

## Implementation Plan

### of the National Strategy for Development the Public Procurement Sector in Bulgaria over the Period 2014 – 2020

AREA OF IMPACT	IMPLEMENTATION			DOCUMENTATION AND REPORTING	
	ACTIVITY	RESPONSIBLE INSTITUTION	TIMELINE	INDICATOR	REGULARITY
1	3	4	5		6
<b>I. LEGISLATION</b>					
<b>OBJECTIVE: Stable, simplified framework legislation, fully compliant with the new EU directives</b>					
<b>Measure 1: Adoption of a new legislative framework</b>	1.1. Setting up a working group for drafting the new legislative framework	MEE PPA	15 February 2014	Order, assigning the working group members and their tasks	
	1.2. Drafting a new framework law which introduces the new EU directives – Directive 2014/24/EU and Directive 2014/25/EU, as well as the current Directive 2009/81/EC and Directive 2007/66/EC <sup>1</sup>	MEE PPA	31 October 2014	Draft framework law on public procurement	
	1.3. Public consultations on the draft framework law	MEE	01 November 2014 – 31 December 2014	Publication of the draft law on PCP; disclosure of the opinions and proposals submitted and the considerations for their acceptance or refusal	
	1.4. Coordination procedure and submission of the draft framework law to CM for approval	CM MEE PPA	1 January 2015 – 28 February 2015	CM's decision for the approval of the draft law	
	1.5. Discussion and adoption of the draft framework law by NA <sup>2</sup>	NA	Submission on 1 March 2015; adoption foreseen	New framework law promulgated in the State Gazette	

1		3	4	5		6
<b>Measure 2: Adoption of a new secondary legislation framework</b>				by the end of July 2015		
	2.1 Setting up a working group in charge of: <ul style="list-style-type: none"> <li>• reviewing and analysing public procurement practices in order to identify the sources of incorrect application of the legislation;</li> <li>• proposing alternative means to overcome the bureaucratic burden.</li> </ul>	PPA with the assistance of PFIA, NAO, CPC, Branch organisations, NAMRB, MA, AEUF, etc.	30 April 2014, delivering results by 31 July 2014	Report containing the analysis results and proposals on how to overcome the identified problems, incl. bureaucracy and administrative burden		
	2.2. Drafting and adopting regulations for application of the framework law in line with the new public procurement directives and the proposals of the working group in charge of Activity 2.1	MEE, PPA, CM	Within 6 months after adoption of the new framework law	CM's decree for the adoption of the regulations		
	2.3. Drafting and approval of standard forms for contract notices in line with the new public procurement directives	PPA	Within 6 months after publication of the new framework law	A package of standard forms		
	2.4. Preparing and adopting changes to the Regulations for Application of the Public Procurement Law with regard to the adoption of Law on Amending and Supplementing the Public Procurement Law (LASPPL), coming into force on 01 July 2014	CM and PPA with the assistance of NAMRB, CPCCOC	Within 6 months after the enactment of LASPPL	CM's decree for the adoption of the regulations		

<sup>2</sup>The reference is indicative and it is based on the functions of the institutions, as they are established by law.

<b>II. LAW ENFORCEMENT</b>				
<b>OBJECTIVE: Establishing lawful practices</b>				
<b>Measure 3: Prevention and counteraction of bad practices related to the application of the currently effective PPL</b>	3.1. Preparing methodological guidelines in order to overcome the identified problems as regards law enforcement, which are reported by the working group in charge of Activity I.2.1	PPA	Within 4 months after the report of the working group has been produced (30 November 2014)	Methodological guidelines published on PPP
	3.2. Updating the methodological guidance on the application of negotiated procedures without prior notice	PPA	31 July 2014	Updated methodological guidance published on PPP
	3.3. Preparing methodological guidelines as regards some of the exemptions from the scope of the current law	PPA	31 July 2014	Methodological guidelines published on PPP
	3.4. Review of practices and identification of successfully conducted procedures, incl. presentation of standard sample documents related to public contracts which common features	PPA coordinates MA Branch organizations	Within 5 months after the date of enactment of the Strategy	Documentations or separate parts from such (evaluation methodologies, technical specifications, standard forms, etc.) published on PPP
<b>Measure 4: Practical assistance in the application of the new legislation</b>	4.1. Preparing a practical guidance for conducting (two) main procedures (step-by-step description of the procedures)	MEE PPA	Until the final deadline for the adoption of changes to the RAPPL in accordance with the amendments in LASPPL, entering	Practical guidance published on PPP

into force on 01  
July 2014

**Measure 5:  
Maintaining an environment  
for the lawful award of public  
contracts**

4.2. Preparing a practical guidance for the interpretation and the application of the rules in the new framework law	MEE PPA	Within 10 months after the adoption of the new law	Practical guidance published on PPP
4.3. Preparing a practical handbook for the award of "green" public procurement under the Bulgarian –Swiss Programme for Cooperation	MEE PPA	30 June 2017	Practical handbook
5.1. Monitoring of the application of legislation	PPA, jointly with control bodies	Permanent	Identified problem areas
5.2. Updating the guidances and guidelines issued; Issuing new guidelines, if necessary	PPA in coordination with control bodies	Once per year	Updates of the guidances/ guidelines published; new guidelines published

### III. PUBLICITY AND TRANSPARENCY OF PUBLIC PROCUREMENT

**OBJECTIVE: Enhancing publicity and transparency through the introduction of entirely electronic methods and tools for awarding public contracts**

<b>Measure 6:</b> Development of a national model for entirely electronic public procurement. Ensuring the possibility for cross-border public procurement	6.1. Introduction of mandatory use of stages "Electronic publications" and "Electronic documentation"	MEE PPA	After the adoption of the new framework law	New framework law, promulgated in the State Gazette
	6.2. Study of good practices in two Member States in the field of e-procurement, which have successfully implemented a centralized and a decentralized e-procurement model. Development of models for e-procurement in Bulgaria, in line with the guidelines published by the European Commission	MEE PPA	31 August 2014	Developed versions of the model
	6.3. Selection of an e-procurement model and adoption of a Concept, supported by an Action Plan for introducing the selected e-procurement model	MEE PPA CM	31 December 2014	Selected e-procurement model and developed Action Plan
	6.4. Launching of the e-procurement system	MEE PPA	Since 01 January 2016, introduced in a progressive manner	E-procurement, covering the stages till the conclusion of a contract, introduced as regards open procedures
<b>Measure 7:</b>	7.1. Preparation PPA's certification for the 'e-Sender' service in relation to	PPA	Within 6 months after the adoption of	Fulfilled technical requirements for

<b>Development of PPP and introduction of new methods for submitting information.</b>	the new standard forms		the framework law	certification
	7.2. Development and launching of PPP's new visualization and organization	PPA	30 June 2016	Updated PPP
	7.3. Development of the technical ability for sending information, subject to publication in PPR, via existing e-procurement systems, which are used by contracting authorities <sup>3</sup>	PPA	30 June 2016	Developed technical ability, based on agreed technical formats, descriptions and validation rules
<b>Measure 8: Raising the level of awareness about the condition of the public procurement market in Bulgaria</b>	8.1. Issuing a monthly Newsletter on public procurement, containing essential data on the public procurement market in the country	PPA	Permanent	Number of newsletters

<sup>3</sup> Measure 2.3 may turn out to be unnecessary and inapplicable, if the mandatory model of centralized procurement is chosen, i.e. if only one national platform, which is mandatory for all authorities exists

**IV. REINFORCEMENT OF THE ADMINISTRATIVE CAPACITY AND PROFESSIONALISM IN THE SECTOR**

**OBJECTIVE: Creating a sustainable administrative capacity and increasing professionalism**

<b>Measure 9: Enhancing the administrative capacity of bodies with powers in the area of methodology, control and appeal</b>	9.1. Analysis and reasoning for the administrative capacity of bodies with powers in the field of public procurement, necessary for the performance of their functions set out in the new framework law	CM MF PPA NAO PFIA CPC SAC	Within 5 months after the date of enactment of the Strategy	Report with proposals from each institution
	9.2. Realization of the institutional changes, envisaged in the report under 9.1, which are necessary for independent and more comprehensive ex-ante control and coordinated ex-post control	NA CM MF	July 2015	Adoption of CM's decree as regards the necessary administrative capacity

<b>Measure 10: Enhancing professionalism in the procurement sector: education and "Long Life Learning"</b>	10.1. Training for students  - Developing a sample study programme on the subject "Public Procurement" and including the course in the curriculum of universities;  - Introducing post-graduate studies "Public procurement".	MES Respective HEI in co-ordination with PPA	As of academic year 2015-2016	Developed programme; Post- graduate courses offered
	10.2. Organizing and conducting trainings for the needs of the bodies with powers of the area of methodology and control in relation to specific issues regarding public procurement in certain sectors	IPA and assistance of Branch organisations	Currently	Conducted trainings – one training per three months (indicative number)
	10.3. Trainings for contracting authorities  - Developing a training programme for the staff of contracting authorities, involved in procurement and including it as part of IPA's Annual Programme  Implementation of the training programme developed	IPA in coordination with PPA and NAMRB	Within 3 months after the date of enactment of the Strategy   Currently	Approved programme;   Conducted trainings – one training per month (indicative number)
	10.4. Trainings for MA  Conduction of short-term intensive trainings on current topics of high importance	PPA MA	Currently	Conducted trainings - one training per month (indicative number)



	10.5. Development of cooperation with EU training institutes for developing joint training programmes and the conclusion of training agreements for the benefit of bodies dealing with public procurement aspects, as well as contracting authorities	IPA, in coordination with PPA	Since 15 May 2015	Joint training programmes and training agreements put into operation
	10.6. Conducting trainings on public procurement, incl. within the framework of the Training Academy on ESIF	CM IPA	Permanent	Trainings conducted
	10.7. Trainings for judges  Periodical trainings on the development of CJEU jurisprudence	National Institute for Justice	Within 3 months after the date of enactment of the Strategy	Approved programme; Conducted trainings – one training per month (indicative number)
	10.8. Conducting regular work meetings with the EU Commission representatives in order to discuss problematic issues related to the implementation of the directives	PPA with the assistance of the EU Commission	Permanent	Meetings with EU Commission representatives held
	10.9. Conducting thematic trainings on LASPPL, coming into force on 01 July 2014, in order to ensure its proper application	IPA, in cooperation with CM, NAMRB, PPA, etc.	31 July 2014	Trainings conducted and contracting authorities trained
<b>Measure 11: Development of centralized public procurement bodies (CPPBs)</b>	11.1. Development of the Centralised Public Procurement Body for the needs of central government bodies	CM MF		
	- Development and launching of an e-procurement platform for the needs of CPPB		End of 2015	An e-procurement platform launched

- Institutional strengthening and expanding the range of products for centralised purchasing, incl. supplies for the healthcare sector, as well as enlarging the circle of contracting authorities

Beginning of 2016 – in a progressive manner

A separate administrative structure set up and product range of procurements expanded; Circle of contracting authorities that use CPB procurements, enlarged

11.2. Development of a Concept for establishing a body for centralised procurement for the needs of municipalities

NAMRB

End of 2015

Developed concept, defining the scope of procurement and contracting authorities

- Definition of scope (subject-matter of the procurements; contracting authorities covered)

**V. CONTROL SYSTEM**

**OBJECTIVE: Raising the effectiveness of ex-ante, ongoing and ex-post control on public procurement**

<b>Measure 12: Optimization of the public procurement control system</b>	12.1. Developing the mechanism for effective cooperation in order to guarantee consistency between the ex-ante and ex-post control actions	MEE PPA NAO PFIA	Within 6 months after the date of enactment of the Strategy	Tripartite agreement updated
	12.2. Development of ex-ante control, performed by PPA through conduct of:  a) two-step control over public contracts above a certain threshold for control, incl. over the technical specifications  b) control over the launched procedures below the threshold under a), chosen randomly  c) control over the application of specific exclusions from the scope of the framework PPL	CM MEE PPA	Enactment of the new framework law	Expanded ex-ante control introduced

	12.3. Development of guidance aimed to unify ex-post control (avoid overlapping of inspections and violations to be treated by control bodies in a coherent manner)	NAO PFIA	Within 6 months after the date of enactment of the Strategy	Guidance developed
<b>Measure 13: Enhancing the effectiveness of the sanctions related to irregularities in the public procurement sector</b>	13.1 Analysis of the detected violations (including those concerning conflict of interests) in relation to public procurement and the sanctions imposed in this regard	PFIA NAO	Within 3 months after the date of enactment of the Strategy	Report with suggested measures
	13.2 Introducing indicators and system for regular reporting of the practical infringements and the imposed administrative penalties	PFIA NAO	30 June 2015	Indicators and system introduced
<b>Measure 14: Enhancing the effectiveness of the remedy system</b>	14.1. Review of the remedy system and making proposals for its optimization (e.g. introducing guarantees against abuse of the right to appeal)	CPC SAC	Within 3 months after the date of enactment of the Strategy	Report with suggested measures
	14.2 Elaboration of a new tariff on taxes collected as regards the appeal of public procurement procedures by setting them on the basis of the proportionality principle	Interdepartmental working group under the Ministry of Justice	30 June 2014	CM's decree for adopting the tariff

**List of abbreviations:**

AEUF	'Audit of EU Funds' Executive Agency
CPCCOC	Centre for Prevention and Countering Corruption and Organized Crime
CM	Council of Ministers
CPC	Commission for Protection of Competition
HEI	Higher Educational Institutions
IAU	Internal Audit Units
IPA	Institute of Public Administration
MA	Managing Authorities
MEE	Ministry of Economy and Energy
MES	Ministry of Education and Science
MF	Ministry of Finance
MH	Ministry of Health
MJ	Ministry of Justice
NA	National Assembly
NAMRB	National Association of Municipalities in the Republic of Bulgaria
NAO	National Audit Office
OP	Operational Programmes
PCP	Public Consultations Portal
PFIA	Public Financial Inspection Agency
PPL	Public Procurement Law
PPP	Public Procurement Portal
PPR	Public Procurement Register
SAC	Supreme Administrative Court