

FRAMEWORK FOR STRATEGIC PARTNERSHIP

BETWEEN

OFFICE FOR PUBLIC PROCUREMENT OF THE SLOVAK REPUBLIC

DEPUTY PRIME MINISTER'S OFFICE FOR INVESTMENTS AND INFORMATIZATION OF  
THE SLOVAK REPUBLIC

DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP  
AND SMEs OF THE EUROPEAN COMMISSION

AND

DIRECTORATE-GENERAL FOR REGIONAL AND URBAN POLICY OF THE EUROPEAN  
COMMISSION

## INTRODUCTION

1. The Slovak authorities have embarked on an ambitious programme of public procurement reform. The European Commission welcomes the opportunity to support this initiative.
2. In 2017, the Slovak government's actions in the area of public procurement fulfilled the "ex-ante conditionality", which is an instrument aimed at ensuring that the necessary conditions for the effective and efficient use of European Structural and Investment Funds are in place. In the final review meeting, it was agreed that the monitoring of the areas covered by "ex-ante conditionality" ought to continue in order to build on the success of the process.
3. The most recent Recommendations of the Council of the European Union to Slovakia<sup>1</sup> have been focused on the need to improve competition and transparency in public procurement and to fight corruption. The Recommendations also identify social and economic challenges that are inextricably linked to public procurement law and practice and could potentially be addressed through its strategic use, notably enhancing the cost-effectiveness of healthcare in Slovakia.
4. As indicated in its Public Procurement Strategy<sup>2</sup> adopted on 3 October 2017, the European Commission aims to improve public procurement practices across the EU in a collaborative manner by working with public authorities and other stakeholders in the Member States.
5. Strategic partnership between Slovak authorities and services of the European Commission involved in public procurement policy will ensure that the follow-up to "ex-ante conditionality", response to the Country Specific Recommendations, and the constant improvement of the Slovak public procurement system in general are conducted with the combined strengths of the partners, clear focus and accountability. This in turn should lead to appreciable progress in strengthening the public procurement system in Slovakia by the commencement of the post-2020 EU financial

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1 Increase the use of quality-related and lifecycle cost criteria in public procurement operations. Tackle corruption, including by ensuring enforcement of existing legislation and by increasing accountability at the level of police and prosecution. ([https://ec.europa.eu/info/sites/info/files/file\\_import/2018-european-semester-country-specific-recommendation-commission-recommendation-slovakia-en.pdf](https://ec.europa.eu/info/sites/info/files/file_import/2018-european-semester-country-specific-recommendation-commission-recommendation-slovakia-en.pdf))

2 [http://ec.europa.eu/growth/single-market/public-procurement/strategy\\_en](http://ec.europa.eu/growth/single-market/public-procurement/strategy_en)

programming period. It will also help Slovak authorities address economic and social challenges through strategic use of public procurement.

6. The purpose of this document is to set out a framework for strategic partnership on public procurement between:

- The Office for Public Procurement (PPO) as the central statutory state authority for public procurement in the Slovak Republic charged with policy development, supervision and methodological guidance of contracting authorities, administrative enforcement of public procurement law, maintenance of a central register of public contracts; and cooperation with the services of the European Commission;
- The Deputy Prime Minister's Office for Investments and Informatization (DPMO) as the Central Coordination Body for the use of EU funds in the Slovak Republic, which also involves duties relating to the system of public procurement control covered by ESIF; the Office is also responsible for the overall deployment of e-government services;
- The Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) which develops the European Commission's policy on public procurement, monitors the transposition and implementation of EU law in the area of public procurement and assists Member States in the modernisation of their public procurement systems; and
- The Directorate-General for Regional and Urban Policy (DG REGIO) which works with the Member States, regions and other stakeholders to assess needs, finance investments and evaluate the results from a long-term EU perspective.

7. In order to fully realise the objectives of the partnership it may be beneficial to involve other organisations directly or indirectly concerned with public procurement. Therefore invitations to steering committee meetings and other events may be extended to interested organisations.

## AREAS OF COOPERATION AND EXPECTED OUTCOMES

8. The objective of the strategic partnership is to continue creating the conditions for maximising the value for money and benefits to society of public procurement in Slovakia, which are characterised by:
  - a. an efficient and integrious system for public procurement **governance and management**;
  - b. a **professional approach** to public procurement at all levels;
  - c. the **digital transformation** of public procurement processes; and
  - d. **strategic choices** that accord with the needs of society.
9. The partners will cooperate, in accordance with the roles defined in point 11, in the following areas:

### *Governance and management*

- a. formulating a well-articulated general vision for public procurement policy capable of guiding the priority setting and actions of contracting authorities (this may include broad targets);
- b. achieving demonstrable efficiency gains in public procurement procedures and their control by reviewing the workflows and methodologies;
- c. ensuring an efficient, reliable and predictable remedies system;
- d. lowering the incidence of corruption in public procurement by engaging with relevant government departments and with civil society to enhance transparency and integrity of the participants in public procurement procedures, including through formal integrity pacts where appropriate.

### *Professionalization*

- e. enhancing staff training in cooperation with the other responsible body (the Government Office of the Slovak Republic), in particular with reference to the training framework developed for Slovakia by the OECD;

- f. developing competence centres to combine proficiency in public procurement rules with specific technical expertise, starting from needs assessment and preliminary market consultations through the whole procurement life-cycle, in order to increase the use of MEAT criteria and decrease the number of single-bid procurements;

#### *Digital transformation deployment*

- g. ensuring timely implementation of the relevant provisions of the Public Procurement Directive;
- h. using data from electronic public procurement procedures gathered at national and EU level to identify and address problematic areas;

#### *Strategic public procurement*

- i. developing guidance for Slovak contracting authorities and other stakeholders, based on the European Commission's guidance on green, innovative and social procurement in cooperation with other responsible bodies;
- j. creating detailed, measurable action plans, in particular for social, green and innovation procurement;
- k. agreeing dedicated sectoral action plans with the health, IT and construction sectors to address their unique challenges and develop their unique potential;
- l. producing templates and guidelines for strategic public procurement, e.g. model tender documents based on MEAT/social/green/innovation award criteria and examples of good practice in this area.

#### PRIORITY ACTIONS

- 10. Based on the current knowledge of the public procurement system and on existing legal commitment a number of priority actions have been identified for 2018 and are listed in the Annex to this document. For the following years further commitments will be agreed in the steering committee referred to in point 15.

## THE ROLES OF THE PARTNERS

11. In addition to taking actions that fall within the scope of its usual responsibilities, the Office of Public Procurement (PPO) will:

- formulate the general policy for public procurement in Slovakia;
- coordinate the contributions of other relevant entities, including subnational public authorities and non-governmental bodies;
- contribute to the organisation of events and mobilisation of stakeholders;
- continuously monitor the progress of each action for which it is responsible and liaise with the European Commission in relation to the actions undertaken within this framework, as well as the further development of the strategic partnership.

12. The Deputy Prime Minister's Office (DPMO) will:

- secure the participation of line ministries, as well as ESIF beneficiaries and managing authorities/intermediate bodies, in the implementation of the strategic partnership;
- contribute to the organisation of events;
- continuously monitor the progress of each action for which it is responsible and liaise with the European Commission, in relation to these actions as well as the further development of the strategic partnership.

13. DG GROW has adopted a country-strategy approach under which it engages with selected Member States in a deeper, more practical and more targeted way. It will:

- provide feedback, especially focusing on the actions planned within this framework as well as wider governance issues relating to public procurement;
- share available expertise developed in other Member States and knowledge about specific issues relevant to public procurement;
- contribute to the organisation of events by identifying expert speakers;

- provide the opportunity for Slovak experts on public procurement to undertake study visits and internships at the European Commission and facilitate similar opportunities with other organisations;
- liaise with the Office for Public Procurement and the Deputy Prime Minister's Office to monitor progress of the actions undertaken within this framework.

#### 14. DG REGIO will:

- steer EU funding, where available, towards building the capacities required to implement the actions under this strategic partnership and monitor its use;
- provide suggestions for specific projects, based on past experience;
- provide feedback with reference to the Guidance for practitioners on the avoidance of the most common errors in public procurement of projects funded by the European Structural and Investment Funds<sup>3</sup> (e.g. advice on determining financial corrections), as well as wider governance issues relating to the management of European structural funds;
- provide the opportunity for Slovak experts on public procurement to undertake study visits and internships at the European Commission and facilitate similar opportunities with other organisations.

#### MEANS OF COOPERATION

15. The partners will set up a steering committee that will meet at least twice per year to jointly assess progress and discuss the way forward. The minutes of these biannual meetings will constitute points of reference for ongoing cooperation, in addition to this framework.
16. In addition to the biannual meetings, partners agree to communicate with each other on an ongoing basis, in the spirit of openness and collaboration.

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<sup>3</sup>[http://ec.europa.eu/regional\\_policy/sources/docgener/guides/public\\_procurement/2018/guidance\\_public\\_procurement\\_2018\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/guides/public_procurement/2018/guidance_public_procurement_2018_en.pdf)



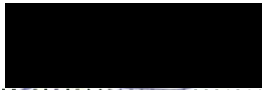
## GENERAL UNDERSTANDINGS

17. The present document is a statement of intent that does not give rise to any legally binding obligation on the part either of the Government of the Slovak Republic or the European Commission.
18. DG GROW and DG REGIO will undertake their commitments as partners in the strategic partnership subject to the Slovak authorities:
  - a. committing the financial and human resources required to accomplish the actions within each of the areas of cooperation;
  - b. confirming, to the extent possible, that the actions are compatible with the overall policy and legislative agenda of the Government and the procedural requirements under national law; and
  - c. ensuring the engagement and coordinating the contribution of Slovak contracting authorities, auditors, suppliers and civil society.
19. The principal contact points within this framework are:
  - a. on behalf of the Office for Public Procurement, the Director of Department of Surveillance;
  - b. on behalf of the Deputy Prime Minister's Office for Investments and Informatization, the Head of Department of methodology and coordination of institutions and the Head of the public procurement department;
  - c. on behalf of DG GROW, the Head of Unit in charge of Slovakia within the Directorate in charge of public procurement policy;
  - d. on behalf of DG REGIO, the Head of Unit in charge of Slovakia.
20. Any changes to the commitments of the partners or any of the other arrangements agreed between the partners will be recorded in the minutes of the biannual meetings of the steering committee referred to in point 15.





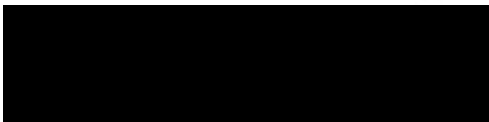
For the Office for Public Procurement



For the Deputy Prime Minister's Office for Investments  
and Informatization



For the Directorate-General for Internal Market, Industry,  
Entrepreneurship and SMEs



For the Directorate-General for Regional and Urban Policy

## ANNEX I

### OVERVIEW OF 2018 ACTIONS, MILESTONES, INDICATORS AND DETAILED ROLES

Priority area	Action	Objectives	Milestones	Partners
Governance and management	DPMO: Updating the System of Management of the ESIF	In the field of public procurement, the System of Management sets out the processes of control performed by the ESIF Managing Authorities. The update of the System of Management of the ESIF will focus on the principal topic "How to simplify the system of public procurement control." The update will simplify the System to reduce the time required for completing the controls of public procurement procedures, based on the analysis of options for simplification by DPMO and PPO (see below under "Analyse how to simplify the system of control of public procurement").	Discussion at a meeting of the ESIF Coordination Committee to identify priority areas for simplification (every 2 months).  Drafting and consultation (May-September 2018)  Publication (October 2018)	Managing Authorities (MA), Audit Authorities (AA), Certifying Authorities (CA), PPO
	DPMO: Methodological Guidance's on Public Procurement (financial corrections, conflict of interest, checklists, low value contracts)	Provide Managing Authorities and auditors with specific rules concerning different areas of public procurement financed with ESIF. 2018 (April/October)	Discussion at a meeting of the ESIF Coordination Committee to identify priority areas for the Guidance (every 2 months).  Drafting and consultation (May-September 2018)  Publication (October 2018)	MA, AA, CA, PPO
	DPMO, PPO: Analyse how to simplify the system of control of public procurement	The objective is to open the debate on further ways (in addition to the simplification of the System of Management and Guidance) to make the system of control more efficient, quicker	Specific steps to be discussed	MA, AA, CA

		and simpler.		
	PPO: Preparation of a Guideline for tenderers illustrating the remedy procedures in public procurement	Preparation of a simple guideline for the tenderers	2019 (after the adoption of amendments to the Public Procurement Act)	MA, AA, CA, DPMO
	PPO: Implementing MoUs on strengthening the exchange of information related to the control of public procurement	PPO wants to strengthen the cooperation between the key state control bodies in the fight against corruption and collusion in public procurement. PPO plans to sign a Memorandum of Understanding with all key state control bodies. The specific objective is to open more efficient communication channels between the bodies involved in controls, including through workshops and joint training	Signature of MoUs March/April 2018 Implementation of MoUs - ongoing	General Prosecutor Office of the Slovak Republic, Antimonopoly Office of the Slovak Republic, Supreme Audit Office of the Slovak Republic, DPMO - Central Coordination Body, Industrial Property Office of the Slovak Republic
	DPMO/PPO: Integrity Pact Pilot Project	The objective is to develop replicable best practice in preventing conflicts of interest and corruption that can be – flexibly - adopted by Slovak contracting authorities in future procedures	Specific steps to be discussed	
	DPMO: Seminar or Workshop on the prevention of conflicts of interest to address specific issues, including the differences between established and potential conflicts of interest and the corresponding financial corrections	The seminar or Workshop will showcase good practice from around Europe and produce actionable conclusions. The interest in follow-up events – possibly recurrent - will be assessed.	Secure EU funding and experts (in particular auditors, especially from other small countries) Q3 2018  Organise event Q4 2018/ Q1 2019	
	DPMO: Strengthening the support offered to Managing Authorities in the field of public procurement control by concluding Cooperation Agreements	DPMO has prepared new Cooperation Agreements with PPO and Antimonopoly Office of the Slovak Republic, which covers all the MAs. Their objective is to provide all Managing	Ongoing	MA, AA, CA, PPO, Antimonopoly Office of the Slovak Republic

		Authorities with assistance in relation to ESIF, as needed, through opinion, advice and controls		
	DPMO: Conception of Public Procurement in IT sector	<p>The objective is to eliminate legal and practical problems deriving from "vendor lock-in" and enable public buyers to obtain the best value for money in their IT purchases.</p> <p>Solutions need to be found for both:</p> <ul style="list-style-type: none"> <li>- contracts already concluded where the vendor lock-in situation may exist (transition measures); and</li> <li>- future contracts (new approach)</li> </ul>	<p>Draft Guidelines for contracting authorities on how to perform public procurement procedures in IT sector to solve the vendor lock-in problem with the option of discussing it with DG GROW in advance (2018/19)</p> <p>Discuss with Slovak stakeholders and DG GROW further ways to achieve objectives, drawing also on the experience of other Member States (2018)</p>	PPO, ITAS, Slovensko.Digital, Central Government Bodies
Professionalization	Implement OECD professionalization strategy	Ensure full implementation of the professionalization strategy developed under the ex-ante conditionality	Specific steps to be discussed	
	PPO: Strengthening the cooperation with Slovak Universities	2018 (January – December)	PPO plans to sign Memorandum of Understanding with key law Slovak Universities. PPO wants to attract the field of public procurement in the student community by the use of seminars and internships. (2018)	Faculty of Law of Comenius University, Faculty of management of Comenius University
Digitisation	Implement the OECD digitisation strategy	Preparation and implementation of fully electronic procedures in public procurement	2018 – 2022 Specific steps to be discussed	All Central Government Bodies
	Institute annual event on digital transformation	Inform Slovak stakeholders about latest developments in the field of digital transformation of public procurement; understand their needs;	Ensure Slovak presence at the Commission's Conference on Digital Transformation in Lisbon (October 2018)	

		and bring in inspiration from other MS	Identify the topics discussed in Lisbon which are of particular interest to Slovak authorities to form the agenda for the first Slovak event (Q4 2018/Q1 2019)	
Strategic Public Procurement	PPO: Guidelines for secondary policies of PP	Developing guidance for Contracting authorities and other stakeholders in the green public procurement, innovations, public procurement with social aspects	2019 Specific steps to be discussed	Central government bodies, District cities
	PPO: Encourage and support efforts by other responsible bodies to develop and implement policies and guidelines for strategic public procurement	Specific actions will depend on the needs and circumstances of each responsible body. As a first step, (a) meeting(s) should be organised between the PPO and the other responsible bodies to take stock of relevant ongoing activities and define future priorities.	2018-2020 Specific steps to be discussed	

Other responsible bodies:

Government Office of the Slovak republic: responsible for training of ESIF administrative capacities

Ministry of Environment of the Slovak Republic: responsible for green public procurement

Ministry of Employment of the Slovak Republic: responsible for social public procurement

Ministry of Economy of the Slovak Republic: responsible for innovative public procurement

Ministry of Health of the Slovak Republic: responsible for public procurement in healthcare sector