.1.a) Please explain why

Harmonisation. But there is room for improvement in the userfriendliness of the tool.

II.II. 5) Were you asked for other certificates in addition to the ESPD?

- a) Yes b) No

II.III. Technical specifications; Contract performance conditions; Award criteria

II.III. 1) According to you, the measures for the protection of intellectual property rights in the specifications are sufficient?

- a) Yes b) No c) I do not know

II.III. 2) Do the specifications sometimes contain social and/or environmental criteria (label requirements, certificates, etc.)?

- a) Yes b) No

2.1.a) Do you think that social and/or environmental criteria are for the benefit of SMEs?

- Yes No I do not know

II.III.3) Do the specifications sometimes contain minimum technical specifications or minimum social and/or environmental requirements (requirement of labelling, certificates, etc.)?

- a) Yes b) No

3.1.a) Do you think that minimum technical specifications or minimum social and/or environmental requirements are for the benefit of SMEs?

- Yes No

II.III.4) Do the specifications sometimes contain social and / or environmental conditions for the performance of the contract?

- a) Yes b) No

4.1.a) Do you think that social and/or environmental conditions of execution of the contract are for the benefit of SMEs?

- Yes No I do not know

II.III.5) Above the thresholds (see table below), is there enough use of division into lots?

- a) Yes b) No

5.1) Do you consider that the possibility of limiting the number of lots is a good thing?

- a) Yes b) No

5.1.1.b) Please explain why not

Sometimes the contracts are too big for SMEs

II.III.6) Below the thresholds (see table below), is there enough use of division into lots?

- a) Yes b) No

6.1) Do you consider that the possibility of limiting the number of lots is a good thing?

- a) Yes b) No

6.1.1.a) Please explain why

It limits the transaction costs

Sectors	Markets	Thresholds
Traditional sectors	works	EUR 5 548 000
	supplies and services for central government authorities	EUR 144 000
	supplies and services for sub-central contracting authorities	EUR 221 000
Utilities and defence/security	works	EUR 5 548 000
	supplies and services	EUR 443 000
Concessions	work (public)	EUR 5 548 000
	service concessions	EUR 5 548 000

II.III. 7) Would you find it useful that your country imposes additional conditions for contracting authorities to facilitate access by SMEs to public procurement contracts?

- a) Yes b) No

II.III. 8) The division into lots is an effective means of involving SMEs in public procurement?

- a) Yes b) No

8.1.b) Please explain why not

So far there has been no legal consequences if the rules on lots have not been followed

II.III. 9) Have other measures been developed to facilitate the participation of SMEs in public procurement?

- a) Yes b) No c) I do not know

9.1) Have these other measures been effective?

- a) Yes b) No

II.III. 10) Is the innovation partnership (relating to the construction and purchase of new innovative products, services or works, without a separate tendering procedure being necessary) beneficial to SMEs?

- a) Yes b) No c) I do not know what the innovation partnership is/ Not applicable

10.1.a) Please explain why

II.III. 11) During the public procurement procedures in which you participated in the last year, what criteria have been used:

- a) the lowest price/cost
 b) mainly the lowest price but in combination with quality criteria
 c) mainly quality criteria

II.III. 12) Do the criteria you mentioned in the previous question help improve your chances of success in tendering procedures?

- a) Yes b) No

12.1.b) Please explain why not and what other criteria would you use first?

Price is still the most common criteria. This is a problem for our members, who provide high quality services and invest in socially and environmentally friendly processes.
A combination of price and quality should be the first used criteria.

II.III. 13) In your opinion, compared to large enterprises, do SMEs use proportionately less the possibility of notification, in the event of the non-retention of their submission?

- a) Yes b) No c) I do not know

II.III. 14) Below the EU threshold, do you consider an automatic notification concerning the reasons why the tender was not chosen to be good for SMEs?

- a) Yes b) No

14.1.a) Please explain why

Feedback is important for SMEs to improve their next tender

III. Payment

III. 1) Is the possibility of spreading the payments adequately promoted?

- a) Yes b) No c) I do not know

III. 2) Has your organisation generally been paid on time:

- a) Yes b) No

III. 3) Is there an automatic payment system for interest and compensation in the event of late payment?

- a) Yes b) No c) I do not know

III. 4) Is the possibility offered to a direct tenderer to authorize the contracting authority to pay sub-contractors directly?

- a) Yes b) No c) I do not know

IV. Additional information

IV. 1) Do you have any other comments? (This can be additional information to any of the questions above, or completely new information on the subject, evaluations, reflections, etc.)

EBSA supports the use of other criteria than price in the selection process, especially the price/quality ratio. With regards to the use of eco- and social criteria it is very important that they are included in a flexible way, providing SMEs and bigger companies with diverse opportunities to document that they live up to them. If this is not the case, the use of these criteria could have a negative impact on SME participation in public tenders and generally hamper innovation and effective service provision.

IV. 2) Here you can upload files that might be interesting in the context of this questionnaire (texts on regulations, evaluations, ..., etc.)

The maximum size is 1 MB per file, if the file is larger you can send the file to johan.westra@economie.fgov.be and hilde.desadeleer@economie.fgov.be

Contact

hilde.desadeleer@economie.fgov.be
