

# Panel V

## E-Procurement

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- **E for electronic =**
  - Using electronic equipment for
  - the processing and storage of
  - data which is transmitted and received

## Reason to speak about

- Part of e-government
- Field of law
- EU law (also UNCITRAL model law)
- Austrian experience

**→ Austrian law firm with focus on EU and public law**

## Advantages of E-Procurement

- Cost reduction for
    - Administration
    - Companies
  - Acceleration of procurement procedure
- ➔ Efficiency for all (win-win-situation)

## Requirements

- Legal
- Technical
  - Accompanying legislation
    - Signature (qualified electronic)

## **Incentives** for contracting authorities to use it

- Efficiency gains
- Procedural advantages (shorter time limits)

## Legal regulation – several possibilities

- Contracting authority
  - Optional (=choice to use it or not)
  - Compulsory (=obligation to use it) – in AT
  
- If contracting authority uses it – for company:
  - Optional (company can use it or not)
  - Compulsory (company has to use it)

in AT the contracting authority may choose

## **Legal regulation** in EU Member States

- Not permitted unless indicated otherwise
- Permitted unless ...
- Permissibility indicated by contracting authority

## Recent development on EU-level 1

- Creation of an informal expert group on e-tendering
  - develop a blue-print for common solutions for electronic submission of offers

## Recent development on EU-level 2

- monitoring and benchmarking e-procurement

A Study shall develop relevant indicators for monitoring the development of e-procurement.

helps

- ➔ policy-makers at EU & national level to monitor e-procurement;
- ➔ developing a case-book of best practices on the most active/successful e-procurement solutions in Europe

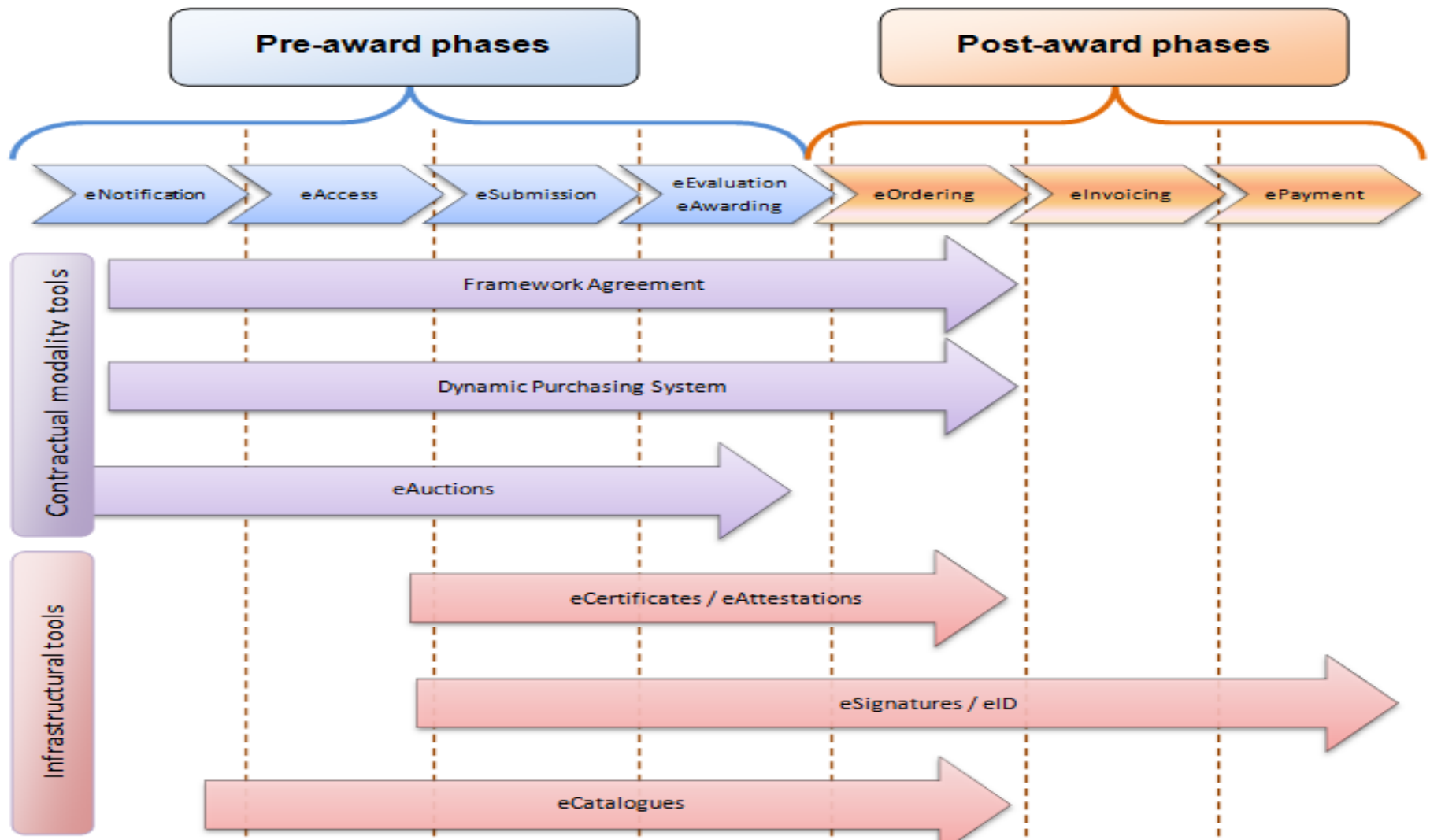
## Legal regulation – several aspects

- Requirements for technical equipment
- If contracting authority chooses, it shall determine
  - Email or Internet with PGP/SSL/TSL
  - Electronic address
  - Cryptographic technique

## Application of electronic means

- Phases of procurement procedure
  - See following slide
  - Vienna: internet for notices
- Internal documentation
- External Communication
  - with Publications Office for electronic publication

# E-Procurement (Siemens time.lex)



## **Specific means (modalities of procedure)**

- dynamic purchasing system
- electronic auction

## Dynamic Purchasing System

- a **completely** electronic process
- for making **commonly used** purchases, the characteristics of which meet the requirements of the contracting authority
- **limited** in duration
- **open** to any economic operator which
  - satisfies the selection criteria and
  - has submitted an indicative tender that complies with the specification

## Electronic Auction

- after an **initial full evaluation** of the tenders
  - a **repetitive** process
  - involving an electronic **device** for the presentation of new prices, revised downwards, and/or new values concerning certain elements of tenders
  - Enables the **ranking** by automatic evaluation methods
- ➔ not for intellectual performances

## Our expertise

- References in the field of public procurement
- Long time relations with several public administrations
- Experience within EU institutions

## The speaker



### **Univ.-Doz. DDr. Alexander Egger**

- Attorney
- Lecturer at Vienna University of Economics and Business

- **Areas of practice:**
  - European law
  - Regulatory, energy law
  - Public procurement
  - Competition law
  - State aids

**Thank you  
for your attention!**



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