

Public procurement

Moncloa Palace, Madrid, Friday 25 November 2016

The government has submitted two draft laws on public procurement to Parliament, one of a general nature and another on specific sectors, explained the Government Spokesperson.

The minister stated that this new legislation not only introduces significant amendments to the procedures on public sector procurement, but also forms part of the reformist agenda that the government has been deploying since 2012 and which, in regard to the public administration, seeks to improve the functioning and more effective use of public resources. Íñigo Méndez de Vigo pointed out that the rate of implementation of the Programme of the Commission for the Reform of the Public Administration Services (Spanish acronym: CORA) now stands at 87%: 193 measures have been completed, with an estimated saving of 30 billion euros for the public authorities and 5 billion in regard to relations with individuals.

The Government Spokesperson explained that the draft laws transpose three EU Directives, after a very extensive implementation process, with more than 120 reports requested. When these were finalised, they could not be submitted for their passage through the Spanish Parliament since there was an acting government in place. Since the deadline for the transposition of the directives has now expired, the government will request their passage under the fast-track procedure.

Main new features

One of the fundamental goals of the new legislation is to reduce administrative burdens and speed up procedures. In this regard, Íñigo Méndez de Vigo underlined the use of signed statements, which means that the business owner only has to present documentation if awarded the contract. If the company is registered in the Official Register of Bidders and Classified Companies, it will not even need to present this for contracts where additional documentation is required in the event that this has been previously presented, pointed out the minister.

Furthermore, a commitment is made to the use of electronic means - incorporating the mandatory use of communications and notifications through electronic procurement - and the deadlines for awards are reduced. Access by small- and medium-sized enterprises is also facilitated, for example, by incentivising the division of contracts into lots. On the other hand, the use of entities that act by a direct commission from the contracting body without following a contractual procedure is now restricted.

Another basic aim of the legislation, according to the minister, is to improve public disclosure, transparency and the fight against corruption. Among these new features, undisclosed negotiation procedures are eliminated and a new, open simplified procedure is created, with a shorter contractual duration which is disclosed and more transparent. Moreover, those convicted of corruption between private persons may not become public contractors. The new legislation includes political parties, related foundations, trade union organisations and business associations when principally financed from the public coffers.

The Government Spokesperson also declared that the two draft laws help promote environmental, social and innovation and development policies. For example, those companies that substantiate certain standards of equality between men and women or that have measures in place to the benefit of persons with disabilities may be given a certain priority.