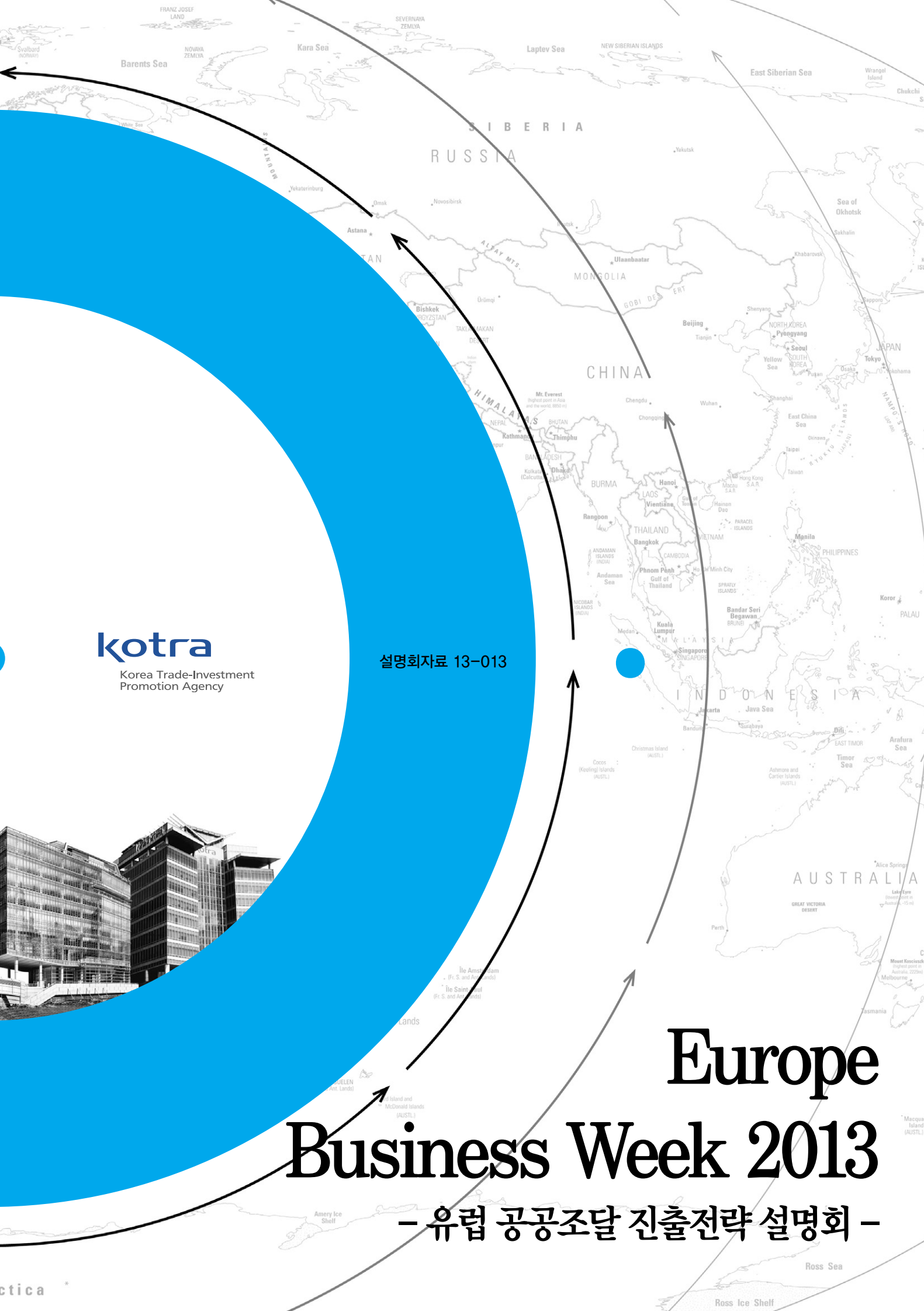


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설명회자료 13-013

Europe Business Week 2013

- 유럽 공공조달 진출전략 설명회 -



Europe Business Week 2013

- 유럽 공공조달 진출전략 설명회 -

○ 일시 : 2013년 6월 12일(수) 09:30~12:30

○ 장소 : 잠실 롯데호텔 3층 루비룸

○ 주최 : KOTRA

○ 세부 프로그램

시 간	주 제	연 사
09:30~09:50	• 유럽 공공조달 시장동향	브뤼셀 무역관장
09:50~10:40	• EU 조달시장 진출안내 및 사례(서유럽)	Assortis
10:40~11:30	• 군수물자 중심으로 본 독일 공공조달시장 진출 방안	ESG
11:30~12:20	• EU 결속기금과 프로젝트 진출방안(동유럽)	Wardinsk
12:20~12:30	• Q&A	-

※ 발표업체 소개

- Assortis: 벨기에 정부조달 전문 컨설팅업체로 건설/엔지니어링, 환경/에너지 품목 조달에 관심
- ESG: 독일 항공 및 자동차, 민간 및 국방분야 IT개발 선두기업
- Wardinsk: 변호사 100명 이상을 보유한 폴란드 유력 법무법인으로 EU기금 프로젝트 지원

목 차

1. 유럽 공공조달 시장동향	1
_ 브뤼셀 무역관장	
2. EU 조달시장 진출안내 및 사례(서유럽)	19
_ Assortis	
3. 군수물자 중심으로 본 독일 공공조달시장 진출 방안	45
_ ESG	
4. EU 결속기금과 프로젝트 진출방안(동유럽)	71
_ Wardinsk	

1. 유럽 공공조달 시장동향

브뤼셀 무역관장

EU 공공조달 시장

KOTRA 브뤼셀 무역관
신석수 관장



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2013 Europe Business Week: Public Procurement Partnership

Contents

- 1 . EU 공공조달 시장 현황
- 2 . 최근 시장 동향 및 특성
- 3 . 한국기업 진출 유망 품목
- 4 . KOTRA 공공조달 사업 추진



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1

EU 공공조달 시장 현황



01. 시장 규모 및 특징



- EU 정부조달시장 규모는 2011년 약 2조 4,059억 유로로 세계최대의 조달시장(EU GDP의 약 19%)

(cf. 미연방정부 조달시장규모는 2010년 약 5,000억불(4,200억 유로))

- 유럽 경기침체에도 2008년 이후 꾸준한 성장세 유지
- EU각국 정부조달 시장 외 국제기구(UN 포함) 등의 조달시장 존재

- 독일, 영국, 프랑스, 이탈리아, 네덜란드 등 상위 5개국이 전체 EU 조달시장의 약 69.6%를 차지

(단위: 십억유로)

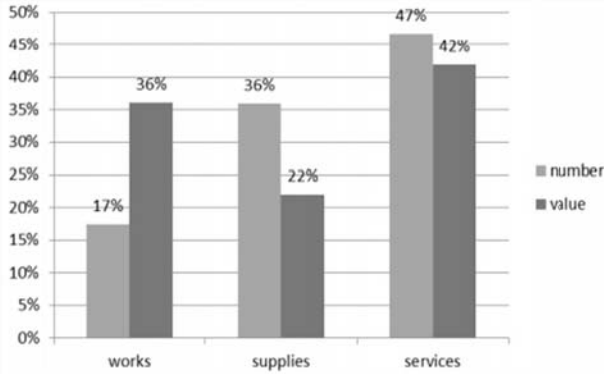
국가	2008년	2009년	2010년	2011년	비중(2011년)
독일	430.35	458.32	478.69	496.20	20.6%
영국	375.59	373.32	389.84	377.94	15.7%
프랑스	340.63	356.71	364.73	369.79	15.4%
이탈리아	235.93	252.25	252.47	251.56	10.5%
네덜란드	162.33	173.71	180.30	177.62	7.4%
EU-27	2,255.81	2,332.57	2,406.98	2,405.89	

자료원 : 2010, Public Procurement Indicators

01. 시장 규모 및 특징



■ EU 조달시장 분야별 비중

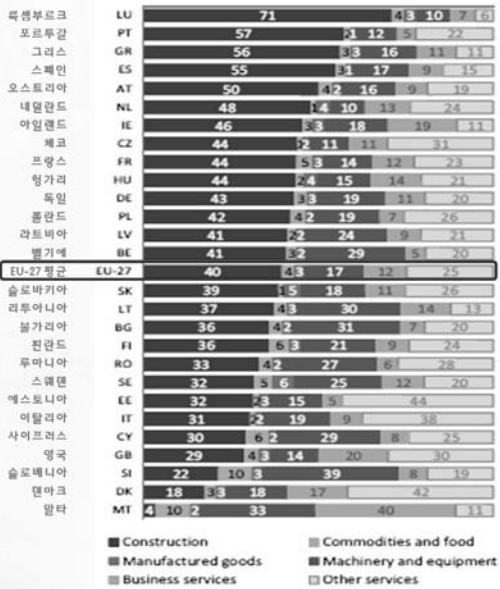


자료원 : 2010, DG MARKT, based on OJ/TED data.

■ (입찰 건수 기준) 서비스와 물품 조달이 전체의 약 83%로 절대 다수 차지

■ (입찰 금액 기준) 서비스 분야가 42%로 비중이 가장 높고 건설공사가 36% 차지
- 건설공사는 입찰 건수 대비 금액이 상대적으로 높음

01. 시장 규모 및 특징



■ EU 국가별 / 분야별 비중

(EU 27개국 평균, 금액)

- 건설분야 40%
- 기타 서비스 분야 25%
- 기계장비분야 17%
- 비즈니스 서비스 12%
- 물품/식품 4%
- 공산품 3%

02. EU 주요 조달 기관



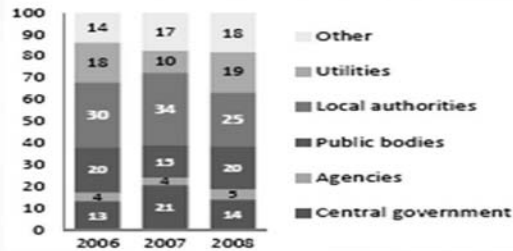
■ 하한선 이상의 조달공고 기관수는 약 3만 5천개에 달함

○ 하한선의 기준은 건설공사 5백만 유로, 기타 분야는 13~75만 유로

Type of Contract	Threshold (EUR)
Public work	5,000,000
Service contracts	200,000
Supplies contracts	200,000
Supplies in the sector of water, energy and transport	400,000
Supplies in the telecommunications sector	750,000
Contracts falling under the GATT agreements	130,000

■ 지방정부의 공공조달 비중(금액)이 가장 높게 나타남

- 지방정부 25%
- 공공기관 20%
- 공공시설 19%
- 중앙정부 14%



자료원 : 2008, Evaluation of SME's access to public procurement markets in the EU

03. UN 등 국제 기구 조달 시장 규모 및 특징



■ UN 공공조달시장 규모는 2011년 약 142억불 (약 130억유로)

○ UN 기구 약 40여개, 총 166개국에 위치

순위	조달기구(영문)	조달기구(한글)	금액(US\$ 억)
1	UNPD	유엔조달국	35
2	UNDP	유엔개발계획	26
3	WFP	세계식량계획(로마)	25
4	UNICEF	유엔아동기금	18
5	UNOPS	유엔연구사업소(코펜하겐)	9
6	UNHCR	유엔난민기구(제네바)	4
7	PAHO	미주보건기구	4
8	UNFPA	유엔인구기금	4
9	UNRWA	유엔난민국제사업국	3
10	UNESCO	유네스코(파리)	2
-	기타		12
합계			142

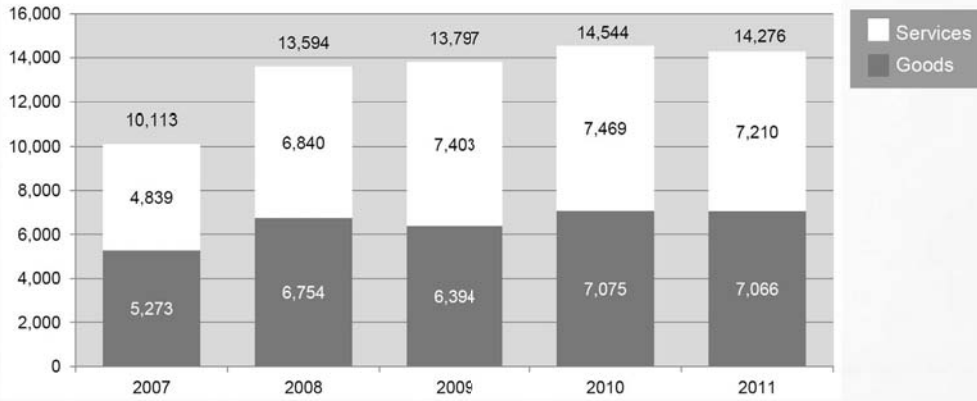
자료원 : 2011 Annual Statistical Report on United Nations Procurement

03. UN 등 국제 기구 조달 시장 규모 및 특징



■ UN 공공조달 분야 및 규모 (2007-2011, 백만불)

- '11년 기준 서비스 72억 달러, 물품조달 70억 달러로 고른 분포



자료원 : 2011 Annual Statistical Report on United Nations Procurement

03. UN 등 국제 기구 조달 시장 규모 및 특징



■ 국가별 UN 공공조달 현황

- UN 조달 상위 10개국에서 총 규모의 44% 조달
- 한국은 약 3천만불 정도로 UN 전체의 0.2% 점유

Countries	Goods	Services	Total \$ Million	% of Total
United States of America	409.9	1,124.9	1,534.8	10.8%
Switzerland	386.5	349.3	735.9	5.2%
India	658.0	66.6	724.6	5.1%
Russian Federation	143.6	453.6	597.2	4.2%
Afghanistan	66.8	470.5	537.3	3.8%
Belgium	413.5	41.8	455.3	3.2%
France	374.2	62.5	436.7	3.1%
Italy	236.0	187.3	423.3	3.0%
Denmark	298.0	124.4	422.4	3.0%
United Kingdom	260.6	156.4	417.0	2.9%
Top 10 Total	3,247.1	3,037.4	6,284.5	44.0%
Grand Total	7,065.6	7,210.5	14,276.0	100.0%
South Korea	23.8	5.1	28.9	0.2%

자료원 : 2011 Annual Statistical Report on United Nations Procurement

2

최근 시장 동향 및 특성



01. 최근 시장 동향

■ FTA 체결 등에 따른 제도적 장벽 완화

- 한- EU FTA 발효 (2011.7월)로 과거 낙찰실적
요구 금지 등 한국기업의 제도적 진입장벽
완화에 따른 기회 확대
- 미국-EU FTA / 일본-EU FTA 협상개시 및 중국의 WTO GPA 가입
추진에 따라 EU 조달시장내 경쟁국간 경쟁 가속화 예상
 - 미국-EU FTA 협상개시 (2013년 2월)
 - 일본-EU FTA 협상 개시 (2013년 3월)
 - 중국 WTO GPA 가입 협상 개시 (2012년 7월)



01. 최근 시장 동향

■ 전자조달 선진화, 활성화 추진

- EU 집행위 2015년, EU 회원국 2016년 목표로 전자조달 시스템 구축 중
 - 전자 문서 입찰을 통한 관련 비용 절감 및 물리적 제약 감소
 - 조달시장 활성화 및 관련비용 절감
- TED(Tenders Electronic Daily : 유럽 입찰공고 웹사이트)에 공고되는 입찰 건수 지속 증가

The number of Tender published in TED (2007 - 2011)

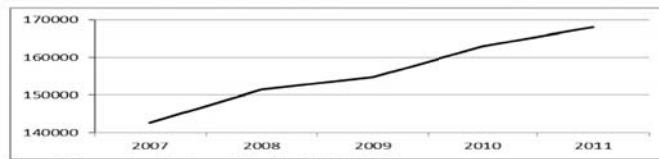


Figure 4 The number of tenders published in TED (2007-2011)

자료원 : 2011 TED(Tenders Electronic Daily)

01. 최근 시장 동향

■ 그린 조달 적극 권장

- EU 집행위는 회원국내 입찰의 50% 이상이 환경기준을 포함하는 것을 권장

■ 사회공정거래 제품 및 윤리제품 구매 권장

- 정부조달 입찰조건에 기업의 사회적, 윤리적 책임기준을 포함시켜 정부조달을 통해 사회적 결속과 지속가능발전 시현을 목표로 함

■ 정부조달을 통한 지식경제 구축(Innovation)

- EU 집행위는 Pre-Commercial Procurement (PCP)을 통해 정부조달이 필요한 상품에 대한 R&D 지원으로 EU 기업의 경쟁력을 높이고자 함

■ 국방조달 지침 명료화를 통한 단일 국방조달시장 추진

- 2009년 8월 EU 회원국간 국방조달시장의 개방 및 투명성 제고를 위한 지침을 채택하고, EU 집행위는 2016년까지 진행과정에 대해 검토 및 보고서를 제출해야 함

02. 시장 특성

■ 진입장벽이 높고 단계적 접근 필요

- 구매자(정부 등) 중심시장으로 보수적이고 안정성 중시
 - 조달시장 성격상 자국 및 기존 거래 제품 선호
- 직접조달의 경우 입찰에 직접 참여, Main Contractor(1차 벤더)로 선정
 - 직접조달을 위해 입찰 절차, 요구사항 등에 대한 다양한 정보수집, 사전 준비와 함께 발주처와의 네트워크 구축이 필수적임
- 현지화를 통한 시장공략 필요
 - 원활한 입찰(업체등록) 및 경쟁력 확보(물류비용, A/S)를 위해 현지 법인화가 요구되는 등 직접조달을 위해 많은 시간과 노력이 필요
- 초기 시장진입을 위해서는 간접조달 방식이 효과적
 - 초기단계에는 현지 정부조달기업(벤더) 공략을 통해 경험 및 기반을 쌓아가는 간접조달 방식의 진출이 현실적임

02. 시장 특성

■ 정부 조달 형태

- 직접조달: 시간과 경비가 많이 소요되지만 안정적 공급가능 및 수익성 높음
- 간접조달: 단기적으로 접근성 높지만 지속성이 높지 않음

구분	직접조달	간접 조달
개념	정부와 직접 조달 계약	정부 프로젝트 주 계약자와 하청계약
절차	입찰정보 → 벤더등록 → 제안 → 조달	주 계약자 발굴 → 하청계약 → 공급
장점	납품 성공 후 안정적 지속적 공급 가능	단기간내 조달 실적 거양 가능 조달 실적 및 경험 축적
단점	초기 진출에 시간 및 경비 소요	안정성, 지속성이 없음
대상	간접조달 경험 업체	초기 진출업체

3 한국기업 진출 유망 품목



01. 유망 품목

■ 유망 품목 검토

- 서유럽의 경우 서비스와 물품 중심의 수요가 높는데 비해, 동유럽은 프로젝트 단위의 공공조달 분야 유망
- 보수적 EU 공공조달 시장 진출을 위해서는 사전 면밀한 조사를 통한 시장 및 수요처 요구 적합 제품 중심의 시장 개척 필요
- 조달시장 성격상 자국 및 기존 거래 제품 선호

■ EU 공공조달 주요실적 (2012년)

무역관	기업명	품목	발주처	성약액(천불)
취리히	대한항공	항공서비스	IOG	2,500
바르샤바	KT-대우컨소시엄	초고속인터넷	폴란드 Lomza市 등	21,300

01. 유망 품목





■ 주요 진출유망 품목

품목명	유망 사유
LED 제품	<ul style="list-style-type: none"> · EU 에너지 효율기준 강화(2013년), 수은등 판매 금지(2015년) 등으로 대체수요 풍부 · 가로등을 비롯, 공공 수요 물량이 많고 한국 제품 경쟁력 확보
의료기기/약품	<ul style="list-style-type: none"> · 국가별 등 품목에의 예산 및 조달 규모가 매우 큼 · 가격대비 경쟁력이 높고 기술력 갖춘 제품 선호
IT 기기	<ul style="list-style-type: none"> · 국가별 정부차원의 IT 현대화 계획 활발히 추진 · 한국제품 인지도, 경쟁력 확보
에너지(발전 등)	<ul style="list-style-type: none"> · 'EU 2020'에 따라 풍력을 비롯, 신재생에너지 개발 확대 예정 · 폴란드, 원전 사업 추진 예정(2020년까지)

자료원 : KOTRA 유럽 주요 무역관 대상 조사 결과 (2013년 2월)




02. 지역별 유망 품목

■ 서유럽 지역 : 물품, 서비스 중심의 공공조달 분야 유망

국명	유망 품목(산업)	유망 사유
 독일	LED 조명 IT 및 텔레커뮤니케이션 기기	<ul style="list-style-type: none"> · 공공시설물 중에 신호등, 가로등에 LED조명 선호도 증가 · 정부차원에서 IT 기술현대화와 R&D 강화 정책 추진
 프랑스	스마트홈 시스템 철도장비 및 부품	<ul style="list-style-type: none"> · 정부 및 지자체 발주 공공주택 프로젝트 증가 · 지방선 철로 증설계획 및 그랑 파리SOC 프로젝트에 따른 수요
 영국	공항기자재 의료기기	<ul style="list-style-type: none"> · 런던 히드로 공항에 30억 파운드의 개선사업 추진을 비롯, 영국내 40여개 공항에서 지속적 개보수 진행 · 영국 NHS(국민의료서비스) 조달규모가 매우 큼
 이탈리아	리튬 2차전지 의약품	<ul style="list-style-type: none"> · 현재 정부주도의 그린 카(Auto Verde)계획을 추진 중 · 공공조달 물품 시장 중 의약품의 비율은 40%로서 1위 물품

02. 지역별 유망 품목

■ 동유럽 지역 : 프로젝트 단위의 공공조달 분야 유망

국명	유망 품목(산업)	유망 사유
 폴란드	녹색산업 (신재생에너지 및 환경) 원전 건설	<ul style="list-style-type: none"> · EU 기후 패키지에 따라 신재생 에너지 비중의 확대 요구 · EU 가입에 따라 쓰레기 폐기물의 50% 감축 필요 · 2020년까지 상업운전을 목표로 원전 건설 사업을 추진 중
 불가리아	상·하수도처리설비 등 인프라건설업 의료기기 및 의료용 소모품	<ul style="list-style-type: none"> · 2013년까지 수처리 시설, 교통시설 및 사회 인프라 건설을 위한 EU 보조금 지원 · 국공립병원의 현대화 및 고급 민간병원에 따른 의료기기 수요 확대
 루마니아	생활쓰레기 처리설비 의료기기 에너지 설비	<ul style="list-style-type: none"> · EU 기준에 부합하는 신규 쓰레기 처리설비 프로젝트 추진 · 의료시설 낙후로 인해 최근 현대화 및 업그레이드 수요가 많음 · 수력발전소 현대화 및 新발전소건설 프로젝트로 인한 입찰 급증

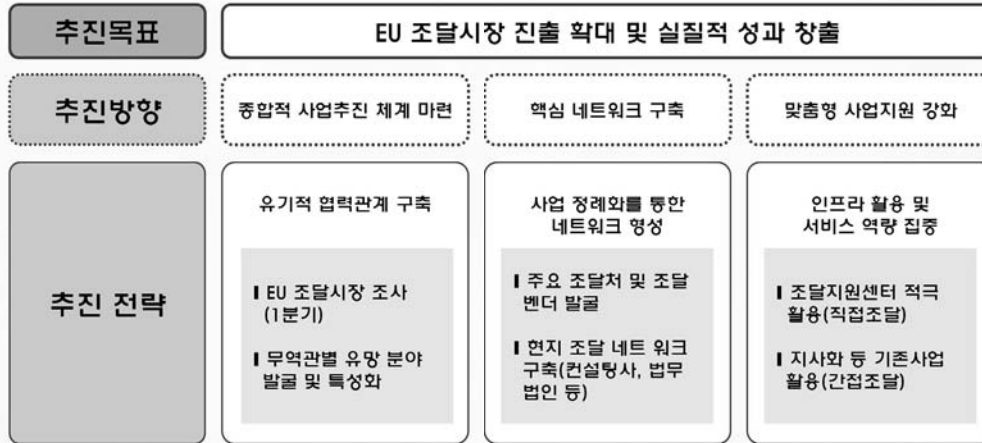
4

KOTRA 공공조달 사업 추진



01. EU 조달시장 진출 확대 전략

■ 추진 방향 및 전략



02. 추진 사업

■ 최근 추진 사업 (2012 - 2013)

사업일	행사명	장소	참가사
2012년 10월 25-26일	제1차 한-EU 공공조달 파트너십	브뤼셀	국내 16개 해외 37개
2013년 4월 16일	글로벌 공항 조달 플라자	KINTEX 전시장	국내 52개 해외 14개
2013년 5월 20-22일	2013 한-EU 공공프로젝트 개발 포럼	바르샤바	국내 10개 해외 40개
2013년 6월 12-14일	철도 기자재 조달플라자	부산 BEXCO	국내 100개 해외 45개
2013년 6월 12-13일	공공조달 상담회 (Europe Business Week 2013)	서울 롯데호텔	국내 40개 해외 20개
2013년 11월 19-22일	제2차 한-EU 공공조달 파트너십	브뤼셀, 코펜하겐	국내 20개 해외 40개

02. 추진 사업

■ 유럽지역 해외공공조달지원센터 운영 현황 (총 5개)

설치일	무역관	담당 기관	비고
'11.2월	코펜하겐	UNDP, UNICEF, UNOPS 등	전담인력 운영
'12.2월	취리히	ICRC, WHO, UNESCO 등	전담인력 운영
'12.3월	바르샤바	폴란드, EU 기금	전담인력 운영 선도기업 육성사업
'13.1월	프랑크푸르트	독일 프로젝트	-
'13.1월	런던	영국 프로젝트	-

02. 추진 사업

■ EU-KPP 2013 (2013 KOR-EU Partnership for Procurement)

- 목적: EU 공공시장 진출 활성화를 위한 현지 진출기반 확대
- 기간: 2013. 11. 19(화) ~ 22(금)
- 장소: 브뤼셀, 코펜하겐
- 참가자: 한국 20개사, EU 40개사
- 행사내용: EU조달 진출방안 설명회, 제품발표회, 1:1 비즈매칭 상담회 등

2012 KOR-EU Partnership for Procurement

- 일시/장소 : 2012.10.25(목) - 26(금), 브뤼셀
- 참가 규모 : 한국기업 16개, EU 바이어 37개사(12개국)
 . 한국측 : E사(CCTV), S사(건설엔지니어링), D사(프로젝트개발) 등
 . EU측 : ESG(독일/중합IT), Terramet(불가리아/프로젝트개발) 등



02. 추진 사업

■ EU-KPP 2012 (2012 KOR-EU Partnership for Procurement)

○ 행사장소 : Chateau du Lac Hotel, Brussels, Belgium



○ 주요 프로그램



공공조달 설명회



참가사 제품발표회



네트워킹 프로그램



1:1 비즈니스 미팅

참조

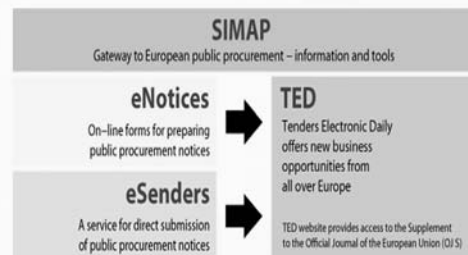
■ Useful Information

EU Commission: 유럽 집행위원회 공공조달 정보사이트
http://ec.europa.eu/internal_market/publicprocurement/index_en.htm

SIMAP: 유럽 공공조달 정보 포털 사이트
<http://simap.europa.eu>

TED(Tenders Electronic Daily): 유럽 입찰 공고 사이트
<http://ted.europa.eu>

중소기업청 해외조달시장 정보시스템
<http://www.b2g.go.kr/>



감사합니다.

KOTRA 브뤼셀 무역관
신덕수 관장
E-mail: dsshin@kotra.or.kr

글로벌 비즈니스 플랫폼

kotra

Korea Trade-Investment
Promotion Agency

2. EU 조달시장 진출안내 및 사례(서유럽)

Assortis

Thursday 12th June 2012

“How to penetrate the EU Public Procurement Market”



www.assortis.com

Key Funding Agencies in EU

- European Commission : « PRAG »
- European Bank for Reconstruction and Development : « Guidance Notes on the Prequalification of Tenderers”
- European Investment Bank : « Guide to Procurement »
- Local Government tenders

Procurement type

- 4 main procurement types :
 - Services Contracts
 - Supply Contracts
 - Work Contracts
 - Grant Contracts



Discouraging Barriers

1. Difficulties in obtaining information
2. Lack of knowledge about tender procedures
3. Too short time span to prepare the proposal
4. Cost of preparing the proposal
5. Too high administrative burdens
6. Unclear jargon used
7. High qualification levels and required certification
8. Financial guarantees required
9. Discrimination against foreign tenderers, in other words, favouring local and national enterprises
10. Finding collaboration partners abroad



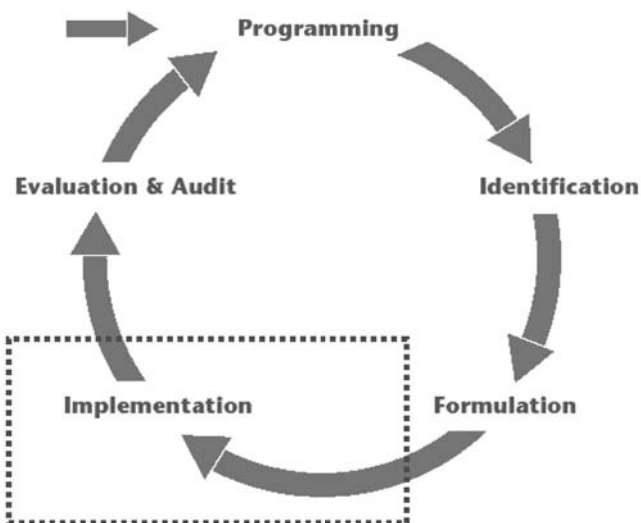
General Procedures by Major EU Donors :

European Commission Example

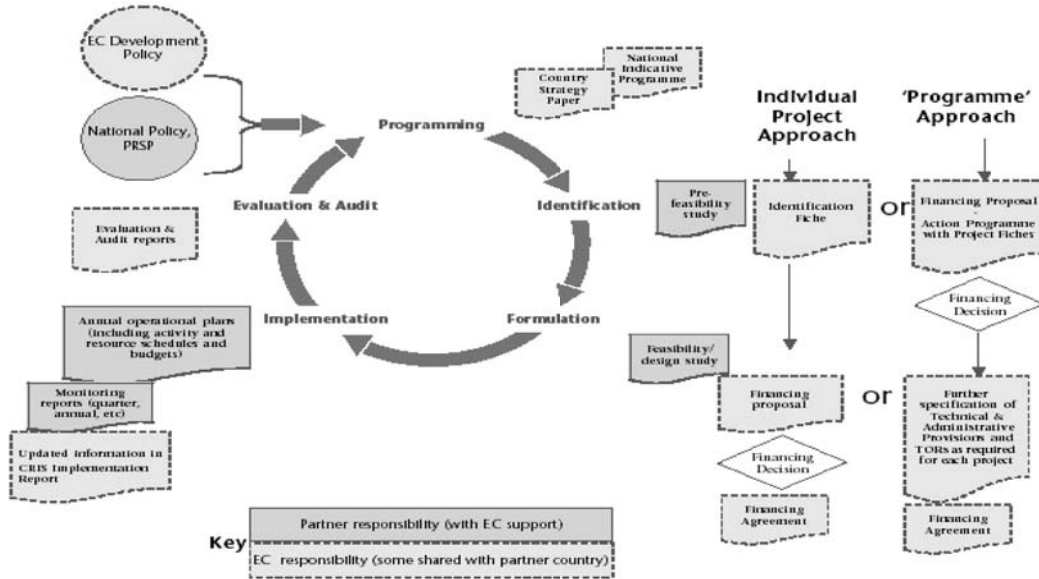


Project Cycle Management :

EC Tender – Type : Services Contract example



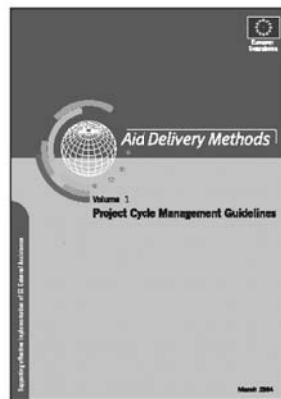
Project Cycle - PCM



EC – PCM Guide

Available on Europeaid website :

http://ec.europa.eu/europeaid/multimedia/publications/publications/manuals-tools/t101_fr.htm



Main Steps – EC Tenders

1. Identification & project formulation
2. Forecast notice
3. Procurement notice
4. Expression of interest
5. Shortlist notice
6. Technical and financial proposal
7. Award notice
8. Project Implementation



Project formulation

The Delegation of the European Commission based in the country together with the beneficiary country has prepared the **5 year country strategy paper** and **project fiche** of the projects to be implemented every year

All documents are accessible in the Europeaid website



Project Selection

1) EC Tenders : <https://webgate.ec.europa.eu/europeaid>



2) TED :



3) Local Government Portal : Example Romania



Forecast notice

A forecast notice shows to companies that a project is going to be launched

035 511 18/01/2013 12785-2013-EN	External aid programmes - Service contract - Prior information notice - Not applicable	1/2
<p>The notice in TED address: http://ted.europa.eu/udl?uri=TED:NOTICE:12785-2013:TEXT:EN:HTML</p> <p>SI-Freemove DCI — Technical assistance for the REDD+ capacity building project in Sierra Leone 2013/S 011-012785</p> <p>Location: ACP countries — Sierra Leone</p> <p>Contract forecast notice</p> <p>Services</p>		
<p>Common procurement vocabulary (CPV): Main object: 7134200 Technical assistance services — QS49 On forestry</p> <p>1. Publication reference: EuropeAid13386DCISERISL</p> <p>2. Procedure: Restricted</p> <p>3. Programme: DCI</p> <p>4. Financing: Financing agreement</p> <p>5. Contracting authority: Ministry of Agriculture, Forestry and Food Security, Freemove, REPUBLIC OF SIERRA LEONE</p> <p>6. Nature of contract: Fee-based</p> <p>7. Contract description: Provision of technical assistance to support the implementation of the REDD+ capacity building project in Sierra Leone. Provision of ongoing advice and support on organisational development and management to strengthen the Forestry Division of the Ministry of Agriculture, Food Security and Forestry. The general objective of the overall project is the establishment of low-carbon and pro-poor development and achieving environmental sustainability in Sierra Leone. The specific objective is to generate basic conditions (institutional, technical, social) and experience necessary for sound forest governance, benefit from REDD+ initiatives according to a pro-poor approach and for the development of renewable energy in Sierra Leone. The Forestry Division of the Ministry of Agriculture, Forestry and Food Security is strengthened in terms of institutional structure, policy framework, technical capacities, law enforcement capacities and logistical support so as to be able to fully assume its role in the protection and management of forest resources in the country. The technical assistance will directly support the Forestry Division in project management, REDD+ policy development and improvement of capacities and baseline data to integrate into a REDD+ system.</p> <p>8. Numbers and titles of lots: The contract is divided into lots: No. 1 lot only</p> <p>9. Budget: 18/01/2013 511 External aid programmes - Service contract http://ted.europa.eu/udl - Prior information notice - Not applicable Supplement to the Official Journal of the European Union</p>		



Forecast notice

What you should do :

- Analyse of the beneficiary country context (CSP, reports, ...)
- Past project analyse
- Stakeholder analyse
- Eventually field visit : **Market Analysis**
 - 1) Identification of potential partners
 - 2) Negotiations with partners

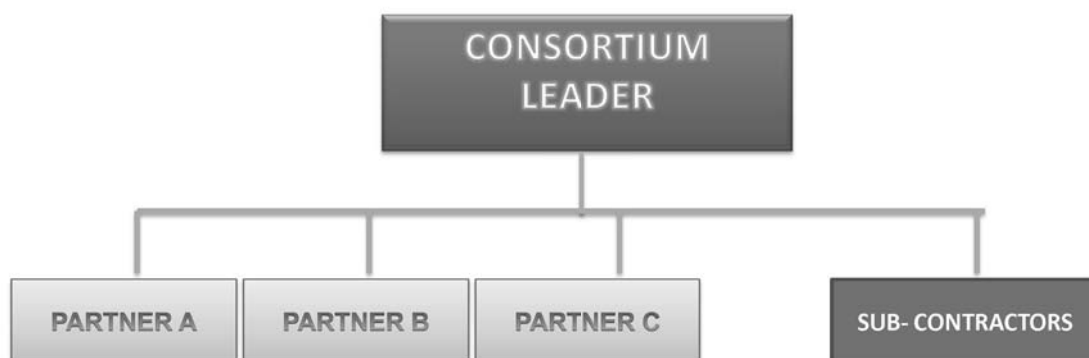
Strategy for consortium approach

Timing :

- Forecast notice published during 1 MONTH



Consortium



Procurement notice

The procurement notice is a call for expression of interest (EOI). The companies have at least 30 days after the publication to express their intention to tender for the project.



0316 511 16/01/2013 12785-2013-EN	External aid programmes - Service contract - Prior Information Notice - Not applicable	1/2
This notice in TED website: http://ted.europa.eu/vuln/TED/NOTICE/12785-2013/TEXT/EN/HTML		
SL-Freetown: DCI — Technical assistance for the REDD+ capacity building project in Sierra Leone 2013/S 011-012785		
Location: ACP countries — Sierra Leone		
Contract forecast notice		
Services		
Common procurement vocabulary (CPV): Main object: 71352209 Technical assistance services — Q849 On forestry		
1. Publication reference: EuropeAid123969DCI/SL		
2. Procedure: Restricted.		
3. Programme: DCI.		
4. Financing agreement: Financing agreement.		
5. Contracting authority: Ministry of Agriculture, Forestry and Food Security, Freetown, REPUBLIC OF SIERRA LEONE.		
6. Nature of contract: Fee-based.		
7. Contract description: Provision of technical assistance to support the implementation of the REDD+ capacity building project in Sierra Leone. Provision of ongoing advice and support on organisational development and management to strengthen the Forestry Division of the Ministry of Agriculture, Food Security and Forestry. The general objective of the overall project is the establishment of low-carbon and pro-poor development and achieving environmental sustainability in Sierra Leone. The specific objective is to generate basic conditions (institutional, technical, social) and experience necessary for sound forest governance, benefits from REDD+ initiatives according to a pro-poor approach and for the development of renewable energy in Sierra Leone. The Forestry Division of the Ministry of Agriculture, Forestry and Food Security is strengthened in terms of institutional structure, policy framework, technical capacities, law enforcement capacities and logistical support so as to be able to fully assume its role in the protection and management of forest resources in the country. The technical assistance will directly support the Forestry Division in project management, REDD+ policy development and improvement of capacities and baseline data to integrate into a REDD+ system.		
8. Numbers and titles of lots: The contract is divided into lots: No. 1 lot only.		
9. Budget:		
16/01/2013 511	External aid programmes - Service contract - Prior Information Notice - Not applicable	1/2
http://ted.europa.eu/TEDE Supplement to the Official Journal of the European Union		

Procurement notice

What to do

- 1) Finalise the consortium
- 2) Prepare the EOI dossier
 - **Financial & economic criterias:** administrative documents to include
 - **Professional criterias:** Number of employees
 - **Technical criterias:** references of past projects, importance of past project with the EC, in the country(ies) in the technical field(s)

Timing

Minimum 1 month to prepare the EOI



Expression of interest

Document to be completed by the beneficiary of the contract in the context of the tender process

EXPRESSION OF INTEREST FORM

EUROPEAN UNION

TECHNICAL ASSISTANCE FACILITY FOR THE "SUSTAINABLE ENERGY FOR ALL" INITIATIVE (SE4ALL)

Procurement Document (2013) 02/048

Financial Contract: Financial aid

Contract Reference: SE4ALL/2013/02/048

The applicant should complete this form in order to express its interest in participating in the procurement process. The applicant should provide the following information:

1. **IDENTIFICATION OF THE CONTRACT**

Contract Reference	Contract Title

2. **CONTACT POINT FOR THE CONTRACT**

Name	
Address	
City	
Country	
Phone	
Fax	
E-mail	

3. **FINANCIAL AND TECHNICAL CAPACITY**

Have you ever been awarded a contract of similar nature to the one being tendered for? If yes, please provide details of the contract, including the value, the date of award, the date of completion, the name of the contractor, and the name of the client.

Reference	Year of award	Value of contract (€)	Contract type	Contract status	Contract description

- 1) Financial information about the consortium members (C.A., etc)
- 2) Information about the Professional Capacity of the consortium
- 3) Fields of specialisation of the Consortium members
- 4) Experience: References of past projects



Preparation of terms of reference (ToR)

During this time, the EU Delegation has prepared the **terms of reference** of the project and has agreed of the project objectives with the beneficiary.

Public document to be completed by the Contracting Authority

SERVICE CONTRACT NOTICE

EU Technical Assistance Facility for the "Sustainable Energy for All" Initiative (SE4All)

Asia, Caribbean, Latin America and Pacific Regions

1. **Publication reference**
EuropeAid 134193 C SER.Mob
2. **Procedure**
Restricted
3. **Programme**
DCI-ENP
4. **Financing**
Budget line ENRP7
5. **Contracting Authority**
European Union, represented by the European Commission on behalf of and for the account of the beneficiary country countries (contractual procedure)

CONTRACT SPECIFICATION

6. **Nature of contract**
Fee-based
7. **Contract description**
The "Sustainable Energy for All" (SE4All) initiative aims to achieve the following 3 objectives by 2030: (i) ensure universal access to modern energy services, (ii) double the rate of improvement in energy efficiency and (iii) double the share of renewable energy in the global energy mix.
The EU has created a Technical Assistance Facility to support developing countries committed to reach the SE4All objectives through reform and the scaling up of investment in the energy sector. The Facility will be implemented in direct contractual management through calls for tenders. This call for tenders will cover primarily countries in the Asian, Caribbean, Latin America and Pacific regions that including Central Asian countries that are covered by the parallel call for tenders ref. n° EuropeAid 134192 C SER.Mob.



Selection Committee



The Delegation of the European Commission organise a **selection committee** to establish the shortlist.

Between **4** and **8** Consortiums are selected to participate to the tendering phase.

Timing

Minimum **2 weeks** to select the shortlisted candidates



Shortlist notice

All Consortiums prequalified for the project are published and they received the « tender dossier »

SERVICE CONTRACT SHORTLIST NOTICE
Environmental Technical Assistance and Information Exchange Facility - TAIIF
Location : Asia, Latin America, Africa- Bolivia, Brazil, Chile, China, Colombia, Guatemala, India, Indonesia, Kazakhstan, Kenya, Malaysia, Mexico, Nigeria, Peru, South Africa, Thailand, Vietnam

- 1. Publication reference**
EuropeAid 134141-C SER.Mult
- 2. Publication date of the contract notice**
12/04/2013
- 3. Lot number and lot title**
NA
- 4. Procedure**
Restricted
- 5. Number of applications received**
8 applications
- 6. Names of short-listed Candidates**
Development Solutions Europe Ltd - Number 7
GFA Consulting Group - Number 5
GOPA Cartemill - Number 4
Humax Dynamics - Number 3
LDK Consultants S.A. - Number 1
MWH - Number 2
NIRA ICSIP - Number 8

*NB Any tenders received from tenderers comprising legal entities other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.



Tender dossier



- Instructions to tenders
- Exemple of contracts & general conditions and annexes:
 - General conditions for service contracts
 - Terms of reference
 - Organisation & methodology: to be completed by the tenderer
 - Experts: to be completed by the tenderer (list and CV)
 - Budget and cashflow
 - Annexes and templates
- Other informations
 - Shortlist
 - Administrative compliance grid
 - Evaluation grid
- Tender submission form



Tender preparation

TECHNICAL OFFER

- 1) Tender submission form and partners declaration
- 2) Organisation & methodology
 - Background & context analyse
 - Approach & strategy
 - Planning of activities
 - Logframe
- 3) Experts
 - Experts table
 - Curriculum Vitae of experts

FINANCIAL OFFER

Timing

Minimum **60 days** for tender preparation



Tender evaluation

An evaluation committee done by the European Commission Delegation to analyse and score all submitted tenders

Evaluation of the Technical proposal

*Interviews
of
Key experts*

Evaluation of the Financial proposal

80 % – Technical proposal
20 % – Financial proposal

The tender with the highest score gets the contract !



Award Notice

*The winning consortium gets the **contract** from the European Commission Delegation and starts to **implement the project**.*



Contracting

The winning consortium prepare the administrative documents that will be join to the contrat from the European Commission Delegation.

After the reception of the EC contract, you have to sign it and starts to run the project.



VERY IMPORTANT

This presentation is for EC – Service Contract Procedure

All Funding Agencies have their own procedures, even EC procedures are different from other EU Donors such as EBRD and EIB

Check their own procedures/ guidelines in their respective website



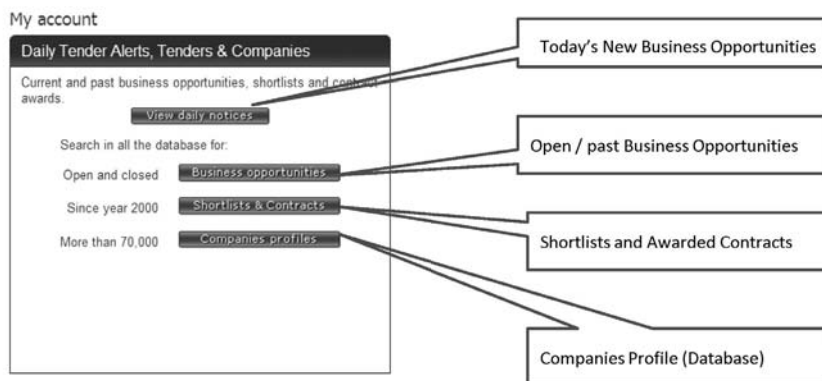
Still Complicated ?



ASSORTIS : Business Intelligence Platform for Donors Projects

“ 60 Donors – 205 Countries – 347 sectors in 1 place” :

EC, EBRD, EIB, WB, USAID, ADB, AfDB etc...providing you strategic information
in the entier tendering process



Everything is 1 Place

Project details are listed for quick reference to see if of interest

Project can be viewed in full by clicking the hyperlink

List of shortlisted companies as they were selected by the donor funding agency

List of companies that were awarded the project

Daily Tender Alerts

Business opportunities

Project title	Location	Donor	Budget	Published	Deadline
1. Procurement of Requisition and Capacity Development Plan for (voluntary Resettlement)	Mongolia	ADB	10,000 USD	18 Dec 2012	20 Dec 2012
2. Enhancing Coordination of the Central Asia Regional Economic	Tajikistan	ADB	14,000 USD	18 Dec 2012	20 Dec 2012

Shortlists

Project title	Location	Donor	Budget	Published
1. Kerala Sustainable Urban Development (formerly Urban Infrastructure Development and Environment II) - M&E&O in Monitoring and Evaluation of the implementation of Resettlement Plans	India	ADB	25,500 USD	
2. Kerala Sustainable Urban Development (formerly Urban Infrastructure Development and Environment II) - M&E&O of Environmental Due Diligence of Contracted assets	India	ADB	25,500 USD	

Contract awards

Project title	Location	Donor	Budget	Published
1. Individual Business Development at the Base of the Economic Pyramid	Ecuador	IADB	1,127,608 USD	
2. Institutional Strengthening Social Development Secretary - MCMG	Ecuador	IADB	889,600 USD	

19 December 2012

Business opportunities (147)

Shortlists (4)

Contract awards (32)

Services Supplies

Grants Works

Refresh the list

Summary of total # listed Business Opportunities, Shortlists & Awarded Contracts

Notifies calendar

You can view notices from 29 Dec 2009

December 2012

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Quick reference Calendar: click on previous dates to view opportunities for that date



Shortlisted & Contract Awarded Service

View original project "Shortlist" or original project as it was in DTA

List of companies that were contracted by the donor funding agency to manage the project

By clicking on company name, you will see all data available on the organization from the Assortis Companies database

MFF - Madhya Pradesh Power Sector Investment Program (Tranche 2)

Contract award details

Project title: MFF - Madhya Pradesh Power Sector Investment Program (Tranche 2)

[View project details](#)

CONTRACT AWARDS

1. Tinupati Plastomatics Pvt Ltd	1,089,493 USD
2. M/S Karam Steel in association with SA Enterprises, Mandi	1,354,127 USD

Reference: IND 32288-033 Loan

Financial ID: 2324

Project ID type: Services, Supplies, Works

Funding agency: Asian Development Bank

Countries: India

Contract amount: 1089493.94

Contract description

Loan No: 2324-IND

Project Name: MFF - Madhya Pradesh Power Sector Investment Program

Executing Agency: Madhya Pradesh PooV Khetra Vidyut Vitaran Co. Ltd.

Name of Contractor: M/S Tinupati Plastomatics Pvt. Ltd., Jaipur

Address: B-141(A), Road No 96, Vishwakarma Industrial Area, Jaipur-302 013, India

Nature of Contract Goods

Contract Description: Supply of Pvc and Ab Xlpe Cable (Lot I)

Total Contract Amount: US\$ 1,172,141.72

Contract Amount Financed by ADB: US\$ 1,089,493.94

Date of Contract: 02-Mar-12

Sector: Energy Sector Development

Document options

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Contract Value



Companies Database

Find Strategic EU Partners with their project references since 1999

All EU experienced companies are here!

Search for companies

•Select to search by either company name, country, city, project keyword, project budget, procurement type
• Companies shown in results will only be from the country / city you select

Search criteria

Company name:

Office location:

City:

Project keywords:

Project budget: €

Procurement type:

all of the words

any

any

Search Clear all

•Search results will only include companies with experience of managing projects in your selected countries / regions

Countries of experience

Central & Eastern Europe
South-East Europe
Western Europe
Central Africa
Eastern Africa
Northern Africa
Southern Africa
Western Africa
Central Asia
Middle East
North-East Asia
South-East Asia
Southern Asia
Oceania

Sectors of experience

Agri- & Rural Dev.
Comm. & PM & Infra
Const. & Engineering
Consumer Protection
Economic Dev.
Education
Energy
Equipment
Finance & Banking
Health
Humanitarian Aid
IT
Proc. Management
Public Administration
Science & Research
Socio
Telecommunications
Trade & Services
Transport
Urban Development

Central & Eastern Europe
[Select all countries in the region]

Armenia
 Azerbaijan
 Belarus
 Czech Republic
 Estonia
 Georgia
 Hungary
 Latvia
 Lithuania

AGRICULTURE & RURAL DEVELOPMENT
[Select all sub-sectors]

Agro-industry / Feed / Nutrition
 Biotechnology
 Credit / Insurance / Clearing / Economics / Finance
 Cultivation / Harvesting / Crop
 Drying / Processing / Scarifying / Pelletizing
 Early Warning Systems / Surveillance (Crops)
 Farm / Co-operatives / Associations / Community Centres / Community Participation
 Fisheries / Aquaculture
 Forestry
 Fruits & Vegetables
 Horticulture
 Land / Erosion / Soil / Conservation
 Mapping / Cadastre
 Meat & Dairv
 Mechanisation / Production

•Only companies that have experience in managing projects within your selected countries / regions will be shown



Companies Database

A new window will open presenting all companies matching your selection criteria

Total number of companies that meet you search criteria

Search results
There are 23601 organisations matching your search criteria.

Pages: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 Next

By clicking on company name, you will see all data available on the organization from the Assortis Companies database

Company / Organisation	Headquarters	Relevant contracts	Relevant shortlists
1. Eolis International (formerly BCEOM Societe Francaise d'Ingenierie)	France	324	873
2. HTSPE Ltd	United Kingdom	251	389
3. IRF International Consulting	Belgium	215	388
4. COVIA/S	Denmark	210	648
5. Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ) GmbH (formerly GTZ)	Germany	208	848
6. SOFRECO (Societe Francaise de Realisation d'Etudes et de Conseil)	France	203	1122
7. HLSP Ltd.	United Kingdom	198	95



Companies Database

Full contact detail of the company

List of contacts within the company

Total number of past projects the company has been awarded

Total number of past projects the company has been shortlisted for

218 contracts awarded					
Project title	Location	Donor	Budget	Published	
1. B-Suisse - 01 000 Study: water services for officials, water meters from public sector, water supply, sewerage, etc.	Belgium	EC	900 000 €	11 Sep 2012	
2. VN-Vietnam - POC - technical cooperation for health sector capacity support project in Vietnam	Vietnam	EC	1 771 090 €	14 Aug 2012	
3. B-Suisse - IPA - support to introduction of quality management systems (QMS)	Bosnia and Herzegovina	EC	1 874 900 €	1 Jun 2012	
4. TA-Ankara - IPA - technical assistance for improving the quality of vocational education and training in Turkey	Turkey	EC	8 998 812 €	8 May 2012	

892 times shortlisted					
Project title	Location	Donor	Budget	Published	
1. B-Suisse - ENP - Traseca regional project - transport dialogue and services improvement	Regional	EC	4 000 000 €	28 Dec 2012	
2. ZD-Zambia - ECF - supervision of civil works for the rehabilitation of the Great East Road (I & II)	Zambia	EC	7 800 000 €	14 Dec 2012	
3. Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth	South-East Asia	ADB	1 200 000 \$	29 Nov 2012	
4. Advanced Project Preparation for Poverty Reduction - Capacity Building for North Eastern States Roads (Component TA 1B)	India	ADB		27 Nov 2012	
5. KC-Kenya - ECF - supervision services for the upgrading of roads to and within the 1st Kenya and Aberdare National Parks, and construction of a bridge in Tsavo East National Park, Kenya	Kenya	EC	1 200 000 €	27 Nov 2012	

Linking with countries in transition

Example Moldova project

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Moldova - Water Utilities Development Programme

Project details	
Project title	Moldova - Water Utilities Development Programme
Reference	EBRD29362
Financing Ref.	7100-IFT-40267
Procurement type	Works
Funding agency	European Bank for Reconstruction and Development, European Commission, European Investment Bank
Countries	Moldova
Deadline	8 July 2012
Sectors	CONSTRUCTION & ENGINEERING: - Building / Construction / Civil Works / Demolition - Hydraulic Engineering (dams, pipelines, etc) URBAN DEVELOPMENT: - Water / Drainage / Irrigation / Flood / Well / Hydrology - Public utilities

Project description

Procurement ref. 7100-IFT-40267
Country: Moldova
Sector: Municipal and environmental infrastructure
Project number: 40267
Funding sources: EBRD, EIB, IIF
Contract type: Project goods, works and services
Notice type: Invitation for tenders
Issue date: 24 May 2012
Closing date: 8 July 2012
12:00 Noon, Chisinau time
More about this project

Fitaldeni Water Source
This Invitation for Tender follows the General Procurement Notice for this project which was published on the EBRD website, Procurement Notices (www.ebrd.com) on 7 July 2011 and recently updated on the 3rd October 2012.
JSC "AMEN-VER", hereinafter referred to as "the Employer", intends using part of the loan from the European Bank for Reconstruction and Development (the Bank), European Investment Bank and a grant from the EU's Neighbourhood Investment Facility (NIF) for the Moldova-Water Utilities Development Programme.
The Employer now invites sealed tenders from contractors for the following contract: "Fitaldeni Water Source" to be funded from part of the proceeds of the loan.
The works comprise finalising the detail design and the construction of the Fitaldeni water source for Hincesti with the construction of 3 deep wells, transfer pumping station, trunk main of 11km sized at 250mm de connected to an existing service reservoir in Hincesti.
The contract duration is 20 months, including 12 months for Defects Notification Period.
Tendering for contracts to be financed with the proceeds of a loan from the EBRD is open to firms, joint ventures, consortia or other non-physical persons, of any or more nationalities from any countries or countries.

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Example Moldova project

The works comprise finalising the detail design and the construction of the Firladeni water source for Hincesti with the construction of 3 deep wells, transfer pumping station, trunk main of 11km sized at 250mm de connected to an existing service reservoir in Hincesti.

The contract duration is 20 months, including 12 months for Defects Notification Period.

Tendering for contracts to be financed with the proceeds of a loan from the EBRD is open to firms, joint ventures, consortia or other unincorporated groupings of two or more persons from any country or countries.

The Tenderer shall furnish, as part of its tender, documentary evidence of the Tenderer's qualifications to perform the contract if its Tender is accepted establishing to the Employer's satisfaction that:

- (i) an average annual turnover as main contractor (defined as billing for work in progress and completed) over the last three (3) years of: €1,600,000 or equivalent.
- (ii) successful experience as prime contractor in 3 projects of a nature and complexity comparable to the proposed contract over the last 5 years, each with a value of at least: € 600,000 or the equivalent.
- (iii) has executed at least one construction project of a similar nature in the region within the last five (5) years.
- (iv) The Tenderer shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and/or other financial means sufficient to meet the construction for a period of 3 months estimated at not less than €200,000 or equivalent, taking into account the applicant's commitments to other contracts.
- (v) The Tenderer, and each partner in case of a joint venture, shall provide accurate information on any current or past litigation or arbitration resulting from contracts completed or under execution by him over the last five (5) years.
- (vi) Joint ventures must satisfy the following minimum qualification criteria
 - (a) The lead partner shall meet at least fifty (50%) percent of the minimum qualifying criteria for general experience and financial position required above.
 - (b) Other partners shall meet at least twenty (20%) percent of the minimum qualifying criteria for general experience and financial position required above.

All Tenderers including all partners in a joint venture shall submit audited balance sheets for the last three (3) years which should demonstrate the soundness of the Tenderer's financial position by showing long-term profitability.

Tender documents may be obtained from the office at the address below upon payment of a non-refundable fee of 1,600 Moldovan Lei and will be provided free for those tenderers who submitted offers for H/WSS-02 which had to be cancelled.

Payment may be made by cheque to JSC 'AMEN-VER', in cash directly to the cashier of IM 'AMEN-VER', or by inter-bank transfer to JSC 'AMEN-VER' BC MOLDINDCONBANK S.A. account no. ir CODUL BANCII: MOLDMD2X323

DENUMIREA BANCII: BC MOLDINDCONBANK S.A. filiala Hincesti c.f. 1002600028096

BENEFICIARUL: 222462306099 SC'AMEN-VER'SA

TRANSFERULUI: CF: 1003605000182

Cheque and bank transfer charges to be paid by the applicant.

Upon receipt of appropriate evidence of payment of the non-refundable fee, the documents will promptly be dispatched by courier; however, no liability can be accepted for their loss or late delivery. In addition, if requested, the documents can be dispatched electronically after presentation by the prospective Tenderer of an appropriate evidence of payment of the non-refundable fee. In the event of discrepancy between electronic and hard copies of the documents, the hard copy shall prevail.

All tenders must be accompanied by a tender security in the amount of €14,000 or the equivalent in Moldovan Lei at the exchange rate published by the National Bank of Moldova http://bnm.md/medium_exchange_rates on the day the IFT was published.

Tenders must be delivered to the office at the address below on or before 8 July 2013 12:00 hrs local time, at which time they will be opened in the presence of those tenderers' representatives who choose to attend.

A register of potential tenderers who have purchased the tender documents may be inspected at the address below.

Prospective tenderers may obtain further information from, and inspect and acquire the tender documents at, the following office:



Identify Strategic Local Partner in Moldova

Search results

There are 39 organisations matching your search criteria.

Pages: 1 2

Organisations directory				
Company / Organisation	Headquarters	Relevant contracts	Relevant shortlists	
1. PromTehGaz SA	Moldova	5	1	
2. INCORGAZ	Moldova	3	0	
3. ECP SOLDI SRL	Moldova	2	2	
4. Fintex SRL	Moldova	2	0	
5. Lucet-Comer	Moldova	1	1	
6. Izodromgas srl	Moldova	1	0	
7. Valorigor	Moldova	1	0	
8. Alexdan SRL	Moldova	1	0	
9. Carolina Constantinov	Moldova	1	0	
10. Tehno Consulting & Design S.R.L.	Moldova	1	0	
11. Contatori-Corn SRL	Moldova	1	0	
12. ACVA	Moldova	1	0	
13. GBC-MLD S.R.L.	Moldova	1	0	
14. Regional Environmental Centre (REC)	Moldova	1	0	
15. Crilina Srl	Moldova	1	0	



Check their project references

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Organisation details

Organisation name	PromTehGaz SA
Address	str. Cetatea Alba, 176 Chisinau 2002 Moldova
Phone	+373 22 521 137
Fax	+373 22 554 347
Email	promtehgaz@mdf.net

5 contracts awarded

Project title	Location	Donor	Budget	Published
1. Moldova - Water Utilities Development Programme	Moldova	EBRD	1 155 173 €	6 Jun 2012
2. NATIONAL WATER SUPPLY & SANITATION PROGRAM	Moldova	WB	266 000 \$	11 Nov 2011
3. NATIONAL WATER SUPPLY & SANITATION PROGRAM	Moldova	WB	181 000 \$	21 Jul 2011
4. Pilot Water Supply and Sanitation Project	Moldova	WB	441 000 \$	25 Sep 2006
5. Pilot Water Supply and Sanitation Project	Moldova	WB	1 070 000 \$	17 Aug 2006

1 times shortlisted

Project title	Location	Donor	Budget	Published
1. Moldova - Water Utilities Development Programme	Moldova	EBRD		15 Aug 2012

Major sectors

This company has been contract awarded and shortlisted mainly in the following sectors:

Major regions

This company has been contract awarded and shortlisted mainly in the following regions:

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Moldova - Water Utilities Development Programme

Contract award details

Project title	Moldova - Water Utilities Development Programme
View project details	
CONTRACT AWARD(S)	<ul style="list-style-type: none"> 1. SC Geprocon SA in association with PromTehGaz SA 1 155 173 EUR 2. Lucet-Comert in association with Izodromaas srl and Vallorisor 1 185 000 EUR
Reference	EBRDZ74414
Financing Ref.	6604-FT-40267
Procurement type	Works
Funding agency	European Bank for Reconstruction and Development
Countries	Moldova
Lots	<ul style="list-style-type: none"> LOT 1. Rehabilitation of 29 km of existing network and associated house connections in Hincesti town LOT 2. Extensions of 19 km, in the villages of Firladeni, Bozieni and Buteni LOT 3. Extensions of 26 km, in the villages of Mereseni and Loganesti
Contract amount	1155173.39

Contract description

Association SC Geprocon SA and Promtehgaz SA, Romania
 Project: Moldova Water Utilities Development Programme, Moldova Contract Description: Extension and rehabilitation of water supply system in Hincesti – Lots 2&3
 Contract Value: €1,155,173.39
 Funding Source: Loan #40267

Document options

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Successful Korean Companies already involved in EU Public Procurement

Organisation details

Organisation name	Korean Company A
Address	
Phone	
Fax Web	

Major sectors

This company has been contract awarded and shortlisted mainly in the following sectors:

- Energy
- Constr. and Engineering
- Prog. Management
- Telecommunications
- Social

15 contracts awarded

	Project title	Location	Donor	Budget	Published
1.	NH-Managua: High voltage transmission line and substation (EIB)	Nicaragua	EIB	10 123 145 \$	12 Feb 2013
2.	NH-Managua: High voltage transmission line and substation (EIB)	Nicaragua	EIB	6 432 185 \$	12 Feb 2013
3.	APOYO AL PROGRAMA DE TRANSMISIÓN (Support for the Transmission Program)	Ecuador	IADB	4 241 186 \$	28 Sep 2012
4.	Northern Power Transmission Expansion Sector Project (General Procurement Notice)	Vietnam	ADB	2 737 013 \$	18 Jun 2012
5.	National Power Grid Development Investment Program - Tranche 3	India	ADB	7 513 066 \$	17 May 2012
6.	National Power Grid Development Investment Program - Tranche 3	India	ADB	3 141 867 \$	17 May 2012
7.	National Power Grid Development Investment Program - Tranche 3	India	ADB	3 062 025 \$	17 May 2012
8.	Power Transmission Project in Support of the Energy Sector Reform & Development Program	Ukraine	WB	7 193 000 \$	31 Jan 2012
9.	Albania Power Transmission Substations Rehabilitation Project- Goods, works, services	Albania	EBRD	7 756 997 €	31 Mar 2010
10.	VN-2nd Transmission & Distribution	Vietnam	WB	11 022 000 \$	17 Aug 2009
11.	VN-2nd Transmission & Distribution	Vietnam	WB	8 890 000 \$	17 Aug 2009
12.	VN-2nd Transmission & Distribution	Vietnam	WB	171 309 347 597	15 Jul 2009

Major regions

This company has been contract awarded and shortlisted mainly in the following regions:

- South East Asia
- South Asia
- Southeastern Europe
- South America
- Central America

Major partners



Successful Korean Companies already involved in EU Public Procurement Market

Organisation details

Organisation name	Korean Company B
Address	
Phone	
Fax Web	

Major sectors

This company has been contract awarded and shortlisted mainly in the following sectors:

- Finance and Banking
- Energy
- Constr. and Engineering
- Urban Development
- IT

7 contracts awarded

	Project title	Location	Donor	Budget	Published
1.	Power Transmission Project in Support of the Energy Sector Reform & Development Program	Ukraine	WB	7 193 000 \$	31 Jan 2012
2.	EG-Giza North Power Project	Egypt	WB	17 287 000 \$	13 Dec 2011
3.	Millennium Challenge Corporation	El Salvador	MCC	16 159 \$	5 Oct 2011
4.	Sudan New Unified National Currency Project	Sudan	WB	12 910 000 \$	20 Dec 2006
5.	Sudan New Unified National Currency Project	Sudan	WB	5 536 000 \$	20 Dec 2006
6.	Sudan New Unified National Currency Project	Sudan	WB	4 442 000 \$	20 Dec 2006
7.	Sudan New Unified National Currency Project	Sudan	WB	2 932 000 \$	20 Dec 2006

Major regions

This company has been contract awarded and shortlisted mainly in the following regions:

- Southeastern Europe
- North Africa
- East Africa
- Central America
- Central and Eastern Europe

1 times shortlisted

	Project title	Location	Donor	Budget	Published
1.	Rehabilitation and Modernisation of Power Units 3 & 6 – Phase I – Rehabilitation and Modernisation of Power Unit 6 Project	Romania	EBRD		20 Dec 2011

Major partners

This company has been



Successful Korean Companies already involved in EU Public Procurement

Organisation details

Organisation name	Korean Company C
Address	
Phone	
Fax	
Email	
Web	
Contact person(s)	

Major sectors

This company has been contract awarded and shortlisted mainly in the following sectors:

- Transport
- Constr. and Engineering
- Urban Development
- Prog. Management
- Environment

2 contracts awarded

Project title	Location	Donor	Budget	Published
1. Sustainable Urban Transport Investment Program - Tranche 1	Georgia	ADB	2 966 519 \$	29 Mar 2012
2. Northern Road Connectivity Project	Sri Lanka	ADB	2 565 852 \$	6 May 2011

6 times shortlisted

Project title	Location	Donor	Budget	Published
1. Hubei Yichang Sustainable Urban Transport	China	ADB	900 000 \$	26 Apr 2012
2. Greater Mekong Subregion Ha Noi-Lang Son_Greater Mekong Subregion Ha Long-Mong Cal. and Ben Luc-Long Thanh Expressways Technical Assistance Project	Vietnam	ADB	890 000 \$	9 Aug 2011
3. Sustainable Urban Transport Investment Program - Tranche 1	Georgia	ADB	3 500 000 \$	1 Apr 2011
4. Central Mekong Delta Region Connectivity Project (Second Supplementary)	Vietnam	ADB	1 450 000 \$	17 Mar 2011
5. Northern Road Connectivity Project (formerly Road Network II Project (Provincial))	Sri Lanka	ADB	154 400 000 \$	13 Apr 2010

Major regions

This company has been contract awarded and shortlisted mainly in the following regions:

- South Asia
- South East Asia
- Central and Eastern Europe
- North-East Asia

Major partners

Linking with countries in transition

Successful Korean Companies already involved in EU Public Procurement

Organisation details

Organisation name	Korean Company D
Address	
Phone	
Email	
Web	
Contact person(s)	

Major sectors

This company has been contract awarded and shortlisted mainly in the following sectors:

- Energy
- Prog. Management
- IT
- Constr. and Engineering
- Social

24 contracts awarded

Project title	Location	Donor	Budget	Published
1. Northern Power Transmission Expansion Sector Project (General Procurement Notice)	Vietnam	ADB	5 458 445 \$	24 Nov 2010
2. National Power Grid Development Investment Program	India	ADB	4 293 381 \$	10 Oct 2010
3. Northern Power Transmission Expansion Sector Project (Supply of steel towers for 500kV Son La - Hoa Binh and Son La - Nho Quan Transmission Lines)	Vietnam	ADB	16 553 250 \$	17 Apr 2009
4. Sustainable Power Sector Development Project	Bangladesh	ADB	14 666 201 \$	11 Jun 2008
5. Northern Power Transmission Sector Project	Vietnam	ADB	1 989 824 \$	19 Oct 2006
6. POWER SYSTEM DEVELOPMENT PROJECT-III	India	WB	213 000 \$	15 Mar 2005
7. Powergrid System Development Project (02)	India	WB	85 000 \$	15 Mar 2005
8. Powergrid System Development Project (02)	India	WB	5 125 000 \$	15 Mar 2005
9. EIP - Shieldwires with optical fibres (YU-Belgrade)	South-East Europe	EIB	2 731 000 €	23 Feb 2005
10. System Efficiency Improvement, Electrification & Renewables Project	Vietnam	WB	559 000 \$	3 Dec 2003

Major regions

This company has been contract awarded and shortlisted mainly in the following regions:

- South East Asia
- South Asia
- Southeastern Europe
- North-East Asia

Major Donors

Linking with countries in transition

Solutions

- 1) Finding the right information at the right place and the right time
- 2) Identifying strategic EU Local Partners which are familiar with EU Public Procurement and Local Rules/ Law



EU NETWORKING EVENT – EUKPP Event





Thank You
Questions ?

In Seoul until the 19th June 2012

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3. 군수물자 중심으로 본 독일 공공조달시장 진출 방안

ESG



Public procurement in Germany

Seoul, 12th June 2013

Christian Hanke

Agenda

- 1. Introduction to public procurement in Germany**
- 2. Public procurement in Germany in the military sector**
 - ▶ General process
 - ▶ CPM (Customer Product Management) amended
 - ▶ Public pricing law
- 3. Participation possibilities for non-European companies**

Public procurement in Germany



Introduction



The **Federal Ministry of Economics and Technology (BMWi)** defines the rules and regulations of public procurement.

Public procurement includes the **procurement law** and the **pricing law**.

Procurement law

- ▶ Regulates the awarding of public contracts to companies
- ▶ Objective: Procurement of material and human resources at the lowest cost and best conditions
- ▶ Prevents corruption and nepotism
- ▶ Ensures competition, non-discrimination and transparency on the market

Pricing law

- ▶ Protects the public customer from inappropriate price demands
- ▶ Uniform pricing to cover the needs of the particular market

Source: www.bmwi.de

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3

National & European procurement law



Federal laws, state laws and EU regulations (I)

- ▶ **VgV**
Verordnung über die Vergabe
Regulation on the award of public contracts contains fundamental terms on procedural rules for public procurement and the review procedures
- ▶ **VOB/A**
Vergabe- und Vertragsordnung für **Bauleistungen, Teil A**
Regulates the award of public contracts for building work
- ▶ **VOB/B**
Vergabe- und Vertragsordnung für **Bauleistungen, Teil B**
Contains general terms and conditions for building work
- ▶ **VOL/A**
Vergabe- und Vertragsordnung für **Leistungen, Teil A**
Regulates the award of contracts for services and supply services
- ▶ **VOL/B**
Vergabe- und Vertragsordnung für **Leistungen, Teil B**
Contains general terms and conditions for services and supply services. Many public contracts are based on these.

Source: www.vergabe24.de

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4

Federal laws, state laws and EU regulations (II)

- ▶ **VOF**
Vergabeordnung für freiberufliche Dienstleistungen
Regulates the award of public contracts for freelance services e.g. architects, engineers, lawyers
- ▶ **VSVgV**
Vergabeverordnung Verteidigung und Sicherheit
Implements in national law the procedural rules of the European directive 2009/81/EG concerning the coordination of procurement procedures for certain works, supply and service contracts in the defence and security sectors

Additional terms & conditions for non-IT services

- ▶ **ABBV: Allgemeine Bedingungen für Beschaffungsverträge des Bundesministeriums der Verteidigung**
General terms & conditions for procurement contracts with the Federal Ministry of Defence
- ▶ **ABEI: Allgemeine Bedingungen für Entwicklungsverträge mit Industriefirmen**
General terms & conditions for development contracts with industry
- ▶ **ABFI: Allgemeine Bedingungen für Forschungsverträge mit Industriefirmen**
General terms & conditions for research contracts with industry

Source: www.vergabe24.de

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5

Regulation of the procurement procedure

- ▶ Either national or European procurement procedure is applied, depending on the type and scope of the required goods and services.



Source: BWB, April 2012

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6

National or European procedure?

- ▶ If, according to the estimation of the public customer, the expected contract value lies above a so-called threshold, a European procurement procedure **must** be carried out
- ▶ Above these thresholds European law applies, below these thresholds only national law applies
- ▶ The thresholds for 2012/2013 (adjusted every 2 years):

– Building contracts	5,000,000 €
– Supply and service contracts of the upper federal authorities	130,000 €
– Supply and service contracts in the drinking water, energy supply and transport sectors	400,000 €
– Defence and security-relevant supply and service contracts	400,000€
– All further supply and service contracts	200,000 €

Source: IHK Berlin, 4th January 2013

There are 3 different types of procurement procedures in Germany

Public tender	Restricted tender	Direct award
<ul style="list-style-type: none"> ▶ Unlimited number of companies can participate ▶ Tender submission → Tender evaluation → Determination of most economic offer 	<ul style="list-style-type: none"> ▶ Goods/services can only be provided by a restricted circle of companies ▶ Invitation to tender to a restricted number of companies 	<ul style="list-style-type: none"> ▶ Formal procurement procedures is not possible due to particular reasons ▶ Public call for competition is often carried out in advance

Source: www.bmwi.de / Broschüre „Auftraggeber Bundeswehr“ from BWB (since 10/2012 BAAINBw), April 2012

The German procurement procedure



National

Public tender

Restricted tender

Direct award

- ▶ Public customers are obligated to apply the public procurement procedure
- ▶ Other procedures may only be used in specific circumstances
- ▶ Public contracts are published in various tender papers and online platforms

Source: www.bmwi.de / Broschüre „Auftraggeber Bundeswehr“ from BfWB (since 10/2012 BAaINBw), April 2012

The European procurement procedure



There are 5 different types of European procurement procedures

Open procedure (below threshold)	Restricted procedure (below threshold)	Negotiated procedure (below threshold)	Competitive dialogue (only above threshold)	Service design contest
<ul style="list-style-type: none"> ▶ Unlimited number of companies are publicly invited to submit a tender ▶ Any interested company can compete for the tendered contract ▶ One-step procedure, whereby companies simultaneously submit verification of suitability and tender 	<ul style="list-style-type: none"> ▶ Public call for competition ▶ Any interested company can request to participate ▶ Only companies invited to do so can submit a tender ▶ Two-step procedure, whereby companies must first submit verification of suitability ▶ At least 5 suitable companies are invited to submit a tender → Competition is limited to a particular circle of tenderers 	<ul style="list-style-type: none"> ▶ Contracting authority consults the companies of its choice and negotiates the terms of the contract with them ▶ Either with or without prior publication of a contract notice ▶ Negotiation is possible ▶ This procedure is shaped by the contracting authority, fundamental procurement laws must be observed 	<ul style="list-style-type: none"> ▶ Procedure for awarding complex contracts outside the drinking water, energy supply or transport sectors ▶ Contract notice is published ▶ A minimum of 3 selected companies are invited to conduct a dialogue ▶ Final tenders are submitted based on solutions developed during the dialogue between the customer and competing companies 	<ul style="list-style-type: none"> ▶ Fundamentals and guidelines for competitions in the land-use planning, urban development and construction sectors ▶ Used in Germany when carrying out e.g. architectural competitions

Source: IHK Berlin, 4th January 2013, <http://europa.eu>

The European procurement procedure



Europe

- Open procedure
- Restricted procedure
- Negotiated procedure
- Competitive dialogue
- Service design contest

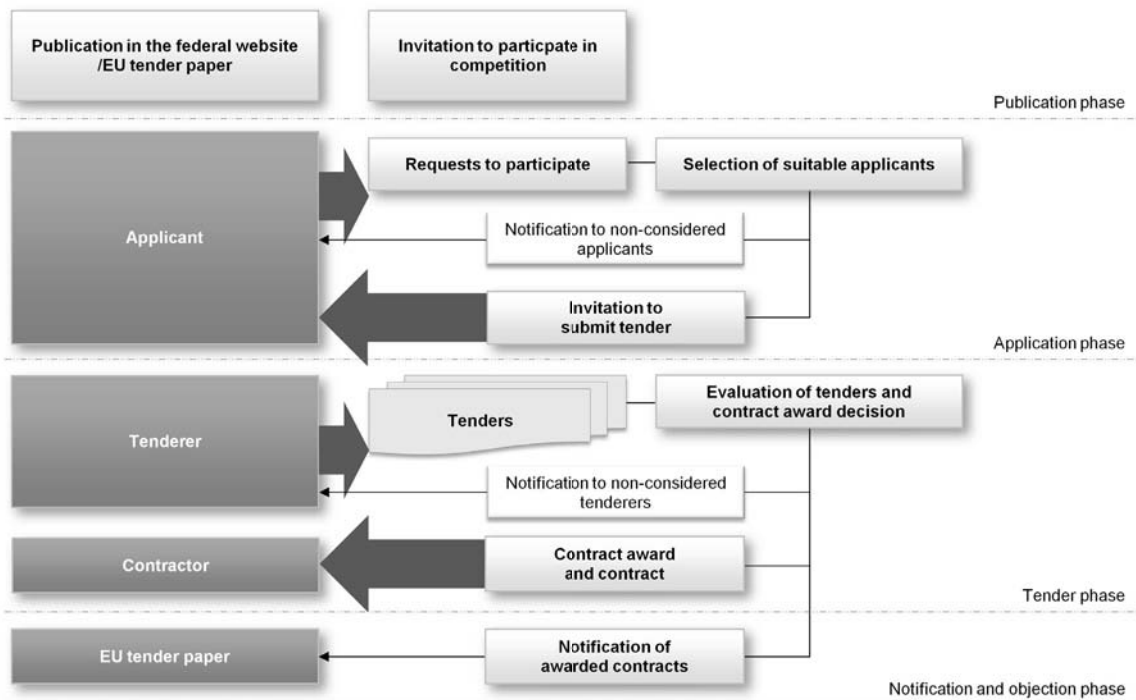
- ▶ In the interests of transparency, all calls for tender over the relevant thresholds must be published in the **EU's Official Journal**
- ▶ The EU adheres to the World Trade Organization agreement on fair international competition for public contracts
- ▶ This **Agreement on Government Procurement (GPA)**
 - has 39 members (Korea since 01/1997) including the 27 EU countries
 - bans discrimination in the awarding of public contracts and lays down procedural rules
- ▶ **Defence contracts** are still largely covered by national legislation
- ▶ The EU aims to create an EU market for defence equipment while preserving national security interests

Source: IHK Berlin, <http://europa.eu>, <http://www.wto.org/>
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Public call for competition



Modified according to BWB, April 2012



Public procurement in Germany in the military sector

Public procurement in Germany in the military sector

„Vergabeverordnung Verteidigung und Sicherheit (VSVgV)“ - Regulation on award of public contracts in defence & security

- ▶ Complete implementation of the EU directive 2009/81/EG into German law
- ▶ Uniform legal framework for award of contracts in the defence and security sector
- ▶ Protection of
 - Classified information
 - Information security in the entire supply chain
 - Security of supply of equipment
- ▶ No award in open procedure
- ▶ Restricted procedure and negotiated procedure coequal

Defence & security-relevant contracts



Defence or security-relevant contracts are contracts whose content comprise at least one of the following goods/services:

1. The delivery of military equipment including associated parts, components or construction sets
2. The delivery of equipment that is awarded as part of a classified information contract, including associated parts, components or construction sets
3. Building work, delivery and services in direct connection with the equipment named in (1) and (2) in all phases of the equipment lifecycle
4. Building work and services specially for military purposes or building work and services awarded as part of a classified information contract

Capital defence expenditure in 2013: 7.6 billion €

Source: www.it-recht-kanzlei.de

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15

General procurement process



The German Armed Forces, as a public customer, are bound by the rules of the procurement law

The procurement basics

- ▶ Paragraph 87b of the Basic Law assigns the immediate fulfillment of the armed forces' material requirements to the Federal Defence Administration
- ▶ Contracts required for providing the necessary equipment to the armed forces are awarded to industry, trade and commerce by the designated civilian authorities of the Federal Defence Administration
- ▶ The following awarding regulations and directives of the Federal Government are taken into consideration:
 - Law against restraint of competition (GWB)
 - Regulation on the award of public contracts – Vergabeverordnung (VgV)
 - Conditions concerning Contracts for Supplies and Services Part A (VOL/A)
 - Conditions Concerning Contracts for Freelance Supplies and Services (VOF)

Source: www.baain.de

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16

General procurement process



Centralised procurement

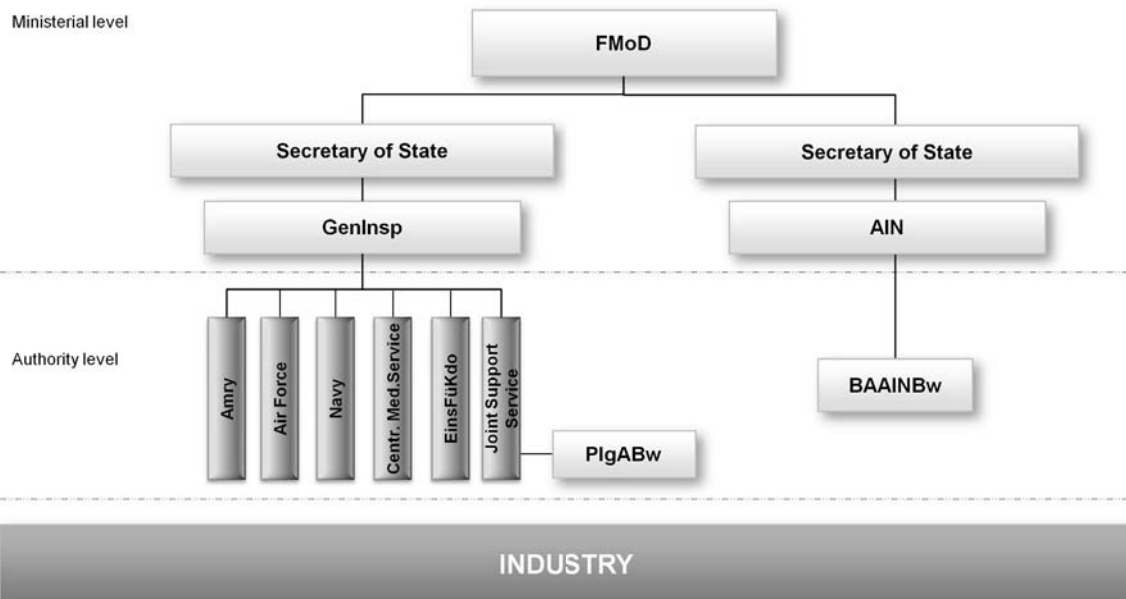
- ▶ The entire demand of the armed forces is jointly determined and subsequently procured
- ▶ The Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support (BAAINBw) is responsible
- ▶ The following are awarded centrally:
 - Study, research and development contracts
 - Initial and follow-up requirements for defence materiel and supplies
 - vehicles, Air Force and Navy equipment, communications equipment, IT, weapons, ammunition, missiles, POL, food, etc.
 - Including repair work

Source: www.baain.de

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17

Participants in the procurement process



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18

Responsibilities in the procurement process



BAAINBw



Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support

- ▶ Supply the German Armed Forces with state-of-the-art technology and modern equipment at economic conditions
 - Development, testing and procurement of defence material
 - Internal activity or contract award to industry
- ▶ From highly complex weapon systems, tanks, aircraft and ships to soldiers' personal equipment
- ▶ Continuous responsibility for
 - Drafting technical solution proposals
 - Implementation and use
 - Disposal of material

Source: www.baain.de

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19

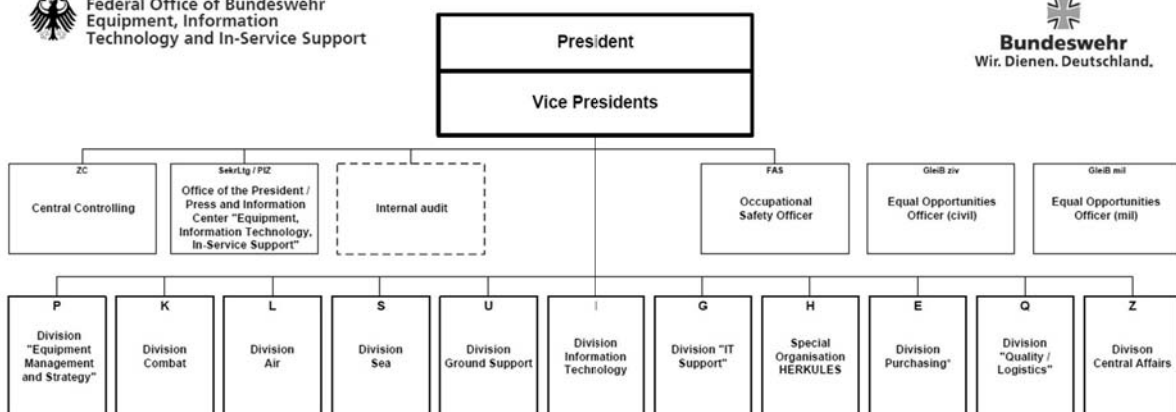
Responsibilities in the procurement process



BAAINBw

Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support

Bundeswehr
Wir. Dienen. Deutschland.



Source: www.baain.de

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20

Responsibilities in the procurement process



PlgABw & GenInsp

Bundeswehr Planning Office (PlgABw)

- ▶ Bundling of tasks, competences and responsibility in the planning network
- ▶ Provision of methodical competence and scientific tools
- ▶ Drafting of foundations for future orientation of the Bundeswehr
- ▶ Continuation of the capability status quo and further development of Bundeswehr capabilities
- ▶ Planning proposal is an important basis for budget preparation

Bundeswehr Chief of Staff (GenInsp)

- ▶ Highest-ranking soldier in the Bundeswehr
- ▶ Military advisor to the Federal government
- ▶ Responsible for
 - Development and implementation of the overall concept of military defence
 - Bundeswehr operations
 - Bundeswehr planning

Source: www.kommando.streitkraeftebasis.de / www.bmvg.de

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21

Customer Product Management (amended)



Customer Product Management (CPM) is the internal Federal Ministry of Defence framework directive for

- ▶ Capability-oriented requirement identification
- ▶ Timely and cost-effective procurement of operational products and services and
- ▶ Their efficient use

Primary objective:

To combine quality, efficiency and flexibility with clear responsibilities, decision-making authority and fewer interfaces in order to provide the armed forces with optimum support

Source: BAAINBw

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22

The principles of sound financial management govern every phase of the CPM process and must be observed by those in charge.

This means in particular

- ▶ Limiting requests to those that are necessary
- ▶ Minimising production risks early on when preparing proposals for solutions
- ▶ Making use of competitive market opportunities
- ▶ Initiating economic feasibility analyses at an early stage and
- ▶ Implementing production and in-service control within the agreed-upon timeframe, range of obligations and budget

Source: BAAINBw

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23

Project categories

- ▶ **Distinction between 4 project categories with different levels of ministerial involvement: A, B, C, D**
- ▶ Ensures resources are allocated in a cost-efficient manner with differentiated administrative processes
- ▶ **Projects in categories A and B**
 - Special significance for the Federal Ministry of Defence (FMOD)
 - Category A projects are the most important
 - Most important decisions are made at the FMOD
- ▶ **Projects in categories C and D**
 - Finalised by the Offices following approval of the FFF (capability gap and functional requirement document) or FFF(S) fast-track initiative
- ▶ Different project management and management accounting measures between the project categories

Source: BAAINBw

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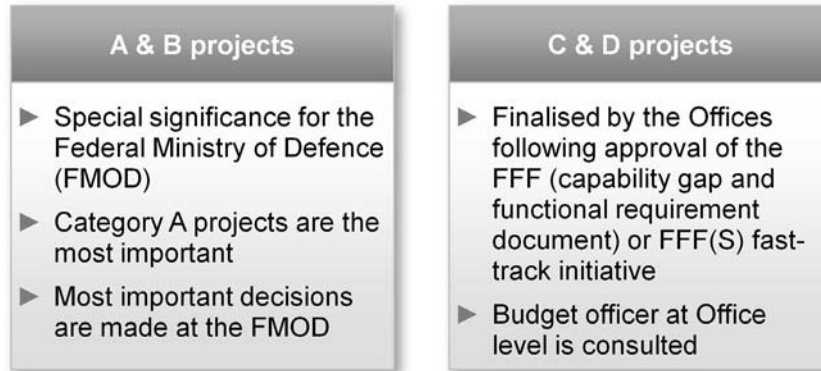
24

CPM amended

Project categories



- ▶ Distinction between 4 project categories with different levels of ministerial involvement: A, B, C, D



- ▶ Ensures resources are allocated in a cost-efficient manner with differentiated administrative processes
- ▶ Different project management and management accounting measures between the project categories

Source: BAAINBw

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25

CPM amended

Project categories



- ▶ Project categories are determined by means of **key indicators**:

- Financial needs
 - Project duration
 - Contract
 - Technology
 - Organisation
- } Assessed at Office level
- Political significance
 - Military significance
 - Project-specific features
- } Assessed by FMOD

- ▶ The criteria and range of values are continuously updated to ensure proper categorisation
- ▶ Projects can be assigned to a new category by the FMOD

Source: BAAINBw

© ESG

26

CPM amended

Project categories



Criteria for special political significance

- ▶ Matters deliberated or discussed by the Federal Cabinet and Parliament or by committees, commissions or consultants appointed by these organs
- ▶ Repeated discussion in international institutions or bodies or with partner nations at ministerial, secretary of state, chief-of-defence, armaments director, ministerial director, or IT director level
- ▶ Public awareness and significance

Criteria for special military significance

- ▶ Significance for more than one service
- ▶ Significance for the capability profile of the Bundeswehr (operational capability)
- ▶ Significance for the operational readiness of the armed forces

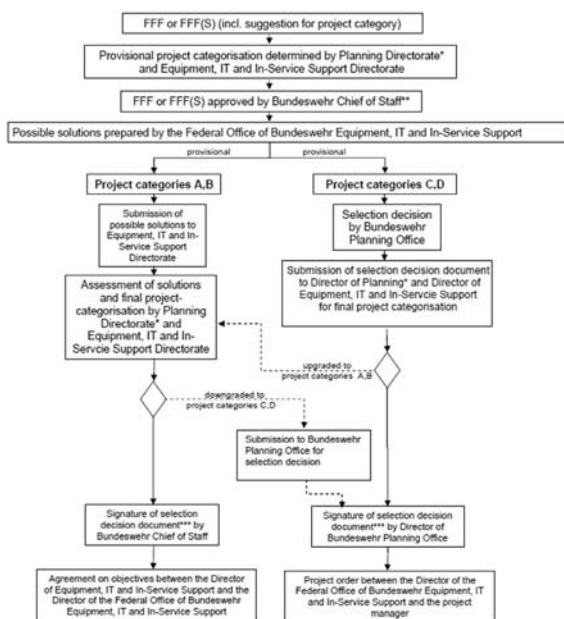
Source: BAAINBw

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27

CPM amended

Project categories



* for FFF(S) after prior consultation with the Director of Strategy and Operations
 ** or a delegation chosen by the Bundeswehr Chief of Staff
 *** budgetary document for production

Source: BAAINBw

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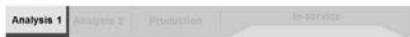
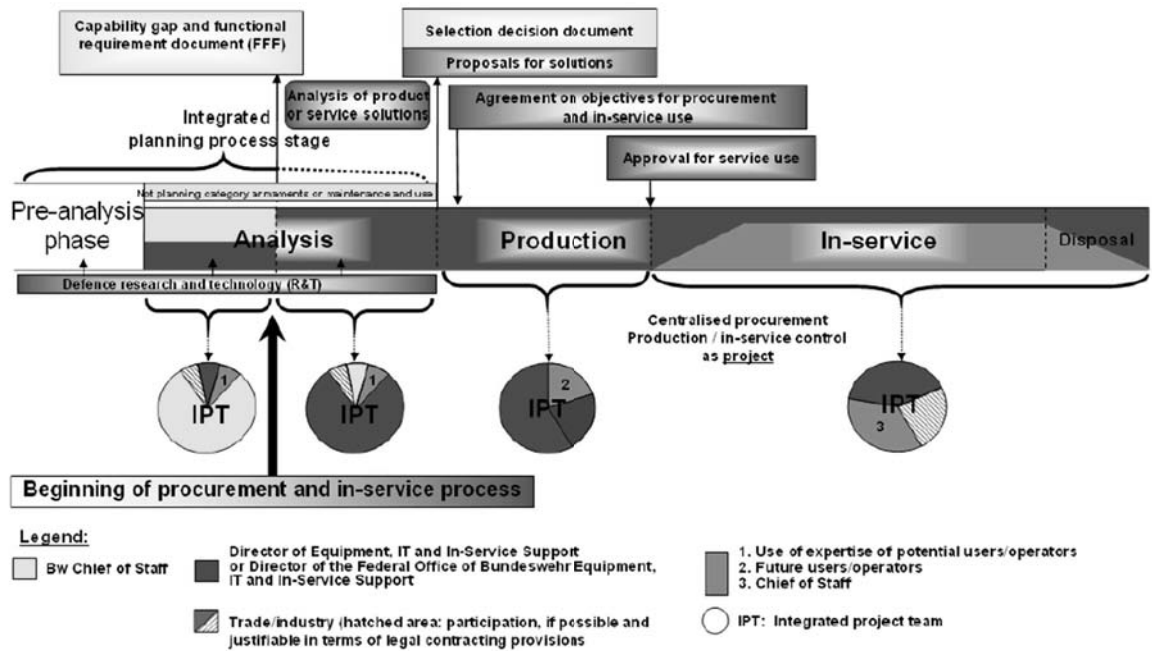
Category A & B projects

- ▶ Most important decisions made at FMOD
- ▶ Based on the selection decision document and the finalised contract, an agreement on objectives is negotiated and concluded by the Director of AIN and the Director of BAAINBw

Category C & D projects

- ▶ Finalised by the Offices following approval of the FFF or FFF(S) by the Ministry
- ▶ Director of PlgABw makes the selection decision based on sufficient funding and prior consultation with BAAINBw
- ▶ The Office makes a recommendation from a technical and economic perspective
- ▶ With the documented decision, the selected proposal becomes a selection decision document and is submitted by the PlgABw to the FMOD for final project categorisation
- ▶ If category C or D is confirmed, responsibility for production and in-service use is transferred with the selection decision document to BAAINBw

28



1. Requirement identification (carried out by PlgABw)
 - Identification of capability gaps
 - Evaluation and prioritisation of measures
 - If a material solution is chosen
 - Formulation of functional requirements (PlgABw + BAAINBw)
 - Establishment of an Integrated Project Team (IPT) by PlgABw (members from BAAINBw, potential users and operators)

2. Formulation of CPM document “capability gap and functional requirement“ (FFF)

Result:
Approval of FFF initiates the procurement and in-service process

CPM amended: Analysis phase 2



1. Development of several proposals distinguishing between
 - Introduction of available products and use of services
 - Improvement of fielded products and services
 - Implementation of new products
 - ▶ Analysis and assessment of possible solutions in terms of performance, time, costs and risks, taking public procurement law into consideration
 - ▶ From 100 % fulfilment of requirements → purchase of quickly available, off-the-shelf products
 - ▶ Pricing across the lifecycle
 - ▶ Submission to GenInsp for approval
2. Selected proposal becomes a „selection decision document“ (AWE)

Result:
AWE is a budgetary document and the basis for the agreement on objectives

CPM amended: Production phase (I)



Objective:
To provide suitable and operational products and services in good time

1. After approval of the AWE → appointment of IPT project manager
 - IPT carries out all tasks in project management, controlling and accompanying risk management
2. Preparation and conduction of tendering process and awarding of contract
3. (Parallel) Formulation of agreement on objectives
4. After conclusion of the contract, the agreement on objectives is concluded (Director of AIN + Director of BAAINBw), which agrees on timeframes and costs as well as terms of reference for lifecycle cost management
5. Contract implementation (project manager with IPT)
6. Integrated compliance demonstration to determine suitability of a product
 - Contractor performance verification activities in accordance with the customer's requirements
 - Customer's technical and user tests
 - Other operational parameters and functional limits
 - If performance verification is successful, product is accepted by customer
 - If operational suitability tests are successful, user/operator issues statement of acceptance

7. Issue of „approval for service use“ (GeNu), which certifies that
 - The product meets the performance requirements as set out in the selection decision document and the contract specifications
 - Safe operation can commence under applicable legal regulations and that product safety is ensured
 - Operational viability is ensured
 - The product is suitable for its intended use and a statement of acceptance has been issued by the user/operator
8. Delivery of first item
 - By contractor → BAAINBw
→ Director of BAAINBw assumes material responsibility for maintaining operational viability
 - To the Chiefs of Staff of the services
→ They assume in-service and supply responsibility for the maintenance of operational capability and readiness

Conclusion:
Acceptance of the last item

Objective:
Use of products and services in accordance with their intended purpose

- ▶ Material responsibility for the operational viability of introduced products and services (project manager BAAINBw)
- ▶ In-service and supply responsibility for the maintenance of operational capability and readiness (Chiefs of Staff of the services/major civilian organisational elements)
- ▶ Product modification, product improvement, replenishment procurement, replacement procurement, supplementary procurement
- ▶ Support services

**All public procurement contracts are subject to public pricing law
– except construction contracts**

There are special pricing rules for public procurement contracts.

Formal regulation VoPr 30/53 (Pricing Regulation)

- ▶ Based on the Pricing Law (PreisG) the pricing regulation claims the priority of market pricing
- ▶ The pricing regulation rules the application of the different pricing types and their evaluation (principle of public price audit)
- ▶ Cost related pricing is an exemption
- ▶ Price auditing is done by the regional authorities. In case of foreign supplier an administrative assistance through foreign local authorities is possible
- ▶ Infringement against pricing regulation leads to invalidity of the price agreement. New pricing will be determined by the authorities based on pricing regulations. Further legal actions are to be expected

Source: www.bmwi.de

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35

- ▶ In case of a competition of at least three competitors concerning a public tender the lowest price will be accepted as **market price**
- ▶ In case of a direct award of a public contract the bidder has to prove at least three comparable contracts at comparable prices within Germany to claim a **market price**
- ▶ Market prices can be subject to a price audit but without cost calculation
- ▶ In the area of direct awards (a considerable percentage of military public awards are direct awards) the bidder has to accept all characteristics of the pricing regulations including **cost pricing** regulations
 - Cost pricing in german public procurement process is different from textbook knowledge as profit is always part of the **cost pricing**. Profit is determined as a specific percentage depending on the kind of contract e.g. development, delivery, after sales support and depending of the kind of performance (own performance or subcontractor performance)
 - Pricing regulation asks for the following scheme as minimum requirement:
production cost + development cost + administration cost + acquisition cost = cost base + calc. profit = cost price

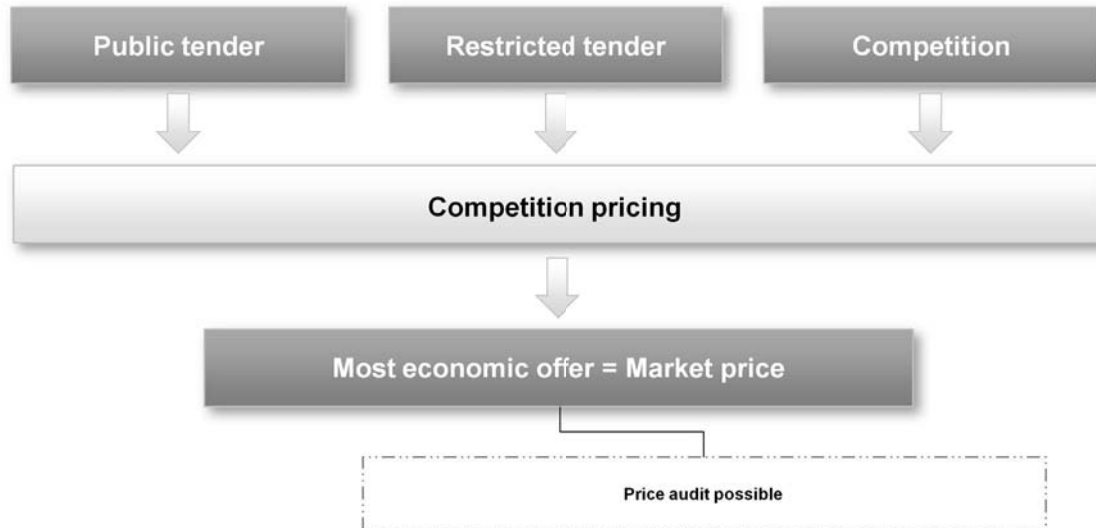
Source: <http://www.it-recht-kanzlei.de/>

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36

Public Pricing

Types of Tender – Pricing – Price Audit

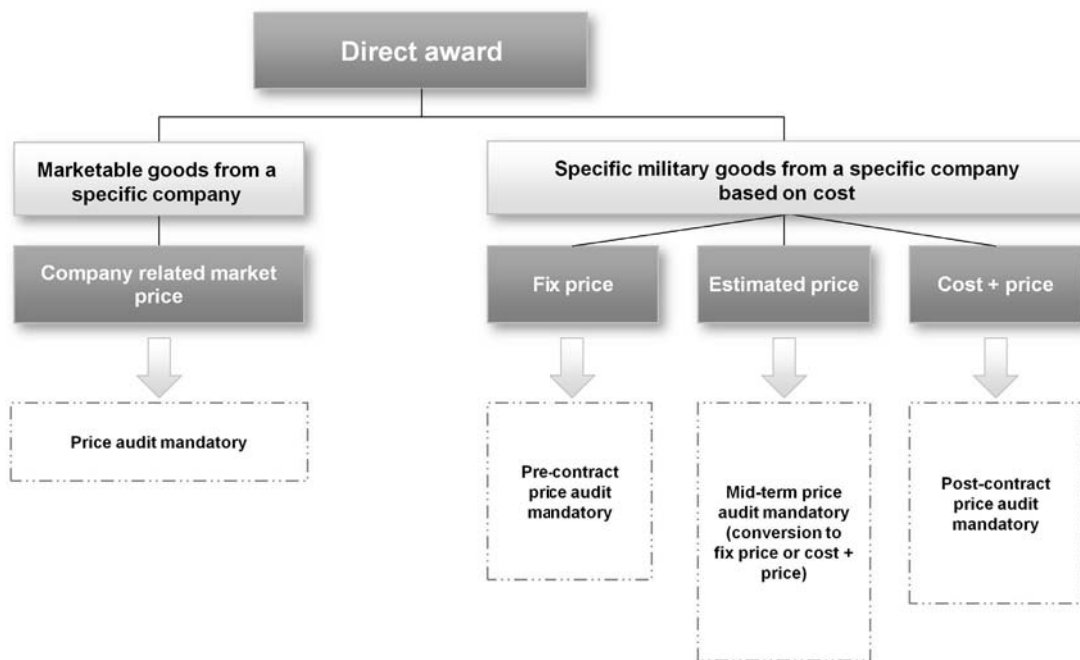


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37

Public Pricing

Types of Tender – Pricing – Price Audit



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38

- ▶ The public procurement process in Germany is characterised by highly complex processes, in particular in the military sector
- ▶ The national and European rules and regulations on procurement and pricing are
 - Manifold
 - Clearly defined
 - Very specific
 - But also fair and correct
- ▶ Competition for contract award is desired and encouraged
- ▶ The German Armed Forces applies an efficient, standardised procurement and in-service support process (CPM)

The complex public procurement process with its many associated laws and regulations leads to high entry barriers into the German military market

Participation possibilities for non-European companies

Participation possibilities for non-European companies



Participation possibilities

- ▶ Participate in public tender processes from abroad
 - Many tenders are published in online portals open to all interested parties

- ▶ Set up own company in Germany
 - Subsidiary or sales company
 - Tax payment in Germany is a critical factor

- ▶ Partnering with German companies
 - Combine specific product/service competences with local know-how of the German customers and procedures

Participation possibilities for non-European companies



Participation possibilities

- ▶ Participate in public tender processes from abroad
 - Checklist:
 - Highly complex processes require detailed knowledge of German and European procurement procedures
 - Permanent survey of the respective online portals is necessary
 - Compliance with international and national standards for products and services must be ensured
 - It is important for the German public customer to maintain its national requirement and assessment ability

Participation possibilities for non-European companies



Participation possibilities

- ▶ Participate in public tender processes from abroad

Evaluation:

- + Direct participation without partner or subsidiary
- + Opportunity of establishing a brand name in German public sector
- Lack of expertise in procurement procedures
- No direct contact to the procurement authorities
- Newcomer unknown for the authorities
- No Participation in restricted tenders or direct awards

Summary: Recommended for the procurement of COTS products
 Not recommended in the military sector

Participation possibilities for non-European companies



Participation possibilities

- ▶ Set up own company in Germany

Checklist:

- Highly complex processes require detailed knowledge of German and European procurement procedures
- Is the envisaged business worth the investment
- Is the company recognized as “German company”
- It is important for the German public customer to maintain its national requirement and assessment ability

Participation possibilities for non-European companies



Participation possibilities

► Set up own company in Germany

Evaluation:

- + Footprint in Germany
- + Opportunity of establishing a brand name in German public sector
- + Direct contact to the procurement authorities
- + Participation in restricted tenders or direct awards
- Investment in an unsecure and unknown market environment necessary
- Patience and persistence is required

Summary: Recommended if long-lasting market entry in Germany is desired
 Not recommended for single business opportunities

Participation possibilities for non-European companies



Participation possibilities

► Partnering with German companies like


Checklist:

- Partner of the German Armed Forces for several years (ESG for 50 years)
- Leading expertise in the defence and security sector (ESG as system and software company)
- Extensive knowledge of processes in the German Armed Forces
- Many years of experience with public procurement processes and CPM
- Large network of public customer contacts
- Considerable project and cooperation experience with partners worldwide

Participation possibilities for non-European companies



Participation possibilities

- ▶ Partnering with German companies like 

Evaluation:

- + Access to all public tenders
- + No investment necessary
- + Participation opportunity in international partnerships
- + Full coverage of public procurement process and CPM
- No direct customer access

Summary: Recommended for all kinds of business opportunities

Message from the BAAINBw:

"Efforts should be made to take concerted action with international partners."

Contact



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Contractor for Bundeswehr
Aircraft Systems & Equipment

EASA Part 21J and EASA Part 21G
Approval

4. EU 결속기금과 프로젝트 진출방안(동유럽)

Wardinsk

WAR PAR DYN TNE SKI+ RS•

Don't be afraid to bid in Central and Eastern Europe!

June 12, 2013

Anna Prigan

Legal advisor

Agenda

PART 1: TENDER PROCEEDINGS

- Principles of tender proceedings
- Initial steps for participating in a tender
- Tender documentation
- Documents submitted together with the tender
- Korean certificates
- Bid bond
- Important clauses in the contract
- Consortium – not always a good idea
- Criteria for evaluation and comparison of bid proposals
- Barriers for bidding in tenders
- Legal remedies: appeal and complaint

PART 2: EU NEW STRATEGIC GOAL – EUROPE 2020

2



PART 1

TENDER PROCEEDINGS

3



Principles of proceedings

- Free and fair competition
- Equal treatment of contractors
- Transparency. Preparation and execution of public procurement proceedings undertaken by persons who guarantee impartiality and objectivity
- Public openness
- Economic and effective spending of public resources
- Language of the procedure
- In writing or electronic?
- Principle of the primacy of the basic tender modes: open tender and restricted tender

4



First things first

- Looking for a tender information – Tenders Electronic Daily

<http://ted.europa.eu/> online version of the 'Supplement to the Official Journal of the European Union', dedicated to European public procurement, updated five times a week, published in the 23 official EU languages, browsing by country, region, business sector, CPV codes.

- Read the tender notice carefully; have it translated by a professional
- Select essential information from a tender notice: what, where, when, on what conditions
- Check the tender conditions and identify those that do not suit
- Try to change unfavourable requirements which do not follow from law
- If anything is unclear, ask the ordering party!

5



Tender documentation

- All provisions concerning a tender are included in tender documentation and must be carefully reviewed in full by the bidder, particularly in relation to **timing**
- Any extension of time to raise questions or submit an offer must be directly and clearly announced by the ordering party
- Bid security must be deposited before the expiry of period for submission of tenders
- Submission of an offer after the deadline will result in the offer being returned unopened

6



Submission of Korean and foreign documents

- tender documentation indicates in what language public procurement proceedings are conducted and in what language the documents must be submitted
- in Poland a simple translation certified by the bidder is sufficient
- documents must be submitted as originals, or as copies certified by the bidder as true copies the originals
- the offer must be **duly signed by persons** authorised to represent the bidder

7



Korean certificates

- Certificates issued by Korean authorities:
 - Company registration (Certificate for Business Registration, Certificate of Corporate Registration, Certification of the Commercial Registry)
 - Payment of taxes
 - Payment of social security contributions (Certificate of Coverage History under the National Pension Scheme + Industrial Accident Compensation Insurance Certificate of Coverage + Employment Insurance Certificate of Coverage)
 - Payment of healthcare insurance (Certificate of the Payment for National Health Insurance & Long Term Medical Treatment)
 - Individuals' criminal records (Korean National Police Certificate)
- Statements deposited before a Korean notary (relating to: company's criminal record, liquidation, bankruptcy)
- Certificates must be issued prior to date of submitting the tenders and within the specified date (usually 3 or 6 months before the date of submission)

8



Bid bond

- A bid bond must be deposited before the deadline for submitting bids
- If paid by cash, it must be deposited in the bank account given by the ordering party
- The most popular form of bid bond in bid projects is a bank guarantee
- The wording of the bank guarantee depends on the awarding entity's requirements
- The original bank guarantee must be submitted.
- A SWIFT bank guarantee is valid and should be accepted
- BEWARE: the ordering party may retain your bid security, if you fail to fulfil your obligations during proceedings, or if you refuse to sign the contract on the terms specified in your bid and in the tender documentation

9



Important clauses in the contract

- Contractual penalties in favour of the ordering party
- Unlimited liability (up to the full amount of damage)
- Amendments to the contract (significant and not significant)
- Termination of the contract
- Governing law and competent court
- Currency of the contract

REMEMBER:

- By submitting the bid you agree to sign the contract on the terms provided in the draft contract being a part of tender documentation. Once your bid is submitted, no negotiations are possible

10



Consortium – not always a good idea

- The possibility of competing jointly for a contract
- Joint and several liability for the contract within the group of bidders
- Forming a consortium may require establishment of a legal entity
- Principle of the constant composition of a consortium
- Selecting a consortium's attorney (a proxy)
- Negotiating and signing a consortium agreement in the right time
- Borrowing knowledge, experience, personnel, financial capacity and economic standing from another company without extra points

11



Criteria for evaluation and comparison of bid proposals

- the lowest price or the most economically advantageous offer
- Polish tendency to expand other tender evaluation criteria like quality, functionality, technical parameters, use of best available technologies with regard to the impact on environment, exploitation costs, aftersales services and period of contract completion
- combating dumping prices
- verification of the bids submitted by competitors

12



Barriers for bidding in foreign tenders

- bad planning by the ordering party in terms of scope of work, division of tasks and risks, time schedule and budget
- mistakes in description of the subject of public procurement contract, incoherence with good business practice and new technological achievements
- applying lump sum remuneration to all kinds of contracts, even in complex projects, and lack of valorisation
- too formalized and arbitrary decision-making process by the ordering parties
- costs of participation in the procedure
- excessive conditions to be met by the bidders

13



Legal remedies based on example of Poland: appeal and complaint

- You may lodge an appeal against the ordering party's actions during the procurement proceedings which violate the law, or for its failure to take required actions
- If an appeal is lodged, the ordering party may not conclude a contract until the National Appeals Chamber has given its judgment
- The parties and participants of the appeal procedure may lodge a complaint to the regional court against the National Appeal Chamber's judgment
- Complaint proceedings are expensive: the appeal fee in large tenders is PLN 15,000 or PLN 20,000; and the court fee is 5% of the procurement value with a maximum court fee of PLN 5,000,000
- The regional court's ruling is final. Only the Chairman of the Public Procurement Office may file a cassation complaint (last resort appeal) against it

14



PART 2

EU NEW STRATEGIC GOAL

EUROPE 2020

15



EU regional policy = cohesion policy

- EU cohesion policy provides a framework for financing a wide range of projects and investments with the aim of encouraging economic growth in EU member states and their regions
- the policy is reviewed by the EU institutions once every seven years
- the next round of programmes is to be launched in 2014
- the new strategic goal EUROPE 2020 is designed so that Europe emerged stronger from the economic and financial crisis and in as a long-term challenge achieved a sustainable future

16



EUROPE 2020 a strategy for smart, sustainable and inclusive growth

Smart growth

- Developing an economy based on knowledge and innovation

Sustainable growth

- Promoting a more resource efficient, greener and more competitive economy

Inclusive growth

- Fostering a high-employment economy delivering economic, social and territorial cohesion

17



EUROPE 2020 five headline targets

EMPLOYMENT

Raise the employment rate of the population aged 20-64 from the current 69% to at least 75%.

RESEARCH AND INNOVATION

Achieve the target of investing 3% of GDP in R&D in particular by improving the conditions for R&D investment by the private sector, and develop a new indicator to track innovation.

CLIMATE CHANGE AND ENERGY

Reduce greenhouse gas emissions by at least 20% compared to 1990 levels or by 30% if the conditions are right, increase the share of renewable energy in our final energy consumption to 20%, and achieve a 20% increase in energy efficiency.

EDUCATION

Reduce the share of early school leavers to 10% from the current 15% and increase the share of the population aged 30-34 having completed tertiary education from 31% to at least 40%.

COMBATING POVERTY

Reduce the number of Europeans living below national poverty lines by 25%, lifting 20 million people out of poverty.

18



EUROPE 2020 FLAGSHIPS

- Innovation Union
- Youth on the move
- A digital agenda for Europe
- Resource efficient Europe
- An industrial policy for the globalisation era
- An agenda for new skills and jobs
- European platform against poverty

19



EUROPE 2020 FLAGSHIP INITIATIVES FOR SMART GROWTH

▪ INNOVATION

EU FLAGSHIP INITIATIVE **INNOVATION UNION** to improve framework conditions and access to finance for research and innovation so as to strengthen the innovation chain and boost levels of investment throughout the EU

▪ EDUCATION

EU flagship initiative **YOUTH ON THE MOVE** to enhance the performance of education systems and to reinforce the international attractiveness of Europe's higher education

▪ DIGITAL SOCIETY

EU flagship initiative **A DIGITAL AGENDA FOR EUROPE** to speed up the roll-out of high-speed internet and reap the benefits of a digital single market for households and firms

20



EUROPE 2020 FLAGSHIP INITIATIVES FOR SUSTAINABLE GROWTH

- **CLIMATE, ENERGY AND MOBILITY**

EU FLAGSHIP INITIATIVE **RESOURCE EFFICIENT EUROPE** to help decouple economic growth from the use of resources, by decarbonising our economy, increasing the use of renewable sources, modernising our transport sector and promoting energy efficiency.

- **COMPETITIVENESS**

EU FLAGSHIP INITIATIVE **AN INDUSTRIAL POLICY FOR THE GLOBALISATION ERA** to improve the business environment, especially for SMEs, and to support the development of a strong and sustainable industrial base able to compete globally.

21



EUROPE 2020 FLAGSHIP INITIATIVES FOR INCLUSIVE GROWTH

- **EMPLOYMENT AND SKILLS**

EU FLAGSHIP INITIATIVE **AN AGENDA FOR NEW SKILLS AND JOBS** to modernise labour markets by facilitating labour mobility and the development of skills throughout the lifecycle with a view to increase labour participation and better match

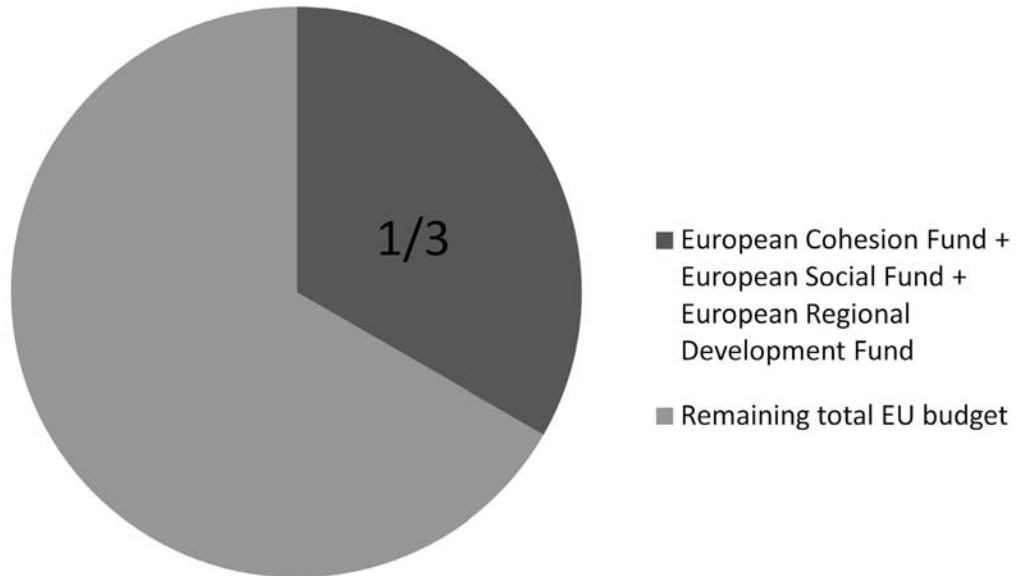
- **FIGHTING POVERTY**

EU FLAGSHIP INITIATIVE **EUROPEAN PLATFORM AGAINST POVERTY** to ensure social and territorial cohesion such that the benefits of growth and jobs are widely shared and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.

22



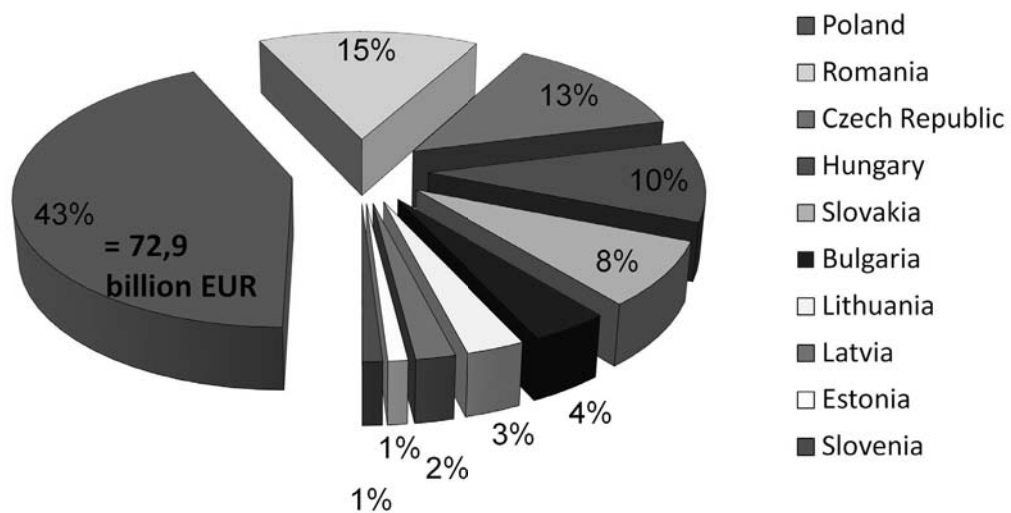
COHESION POLICY and its structural funds in the total EU budget



23



Cohesion Policy EU Funds Allocation



24



EUROPE 2020

country-specific recommendations on examples

BULGARIA

- Further improving the absorption of EU funds, in particular in road and rail transport and water management. Improve the quality and independence of the judicial system. Strengthen public administrative capacity in key transport sectors and regulatory authorities.
- Ensure sound implementation of public procurement legislation. Strengthen the prevention of irregularities and effectively apply the sanctions under the Public Procurement Law and those of the Law on Conflict of Interest.
- Ensure the independence of transmission and distribution system operators; complete the market design in particular for the energy exchanges and balancing markets. Improve electricity and gas connections, boost energy efficiency and enhance the capacity to cope with disruptions.

2013-06-10



EUROPE 2020

country-specific recommendations on examples

LATVIA

- Further encourage energy efficiency by providing incentives for reducing energy costs and shifting consumption towards energy-efficient products, including vehicles, buildings and heating systems. Promote competition in major energy networks (electricity, natural gas, heating) and improve connectivity with EU energy networks.

SLOVENIA

- Take further steps to strengthen market opening and speed up the reorganisation of professional services. Improve the business environment through (i) implementing the reform of the Competition Protection Office, (ii) establishing a framework for state-owned enterprises guaranteeing arms-length management and high standards of corporate governance and (iii) improving bankruptcy procedures, in particular in terms of timeliness and efficiency.

26



EUROPE 2020

country-specific recommendations on examples

HUNGARY

- Reform the public transport system to make it more cost efficient. Increase the cross-border capacities of the electricity network, ensure the independence of the energy regulator and gradually abolish regulated energy prices.

CZECH REPUBLIC

- Promote stability and effectiveness of the public administration to avoid irregularities. Ensure adequate implementation of the new Public Procurement Act. Address the issue of anonymous share holding. Ensure correct implementation of EU Funds and step up the fight against corruption.

27



EUROPE 2020

country-specific recommendations on examples

POLAND

- Take additional measures to ensure an innovation-friendly business environment, by ensuring better links between research, innovation and industry, and by establishing common priority areas and instruments supporting the whole innovation cycle; improve access to finance for research and innovation activities through guarantees and bridge financing.
- Improve incentives for investment in energy generation capacity and efficiency, speed up the development of cross-border electricity grid interconnections and strengthen competition in the gas sector by phasing out regulated prices and by creating a gas trading platform. Strengthen the role and resources of the railway market regulator and ensure effective and swift implementation of railway investment projects. Reduce restrictions on professional services and simplify contract enforcement and requirements for construction permits.

28



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**Don't be afraid to bid in
Central and Eastern
Europe!**

Thank you for your attention

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