



Grant Agreement No. **740005**

5.1 BULGARIA NATIONAL REPORT

5.1.1 NATIONAL LEGAL FRAMEWORK

The legislative regulation in the field of public procurement in Bulgaria dates back from 1997, whenever the Law on the award of state and municipal procurement was adopted. This law has been repealed by the adoption of the Public Procurement Law in 1999.

Effective to present day, the Public Procurement Law (prom. SG No 13/16 February 2016, in force as of 15 April 2016), replacing the version of the law from 2004, has been aimed to implement the new EU Public Procurement Directives (adopted by the European Parliament on 26 February 2014.):

- Directive 2014/24/EU of 26 February 2014 of the European Parliament and the Council on public procurement;
- Directive 2014/25/EU of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors.

Beside the framework law, the new rules for implementation have been drafted and adopted by CMD No 73 of 05.04.2016, prom. SG No 28/8 April 2016 r., which covers in detail the public procurement rules.

The public procurement law aims to ensure effectiveness in spending of:

- public funds;
- European funds and programs;
- funds related to the performance of certain activities of public relevance.



Grant Agreement No. **740005**

PART I: LEGISLATION AND SCOPE OF RULES FOR PUBLIC PROCUREMENT

I – LEGAL REGULATION AND PRINCIPLES FOR PUBLIC PROCUREMENT

A. National legislation

The current public procurement legislation includes:

- Public Procurement Act (PPL), prom. SG No. 13 of 16.02.2016, in force since 15.04.2016;
- Rules for the Implementation of Public Procurement (PPP), adopted by Decree No 73 of the Council of Ministers of 5 April 2016; prom. SG No. 28 of 8 April 2016, in force from 15.04.2016;
- Tariff for the fees collected for proceedings under chapter twenty-seventh of the PPL before the Commission for Protection of Competition (CPC) and before the Supreme Administrative Court (SAC) adopted by Decree No 73 of the Council of Ministers of 5 April 2016; prom. SG No. 28 of 8 April 2016, in force since 15.04.2016;
- Ordinance No. H-18 of 8 August 2016 laying down the methodology for calculation of certain costs for the whole life cycle of road vehicles, prom. SG No. 66 of 23 August 2016, in force since 23.08.2016;
- Ordinance on the criteria and procedure for determining the presence of basic interests in the cases under Art. 13 para. 1, item 13, letters "a", "e" and art. 149, para 1, item 2 of the Public Procurement Act, which shall be protected upon conclusion of a public procurement contract or a competition for project, promulgated SG No. 83/19 October 2016, in force from 25.10.2016;
- Decree No 191 of 29 July 2016 approving a list of goods under Art. 79, para. 1, item 7 and Art. 191, para. 1, item 6 of the Public Procurement Act. These are commodities traded on a commodity exchange and for which it is the negotiated procedure is permissible without publication of a notice;
- Decision No 591 of 18 July 2016 laying down a list of goods and services under Art. 12, para. 1, item 1 of the Public Procurement Act, i. goods and services intended for the assignment of specialized enterprises or cooperatives to persons with disabilities or to economic operators whose main purpose is the social and occupational integration of persons with disabilities or disadvantaged persons. Pursuant to § 28 of the Transitional and Final Provisions of the PPA, an ordinance should be issued by 1 July 2017 regulating the terms and conditions for the use of the single national electronic web-based platform. The period of use of the electronic platform has been extended.



Grant Agreement No. **740005**

On 20.07.2017, the National Assembly adopted a change in the Transitional and Final Provisions of the Public Procurement Act, which set the deadline for the introduction and use of the electronic platform on October 18, 2018. By that same date an Ordinance of the Minister of Finance the Minister of Transport, Information Technology and Communications, which regulates the terms and conditions for the use of the platform. The change took effect from 01.07.2017.

B. National system of authorities in the field of public procurement

The institutional framework for public procurement covers several bodies with powers in the sector, namely:

- the Minister of Finance;
- the Public Procurement Agency - the Agency assists the Minister of Finance in the implementation of public policy in the field of public procurement. The Statute of the PPA and the powers of its Executive Director are regulated in Articles 228 and 229 of the PPA;
- the Commission for the Protection of Competition;
- the National Audit Office of the Republic of Bulgaria;
- the State Financial Inspection Agency;
- the Supreme Administrative Court.

C. Basic principles of public procurement

Public contracts are awarded in accordance with the principles of the TFEU, and in particular with the principles of free movement of goods, freedom of establishment and freedom to provide services and mutual recognition, as well as with the principles of:

- Equality and non-discrimination;
- free competition;
- proportionality;
- publicity and transparency.



Grant Agreement No. **740005**

The principle of equality and non-discrimination is manifested in the requirement of candidates and participants, foreigners should have equal access to public procurement and equal treatment. This means that all candidates and participants apply the same, pre-announced criteria and rules both in the selection and the evaluation of their offers, incl. providing all stakeholders with sufficient information on the criteria and rules to be applied.

The principle of free competition is achieved by requiring the procurement procedure to be conducted in such a way as to allow the widest possible participation of stakeholders. It ensures higher standards for contracting authorities, a better price / quality ratio and therefore a more efficient spending of public funds, which at the same time means providing better services to society. In awarding public contracts, contracting authorities may not restrict competition by including conditions or requirements that give undue advantage or unjustifiably restrict the involvement of economic operators in public procurement.

The principle of proportionality is reflected both in the general rule that all conditions or requirements in the procedure must be taken into account in the subject matter, value, complexity, quantity or volume of the contract, as well as in specific provisions (eg the limitation of the total turnover, etc.)

Compliance with the principle of publicity and transparency shall be ensured by ensuring the traceability of the actions of the contracting authorities for the purpose of exercising public control over the spending of the funds under Art. 1, para. 1 of the Public Procurement Act and to the interested parties - by providing access to the full information necessary for their possible participation in the award of the contracts. The principle finds its manifestation, above all, in the introduction of specific obligations for public disclosure of documents and information which are published in compliance with the applicable rules.

D. Ensuring publicity and transparency

The main means of ensuring publicity in the award of public contracts are the publication of the appropriate information in:

- the EU Official Journal;
- the National Public Procurement Register (RPO);
- the buyer profile of the respective assignor.



Grant Agreement No. **740005**

Public Procurement Register (PPR)

The ROP is a unified electronic database with information on all procurement procedures in the country where access is free.

In Art. 36, para 1 of the Public Procurement Act and Art. 13 ROPO, the documents and information to be published in ROP are listed.

According to Art. 14 of the RIPPP each procurement shall be entered in the register under a unique number consisting of three parts as follows:

- first part: the account of the contracting authority;
- second part year of the decision to open the procedure for awarding the public procurement contract;
- third part a 4-digit number, which is the official number of the subsequent registration of the procurement procedure of the respective contracting authority for the year and is automatically received from the electronic database.

All documents for a particular order subject to publication in the ROP in accordance with the law shall be entered at its unique number.

In addition, for each order in the register, up-to-date information on the closing date for the submission of requests to participate or tenders is provided. Such information shall not be disclosed for the procedures under Art. 18, para 1, items 8-10 and 13 of the Public Procurement Act or when the procedure for awarding a public procurement contract is suspended.

Public Procurement Portal (PPP)

The portal is a centralized information system created and maintained by the PPA that provides access to data on all aspects of public procurement systemised in individual thematic areas and oriented to the specific interests of the main consumer groups. The system is updated daily.

The PPP presents the organisation and activity of the PPA, the legal framework and the practice in the field, as well as useful references to other Internet sources of information. The



Grant Agreement No. **740005**

portal provides up-to-date information tailored to changes in Bulgarian and European regulations and well-established good practices.

Buyer profile

Employers are required to maintain a buyer profile. It constitutes a separate part of their electronic pages or from another website for which publicity is provided.

The regulation of the buyer profile is in Art. 42 of the Public Procurement Act and Article 24 of the PPPP.

II – SUBJECTS (ENTITIES) OF PUBLIC PROCUREMENT

A. Types of contracting entities

Public Procurers

The contracting authorities, on the one hand, are the persons responsible for the preparation and implementation of public procurement procedures and, on the other hand, the parties to the public procurement contracts.

The new PPA has changed the approach for defining the public procurement procedure, as the contracting entities are exhaustively listed in groups in Art. 5 of the PPL. They are divided into public and sectoral entities. Public purchasers are within the scope of Directive 2014/24 / EC and sectoral - within the scope of Directive 2014/25 / EU. The applicable rules for each of the two groups are set out in separate parts of the law.

Next, the new PPA changes the definition of contracting authorities. As such, the natural persons representing the respective legal person / state are defined

authority / institution.

Public entities are referred to in Art. 5, para. 1-3 PPL. They are:

1. the President of the Republic of Bulgaria;
2. the chairman of the National Assembly;



Grant Agreement No. **740005**

3. the Prime Minister;
4. Ministers;
5. the ombudsman of the Republic of Bulgaria;
6. the Governor of the Bulgarian National Bank;
7. the chairman of the Constitutional Court of the Republic of Bulgaria, the administrative heads of the bodies of the judiciary, who manage separate budgets, as well as the administrative heads of the prosecution offices in the country;
8. regional governors;
9. the mayors of municipalities, districts, mayoralties, and mayors' deputies when they are budget spenders;
10. the presidents of the state agencies;
11. the chairmen of the state commissions;
12. executive directors of executive agencies;

The heads of state institutions established by law or by a decree of the Council of Ministers, including separate structures of the bodies of the executive power when they are legal entities and budget spenders;

1. Representatives of public bodies;
2. the heads of the diplomatic and consular representations of the Republic of Bulgaria abroad as well as the permanent representations of the Republic of Bulgaria to international organisations;
3. the representatives of the medical establishments - commercial companies under Art. 36 - 37 of the Law for the healthcare establishments, owned by the state and / or municipalities, of which more than 50 per cent of the revenues are from the state and / or municipal budget and from the budget of the National Health Insurance Fund;
4. Heads of central purchasing bodies established to meet the needs of public contracting authorities.

Public entities are also the contracting entities for the 16 items mentioned above.



Grant Agreement No. **740005**

Public law organisations

The definition of a "public law organisation" within the meaning of Article 5, paragraph 1, item 14 of the LPP is regulated in § 2, item 43 of the Supplementary Provisions of the Public Procurement Act and it contains the main features of the legal definition of "public law organisation" 1, item 21 of the Supplementary Provisions of the LPP (repealed), but in the new PPA, the definition is refined in accordance with Art. 2 (1), item 4, b. "C" of Directive 2014/24 / EC.

As defined in the new PPP, a "public law organisation" is a legal entity for which the following conditions are met:

- a. designed to meet needs in the general interest, not having an industrial or commercial character;
- b. it is financed by more than 50% of State, Territorial or Local Authorities or other bodies governed by public law, or is subject to management control by those bodies; or has a management or supervisory body, most of whose members are appointed by a public contracting authority under Art. 5, para. 2, items 1-14.

It is clarified that needs in the general interest are of an industrial or commercial nature when the person is operating under normal market conditions, striving to make a profit as self-sustaining losses from doing business.

Sectoral contracting authorities

Sector entities are contracting entities that carry out activities related to: natural gas and heat, electricity,

water, transport and postal services and exploitation of a geographical area (Articles 123-129 of the PPA).

Recital (2) of the preamble to Directive 2014/25 / EU states that the applicable rules for contracting entities in these sectors should provide a framework for good commercial practices and allow flexibility to the greatest possible extent, while respecting the application principles of the TFEU.



Grant Agreement No. **740005**

Therefore, the procurement rules applied by sectoral contracting entities are more liberal than the applicable rules for public contracting authorities.

Sector entities are listed in Art. 5, para. 4 of the PPL and cover the following circle of persons:

Representing public enterprises and their associations when carrying out one or more sectoral activities;

PPL contains a definition of "public undertaking" (§2, item 42 of the PPA of the PPA). This is any enterprise on which public contracting entities under Art. 5, para. 2, items 1-14 of the LPP may exercise a dominant influence. Dominant influence by a public contracting authority under Art. 5, para. 2, item 1 - 14 of the LPP is presumed in any of the following cases in which the contracting authority, directly or indirectly:

- a. owns the majority of the undertaking's subscribed capital;
- b. control the majority of the votes attaching to the shares issued by the undertaking;
- c. may appoint more than half of the members of the undertaking's management or supervisory body.

Representing dealers or other persons other than public enterprises when, on the basis of special or exclusive rights, they carry out one or more sectoral activities.

"Special or exclusive rights" are rights granted by a competent authority by virtue of a law, regulation or administrative act by virtue of which the exercise of sectoral activities for one or more entities is maintained, thereby significantly affecting the ability of other entities to carry out such activity.

There are no "special or exclusive rights" rights which have been granted through a procedure that has been adequately publicized and which have been:

- a. granted pursuant to this Act or the Concessions Act,
- or
- b. procedures under other EU legal acts under Annex 12 that provide sufficient prior transparency for the granting of authorizations on the basis of objective criteria (§ 2, point 42 of the supplementary Provisions of the PPA).



Grant Agreement No. **740005**

Heads of central purchasing bodies set up to meet the needs of sectoral contracting authorities.

The PPA allows for a more relaxed approach by a public contracting entity which carries out sectoral activity when awarding contracts for the purposes of sectoral activity to apply the rules applicable to the sectoral contracting entities (Article 5 (6) PPA).

Employer on a case-by-case basis (ad hoc assignor)

Employer for a particular case is a new concept in the law. These are persons who are not public contracting entities, but outsource activities that are financed directly by public funds. Consequently, such persons acquire the status of contracting authority only in a specific case where, owing to the financing of a particular activity directly with public funds, they are obliged to apply the rules of the PPA.

III – OBJECTS OF PUBLIC PROCUREMENT

A. Concept of public procurement

According to Art. 1, para. 2 of the Public Procurement Act is the acquisition by one or several contracting authorities through a public works contract of works, supplies or services of selected contractors for public purposes or for the needs of public contracting entities, and for sectoral contracting entities for the execution of sectoral activities.

From this definition can be found the main elements of the concept of public procurement.

They are:

- the entities - the parties to the public procurement contract: contracting entities (one or more) and contractors (one or more economic operators) selected under the respective award rules;
- the site - determined by the subject of the contract - for works, supplies or services, according to the most general classification possible;
- the value - in so far as the 'acquisition' indicates a bilateral and reciprocal nature of the contract, in which both parties have one of the other rights and obligations to pay a service charge, one of which is a price payment, as the value of a counter-performance of works, supplies or services.



Grant Agreement No. **740005**

The concept of a public contract is also derived from the legal definition of a public procurement contract in so far as the existence of contractual relations is an essential element beyond which a public contract can not exist. In § 2, item 4 of the Supplementary Provisions of the Public Procurement Act, the public procurement contract is defined as a written contract concluded in accordance with the law between one or more contracting authorities and one or more contractors with the object of construction, supplies of goods or provision of services.

B. Types of public procurement objects

Construction

Under the law, construction includes:

- a. the execution or design and execution of works relating to one of the activities listed in Annex 1;
- b. execution or design and execution of a building.

According to Art. 3, par. 2 of the Public Procurement Act as "execution or design and execution of construction" should be accepted and execution of a construction for which the contracting authority has a decisive influence on its design and design, regardless of the form of cooperation and the origin of the resources used.

For the purposes of the PPA, according to § 2, item 51 of the PP of the Public Procurement Act, "construction" should be understood as "the result of construction works or activities in the field of construction that is sufficient in itself to fulfill an economic or technical function ".

Supplies of goods

They may be purchased, leased, rented or leased, with or without the right to purchase, as well as all necessary preliminary activities related to the use of the goods, such as installation or assembly work, testing of machinery and equipment, and

others;

The listing of the different types of contractual relationships outlines the notion of "acquiring" in its broad sense - as getting benefits without necessarily transferring ownership. In this respect, the "supply" within the meaning of the PPA, as a public contract, has a broader



Grant Agreement No. **740005**

meaning than the understanding of supply in commercial or tax legislation as one or multiple purchase and sales. Delivery as a public contract can also be realized through a rental contract (provision of temporary use against payment of a price), leasing (with or without the right to buy).

Providing services

In connection with the award of service contracts, the existence of services which have specific social and other aspects which give them a certain local character, which determines an interest in the award of the contract mainly to local economic operators, has been taken into account. These services are covered in Appendix 2 to Art. .11, paragraph 3 of the Public Procurement Act.

Indicated are cases where the law is not applicable.

PART II. PUBLIC PROCUREMENT PROCESS

I – FORECAST, PLANNING AND PREPARATION

The Public Procurement agency created and published on its web site Practical Guide on the Implementation of Public Procurement Legislation.

It is intended for a wide range of persons, including the contracting entities, economic operators (in particular small and medium-sized enterprises) involved in the procurement and procurement process, practitioners and other experts specializing in public procurement.

The content of the management and the way in which it is structured are largely in line with the content and structure of the Public Procurement Act and its implementing regulations. The main concepts and principles related to the award and implementation of public procurement contracts as well as the current national legislation are presented. It is also noted that the lawful organisation and conduct of the procurement process in many cases implies a good knowledge of the relevant European acts.

In addition, as an appendix to the guidebook, the main practical steps are followed in conducting two types of procedures - open procedure and negotiated procedure without prior announcement.



Grant Agreement No. **740005**

When the beneficiary of public funds are NGOs, the legislation related to Public Procurement respects the LAW FOR THE MANAGEMENT OF THE FUNDS OF THE EUROPEAN STRUCTURAL AND INVESTMENT FUNDS, Prom. SG. issue 101 of December 22, 2015, am. and dop. SG. No. 43 of 7 June 2016, amend. and dop. SG. issue 74 of September 20, 2016, am. SG. issue 58 of July 18, 2017, amend. and dop. SG. No. 85 of 24 October 2017, Am. SG. No. 2 of 3 January 2018 and the Decree no 160 of 1 July 2016 on the determination of the rules for the examination and evaluation of tenders and conclusion of contracts in the procedure for selecting with a public invitation to beneficiaries of granted financial assistance from the European structural and investment funds.

1. The law determines the national institutional framework for the management of European Structural Funds and Investment Funds, hereinafter referred to as the "ESIF";
2. the procedure for providing financial support through grants;
3. special rules for determining a contractor from a beneficiary of a grant;
4. the rules for verifying and certifying eligible costs and for making payments and financial corrections.

(2) (Amended, SG No. 85/1917) The funds of the ESIS within the meaning of this Act shall be funds from the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development The European Maritime and Fisheries Fund, provided under the programs of the Republic of Bulgaria. For ESF funds the national co-financing provided for in the programs is also considered.

(3) The Law on Public Finances shall apply to the regime of accounts for the funds from the ESIS, as well as to the financial relations in the management of the funds from the ESIF.

Useful links:

Public Procurement Agency | www.aop.bg

The Portal supports the Public Procurement Portal (PPP).

The Portal is a centralized information system providing access to information about all aspects of public procurement, structured in separate thematic areas and oriented towards the specific interest of the main groups of users. The information is updated on a daily basis.



Grant Agreement No. **740005**

The PPP presents the organisation and activities of the PPA, the legal framework and practice in the field, as well as useful links to other resources in internet. It aims to ensure higher level of information, publicity and transparency on public procurement issues, as well as to provide the necessary methodological assistance to practitioners in this area.

The Public Procurement Portal enables access to the:

- Public Procurement Register;
- Methodological Guidelines for PPL application;
- Standard forms of documents used by contracting authorities/entities in the award of public contracts;
- List of contracting authorities/entities;
- List of economic operators registered as contractors of public contracts;
- List of external experts under Article 229 (1) item 17 PPL;
- List of economic operators about which the circumstances under Article 54 (1) item 5, letter (a) and Article 55 (1) items 4 and 5 PPL exist;
- Results from public procurement monitoring performed pursuant to Article 114 (1) item 2 RIPPL;
- Results from the control performed by the PPA pursuant to Article 233 PPL and Article 19 (2) item 24 PPL (repealed);
- Monthly newsletter about the public procurement market in Bulgaria;
- Other information concerning public procurement.
- The PPP is public and freely accessible. Both Bulgarian and English versions of the Portal are supported.

Single Information Web Portal | <https://www.eufunds.bg/index.php>

Contains information system for management and monitoring of EU funds, operational programs, open procedures and e-applications, electronic reporting to beneficiaries through the indicative annual work plans.

It contains the applicable national and European legislation related to the structural funds.



Grant Agreement No. **740005**

Applicable legislation in Bulgaria | <https://www.lex.bg>

Legal acts, Laws, Constitution, Codes, Ordinances, Latest issue of the State Gazette, Rules, Information system for legal information of the Council of Ministers; Organisations and individuals (Lawyers, Arbitrage, Arbitrators); etc.

Last but not the least, please refer any national white paper(s) and/or green paper(s) about this topic which have been produced, quoting also its relevance/contributes to the implementation of national legal framework.

5.1.2 NATIONAL CONTEXT

For collecting the surveys, we have used the support of Enterprise Europe Network in Bulgaria. The other organisations involved were the Chambers of Commerce with which CCI Dobrich is in contact for EU Projects.

5.1.3 CASE STUDIES / BEST PRACTICES

The case studies identified by this partner introduce 3 different users of Public Procurement Portals. Two of these (cases 1 and 2) had only experience as applying for providing services and conducting construction works, whilst the company referred to case 3 has experience as preparation and publishing of tenders.

1. Company EURO CONSULT PROJECT: participant in tenders for Construction;
2. Company ITAKA: participant in tenders for Consultancy services;
3. Company GLAS DESIGN: contractor for tenders related to equipment.



Grant Agreement No. **740005**

CASE STUDY #1 – IDENTIFICATION

Name	THE EUROCONSULTPROJECT CASE STUDY	
Type	Case study	
Logo		
Year of implementation	2014	
Current status	<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> not active	
Source	http://euroconsultproject.com/ Facebook: Евроконсулт Проект ЕООД	
Contact (if applicable)	Person name	Tinka Nikolova
	Telephone	+359 888 87 6805
	email	euconsultproject@gmail.com

CASE STUDY #1 – DESCRIPTION

Description	<p>EUROCONSULT PROJECT Ltd. owns a modern and fully functional material and technical base for professional performance of the offered services. All committed commitments are performed with the necessary efficiency and precision and at the same time - qualitatively and on time. The Company executes a number of public procurement contracts in the field of construction, services and supplies:</p> <ul style="list-style-type: none"> • Contract for public procurement with subject: "Restoration and conservation of Medieval Stone Church" St. George "in Mezdra Municipality, Bulgaria";
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Grant Agreement No. **740005**

	<ul style="list-style-type: none"> • Contract for public procurement with subject: "Construction of lighting in rock formations" Ritlite "in Mezdra municipality, Bulgaria"; • Contract for public procurement with the following subject: "Preparation of documentation for the procurement procedure with subject:" Delivery of groceries for kindergarden "Zvezditz", Sofia, Bulgaria "; • Contract for public procurement with subject: "Preparation of a project for "Shooting and broadcasting of cultural and entertainment events live via an Internet platform in the territory of the municipality of Pravets, Bulgaria"; • Contract for public procurement with subject: "Preparation of a project for "Renting of motor vehicles and bicycles on the territory of the village of Lyutibrod, Mezdra Municipality for the development of alternative rural tourism "; • Contract for public procurement with subject: "Execution of construction and assembly works for repairs and maintenance of internal spatial elements in a building for servicing the management activities of the Bulgarian Development Bank, Sofia"; • Contract for procurement with subject: "Construction and reconstruction of Aqua complex in Pravets municipality".
<p>User comments</p>	<p>This case study shows that while carrying out the consultancy services the company maintains a constant high level of quality of work, which satisfies all clients.</p> <p>Innovative approaches and non-standard solutions are used to solve customer problems.</p> <p>Development and management methods are provided that lead to sustainability and lasting efficiency and effectiveness.</p> <p>The company's experts are prominent professionals with extensive experience in developing strategies, guidelines for development, concepts and policies, project management in various sectors of the economy, regional development, social activities, training, ecology, tourism, education, local self-government and information technologies, the preparation and implementation of trainings, seminars, round tables, etc.</p>



Grant Agreement No. **740005**

	The company's working methods are innovative in terms of writing and implementing public procurements. They are defined by the understanding of the specific needs of each individual client, his / her specific needs, visions, resources and capacity, intentions and goals, using modern tools adapted to the specific conditions and cases.
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Snapshots	Graphical files follow below
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Grant Agreement No. **740005**



CASE STUDY #2 – IDENTIFICATION

Name	Easier access to participation in public tenders	
Type	Best Practice	
Logo	No company logo	
Year of implementation	2017	
Current status	<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> not active	
Source	-----	
Contact (if applicable)	Person name	Krasen Sabev
	Telephone	+359 58 603456
	email	Albena_univeristy@mail.bg



Grant Agreement No. 740005

CASE STUDY #2 – DESCRIPTION

<p>Description</p>	<p>International Tourist Academy Itaka-Albena Ltd. is a consulting company in the sphere of tourism, founded in 2008 in Dobrich, Bulgaria. The company works with private and public contracting authorities. For this purpose, it uses different platforms for information on public procurement for applying as Contractor for Delivery of Services.</p> <p>In Bulgaria SMEs can apply for Public Tenders published by public organisations on:</p> <p>(1)</p> <p>http://rop3-app1.aop.bg:7778/portal/page?_pageid=93,1488254&_dad=portal&_schema=PORTAL&url=687474703A2F2F777772E616F702E62672F657365617263685F7070322E706870</p> <p>And for the public tenders published by NGOs on</p> <p>(2)</p> <p>http://www.eufunds.bg/index.php/bg/component/k2/itemlist/category/3143?Itemid=963</p> <p>The company shares, that both platforms are user-friendly and well structured.</p> <p>Based on the information the company successfully participated with offers and signed 3 contracts for 3 projects within the Operational Program Regional development with the Beneficiaries – municipalities in the North-east Bulgaria</p> <ul style="list-style-type: none"> • Based on platform (1) <p>1: BG161PO001 / 3.2-02 / 2011 / 004-01</p> <p>Name: The colorful face of Dobrudja Beneficiary: Municipality of Dobrich Source of funding: ERDF ==> Operational Program "Regional Development" Place of execution: BULGARIA; NORTH AND SOUTH-EASTERN BULGARIA; Northeast; Dobrich Project description: General objective: To develop a regional tourist product in the municipalities of Dobrich, Balchik, Dobrich and Kavarna and to achieve higher efficiency of regional marketing through implementation of an integrated approach. Specific Objectives: - Promotion of the natural, cultural and historical heritage in the municipalities of Dobrich, Balchik, Dobrich and Kavarna by including in regional tourist packages and diversification of existing ones to reduce</p>
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Grant Agreement No. **740005**

	<p>the territorial concentration and the seasonal limitation of tourism. - Economic diversification of the target area by attracting users of specific regional products, orienting to new market segments, reducing seasonality and using modern promotional and advertising techniques. Company involvement: Market Study for the impact of the produced tourist products</p> <p>2. BG161PO001 / 3.2-02 / 2011/025 Name: "Guest in Dobrudja" Beneficiary: MUNICIPALITY DULOVO Source of funding: ERDF ==> Operational Program "Regional Development" Place of execution: BULGARIA; NORTH AND SOUTH-EASTERN BULGARIA; North Central; Silistra Description of the project: General objective: Development of tourist product "Cultural and ethno-tourism in hospitable Dobrudja" and improvement of regional marketing efficiency in the municipalities of Dulovo, Alfatar and Kaynardja, forming the tourist region. Specific objectives: 1. Promotion of the cultural heritage of the tourist region in Bulgaria and abroad. 2. Increase of tourist flow using a wide range of communication channels. Creating opportunities for sustainable tourism development in the area. Company involvement: Creation of a concept for regional tourist product</p> <p>3. BG161PO001 / 3.2-03 / 2012/001 Name: "Isperih - Razgrad - Popovo: A Way of Ancient Cultures and Traditions" Beneficiary: Isperih Municipality Source of funding: ERDF ==> Operational Program "Regional Development" Place of execution: BULGARIA; NORTH AND SOUTH-EASTERN BULGARIA Project description: General objective: Development of a regional tourist product in the municipalities of Isperih, Razgrad and Popovo based on the natural, cultural and historical heritage and achievement of more effective regional marketing through an integrated approach. Specific objectives: □ Promotion of the natural, cultural and historical heritage in the municipalities of Isperih, Razgrad and Popovo through inclusion in regional tourist packages and reduction of the territorial concentration and the seasonal limitation of tourism. □ Economic diversification of the target territory by attracting users of specific regional products, orientation towards new market segments and using modern techniques for promotion and advertising. Company involvement: Preparing a concept for developing of regional tourist product Market Study for the impact of the produced tourist products</p> <ul style="list-style-type: none"> • Based on platform (2) <p>Thanks to the publications there, in 2016, the company applied for subcontractor in several tenders.</p>
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Grant Agreement No. **740005**

	<p>In 2016 submitted an offer and applied for providing service : Event Organisation for a call published by the CCI-Dobrich, related with Program INTERREG V-A Romania-Bulgaria</p>
<p>User comments</p>	<p>-----</p>
<p>Snapshots</p>	<p>Graphical file:</p>  

CASE STUDY #3 – IDENTIFICATION

<p>Name</p>	<p>THE ISUN CASE STUDY BG (Management Information System UMIS 2020)</p>
<p>Type</p>	<p>Case study</p>



Grant Agreement No. **740005**

Logo		
Year of implementation	2016	
Current status	<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> not active	
Source	https://eumis2020.government.bg	
Contact (if applicable)	Person name	Pravda Dimova
	Telephone	+ 359 888 203432
	email	pkdimova@gmail.com



Grant Agreement No. 740005

CASE STUDY #3 – DESCRIPTION

<p>Description</p>	<p>The public procurement is quite important in Bulgaria, as well as in all of the countries. The regulation of public procurements mainly aims at establishing rules to be complied with in the process of spending public funds. Bulgarian legislation is compliant with the general principle or EU law: transparency, equality, avoidance of discrimination and free and loyal competition. The annual public procurement’s value in Bulgaria is about 1,5 billion EUR per year. This important share of the economic life is due to public tenders managed by project beneficiaries, including public authorities, business sector and NGOs.</p> <p>In the new programming period 2014-2020, as required by Regulation (EC) No 1303/2013, Member States managing EU Structural Funds should make it possible for beneficiaries to procure electronically.</p> <p>In this respect, the current Management Information System (UMIS 2020) has been developed, and the beneficiaries are obliged to procure electronically or at least, to publish the open tenders via the UMIS and to receive bids.</p> <p>The contracting authorities which are private companies or NGOs being beneficiaries of public funds are obliged to publish tenders through the system and to receive bids.</p> <p>With the system most of these issues have been tackled: on one hand, the paperwork burden is very much reduced on the side of the procurer, once the applications are submitted online and no longer in paper. For each tender there are specific templates which are customized to the needs of the procurer. The template can’t be changed by the bidders, which facilitates the analysis to be made.</p> <p>The usage of a B2B platform like UMIS contributes also to an increasing transparency of all acts (legal steps) associated to the public tender, once the information is available to all parties registered within the platform.</p> <p>Previously, the procurer had to prepare the full tender package and publish in a national daily newspaper in the same day in which it publish on the webpage of the managing authority. It was always a risk for a delay or any other mistakes which led to cancelation of the tender and</p>
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Grant Agreement No. **740005**

	<p>new opening and this combined with changes in the dates in the invitation, etc. Either the procurer loses money (new publication, new printing, scanning, etc.) or there was a sudden need of reaction in a short period.</p> <p>With UMIS all these elements are available in electronic format to the bidders. In such a case, the cost of delay or technical error is decreased. Although there is a second platform to publish, the intercommunication is solved electronically and the procurer has only to publish the documentation on the profile.</p> <p>The bidders (depending on the thresholds) apply also via the platform. For procurement below the thresholds the bids could be sent also via e-mail not only in originals.</p>
<p>User comments</p>	<p>Although the regulations for beneficiaries not implementing the Public Procurement Act but being contracting authorities in tenders using public funds is far from excellence, the UMIS is a step ahead in decreasing the paperwork, decreasing the work load and the bureaucracy within the sphere.</p> <p>There are sensible gains in terms of efficiency, besides the savings of the procurers.</p> <p>Once all information is available publically to all actors registered to the platform, the risk of fraud is much lower. Procurers and bidders can be easily identified now, thus contributing to an easier and open tendering.</p>
<p>Snapshots</p>	<p>Graphical files below</p>



Grant Agreement No. 740005

The image shows two screenshots of the IPPON portal. The top screenshot is the login page, titled "Вход" (Login). It features a header with the logo of the "Информационна Система за Икономически и Индустриални Регистри" (Information System for Economic and Industrial Registers) and the "ЕЗНА ПЕРИОДА НАЧЕТО СЪМЪЛЪНОСТЪМ 2014 - 2020" logo. The main content area is titled "Вход за управление на проектите" (Login for project management) and includes a text block explaining the system's purpose, a login form with fields for "Имя" (Name), "Парола" (Password), and "Таблица" (Table), and a "ВХОД" (Login) button. Below the login form is a "ВХОД С ОБИЧ. ИДЕНТИФИКАЦИЯ" (Login with standard identification) button.

The bottom screenshot shows a page titled "Договор № BG16RFOP002-2.002-0013-C01". It features a header with the same logos as the login page. The main content area is titled "1. Процедура/Възможна Акт" (1. Procedure/Possible Act) and lists three items: "1. Процедура и изпълнение", "2. Договор и изпълнение", and "3. Процедура на подбор на изпълнители и сключване договори". Below this list is a table with columns for "Имя на изпълнителя", "Процедура", "Датум на изпълнение", and "Детайли". The table contains several rows of data, including contract numbers and dates.



Grant Agreement No. **740005**

The screenshot displays a web interface with two main sections: '3. Версии на план за разпредане на средствата' and '4. Поддани оферти'. Section 3 shows a table with columns for 'Инициал', 'Оператив', 'Дата на издаване', 'Дата на приемане', and 'Действие'. Section 4 shows a table with columns for 'Дата на издаване', 'Принесена стойност (включително обемове)', 'Получен от предприемача процес', and 'Действие'.

Инициал	Оператив	Дата на издаване	Дата на приемане	Действие
Бюджет	Черва	28.10.2017 г.	28.10.2017 г.	Претича

Дата на издаване	Принесена стойност (включително обемове)	Получен от предприемача процес	Действие
06.07.2017 г. 10:30 ч.	81 000.00	Доставка на оборудване, документи за подготвяне на съответствие и услуги за съответствие на продукта с национален технически стандарт за продукти "Доставка и монтаж на "Електронен модул за управление на енергия на стъкло"	Претича
26.06.2017 г. 09:30 ч.	300.00	Услуги по публичност и промоция	Претича
26.06.2017 г. 09:45 ч.	300.00	Услуги по публичност и промоция	Претича
23.06.2017 г. 13:00 ч.	300.00	Услуги по публичност и промоция	Претича
21.06.2017 г. 10:01 ч.	300.00	Услуги по публичност и промоция	Претича
18.06.2017 г. 11:52 ч.	5 000.00	Услуги по внедряване на Исторически системи за управление на качеството и околната среда по БДЖ EN ISO 9001 и БДЖ EN ISO 14001	Претича
18.06.2017 г. 16:55 ч.	5 000.00	Услуги по внедряване на Исторически системи за управление на качеството и околната среда по БДЖ EN ISO 9001 и БДЖ EN ISO 14001	Претича
08.06.2017 г. 16:43 ч.	5 000.00	Услуги по внедряване на Исторически системи за управление на качеството и околната среда по БДЖ EN ISO 9001 и БДЖ EN ISO 14001	Претича
08.06.2017 г. 14:07 ч.	5 000.00	Услуги по внедряване на Исторически системи за управление на качеството и околната среда по БДЖ EN ISO 9001 и БДЖ EN ISO 14001	Претича
07.06.2017 г. 12:54 ч.	5 000.00	Услуги по внедряване на Исторически системи за управление на качеството и околната среда по БДЖ EN ISO 9001 и БДЖ EN ISO 14001	Претича
05.06.2017 г. 12:03 ч.	5 000.00	Услуги по внедряване на Исторически системи за управление на качеството и околната среда по БДЖ EN ISO 9001 и БДЖ EN ISO 14001	Претича
12.05.2017 г. 17:36 ч.	20 000.00	Услуги по разработване и внедряване на ИТ базирани софтуер за управление на бизнес процеси в "Тек Драйв" ООД	Претича
12.05.2017 г. 17:32 ч.	20 000.00	Услуги по разработване и внедряване на ИТ базирани софтуер за управление на бизнес процеси в "Тек Драйв" ООД	Претича
12.05.2017 г. 12:51 ч.	20 000.00	Услуги по разработване и внедряване на ИТ базирани софтуер за управление на бизнес процеси в "Тек Драйв" ООД	Претича
12.05.2017 г. 10:14 ч.	20 000.00	Услуги по разработване и внедряване на ИТ базирани софтуер за управление на бизнес процеси в "Тек Драйв" ООД	Претича

5.1.4 SURVEY RESULTS

We have created Google survey form, which was delivered via e-mail across the various stakeholders, such as Chamber of Commerce and Industry; Chamber of Trade and Crafts; entrepreneurial associations; sectorial associations, private companies and others.

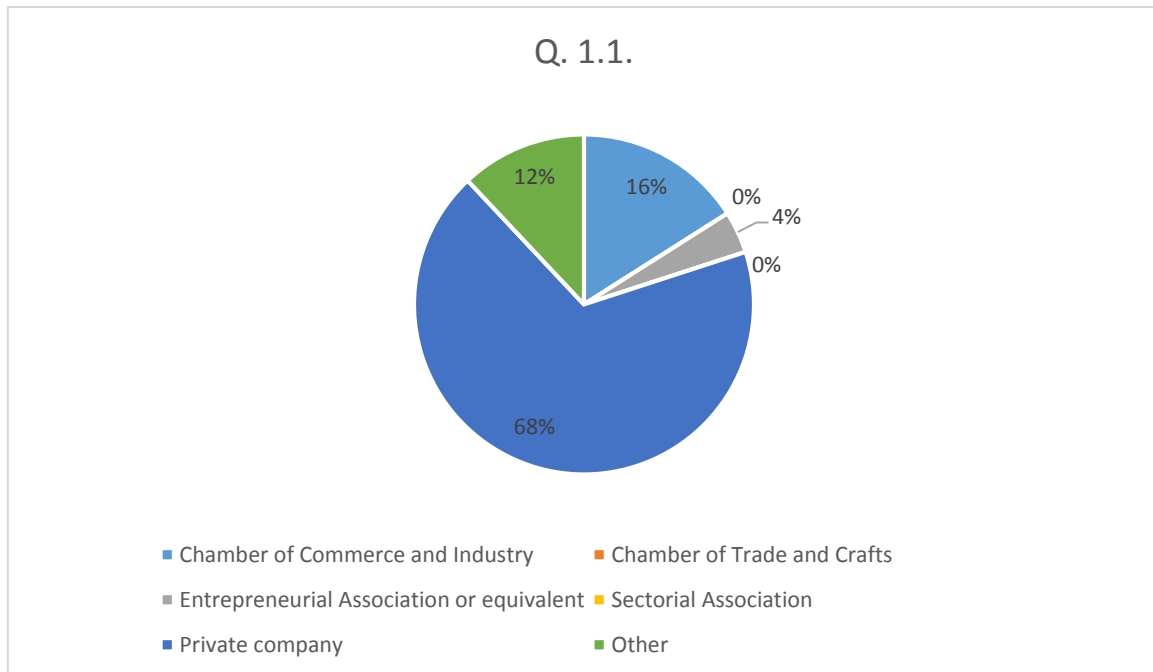
We have contacted the companies and associations, which are members of CCI Dobrich and other partners of ITPIO and CCI Dobrich, as they gave us their responses on the questionnaire.



Grant Agreement No. **740005**

1. ABOUT THE ORGANISATION

Question 1.1. Which organisation do you represent?

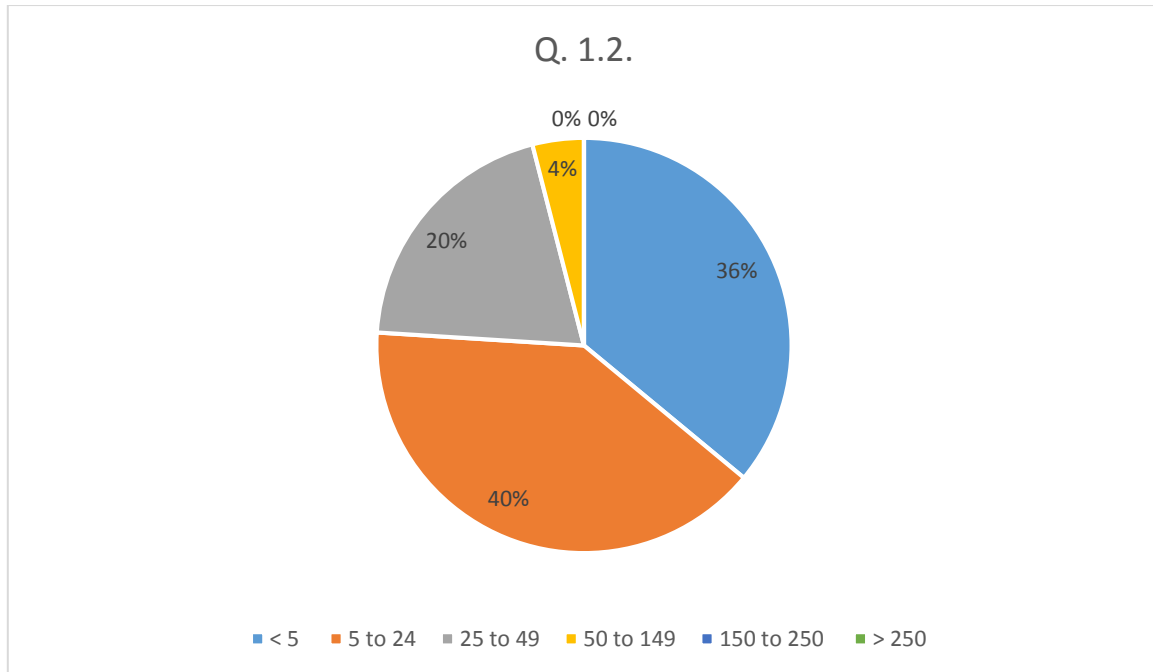


The implementation of this survey in **Bulgaria** lead to 25 survey answers with the distribution shown above. The majority of the respondents (as it was pre-defined within the methodology agreed by the partnership) were “private companies” (17 out 25 surveys that is **68 %**). The other sub-categories (“CCIs”, “Entrepreneurial Association” and “Other”) were covered also with exception of the Chamber of Trade and Crafts and Sectorial Association. The sub-category “Other” was represented by State Cultural Institute - Cultural Center, University and non-government organisation.



Grant Agreement No. **740005**

Question 1.2. Size of the organisation



According to the chart above 40 % of the organisations, which participated in the survey have between 5 to 24 employees. 36 % answered that their organisation has less than 5 employees. 20 % of the organisations, has between 25 to 49 employees.

2. ABOUT THE RESPONDENT

Regarding the role of the respondent in the organisations, we received the following numbers:

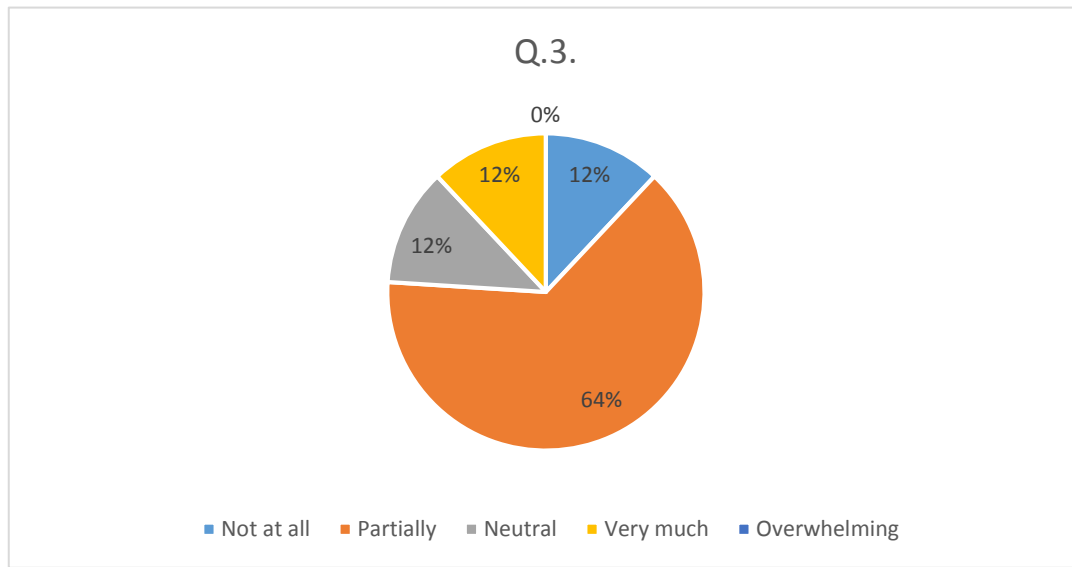
- Managers: 8;
- Members of the Board of directors: 6;
- Business development specialists: 6;
- Operations specialists: 3;
- Sales specialists: 2.



Grant Agreement No. **740005**

3. UNDERSTANDING PUBLIC PROCUREMENT CULTURE

Question 3. Do SMEs recognise difficulties to understand the purchase culture inherent to public buyers?



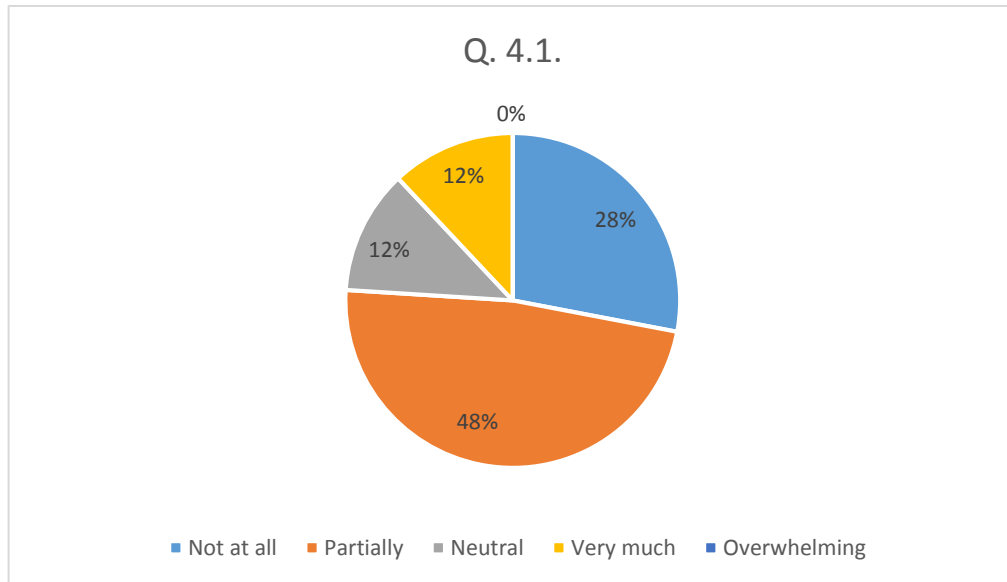
64 % of the answers indicate that SMEs Partially recognise difficulties to understand the purchase culture inherent to public buyers. The graph shows that the other answers - Not at all, Neutral and Very much – are each chosen by 12 % of the participants in the survey.



Grant Agreement No. **740005**

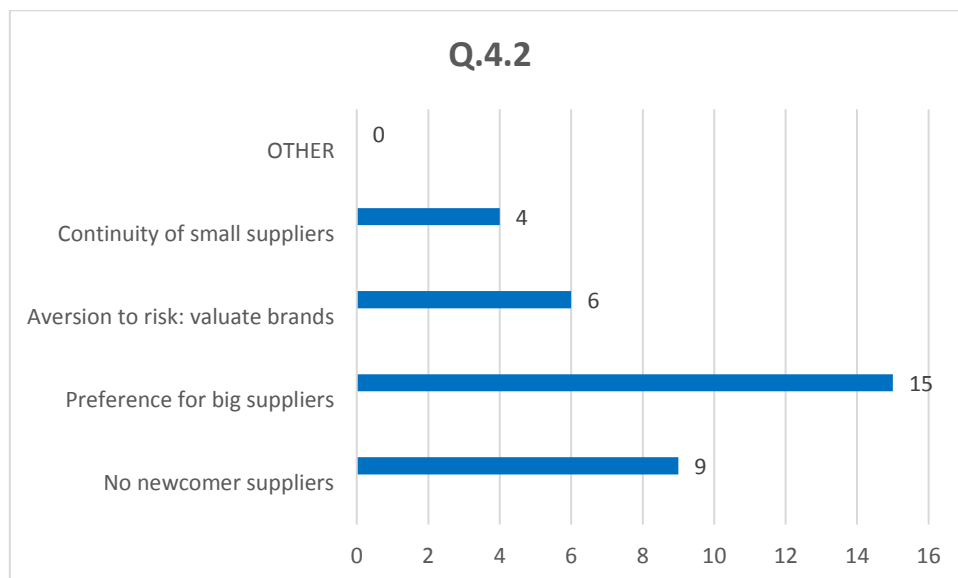
4. MARKET OPENNESS

Question 4.1. Do SMEs consider that market openness is in place?



48 % of the organisations consider that Partially there is market openness. However 28 % of the respondents declared Not at all, as an answer for that question.

Question 4.2. Should the answer be Not at all or Partially, please choose all options that apply:



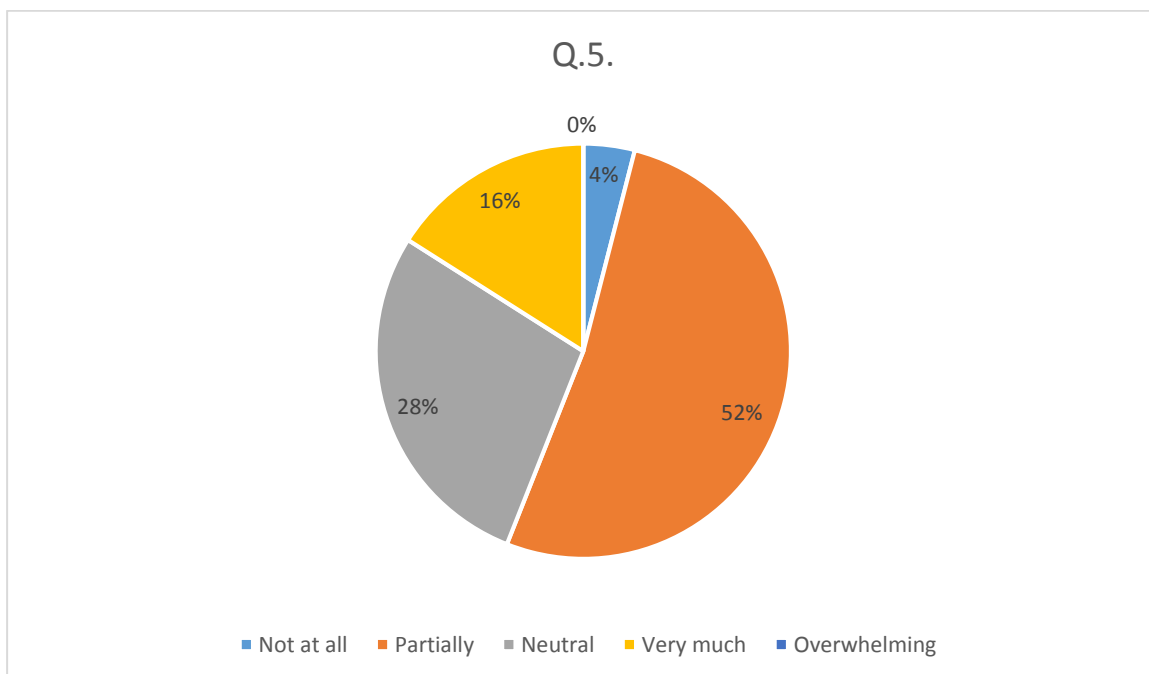


Grant Agreement No. **740005**

There are totally 19 responses to Question 4.2. It should be taken into account that there is more than one answer to that question. The majority of the answers (15 respondents) stated that public buyers prefer big suppliers, than to deal with a large set of small ones.

5. UNDERSTANDING THE TENDER DOCUMENTS

Question 5. Do SMEs consider the tender documents well-structured and of good quality (in terms of contents and clarity)?



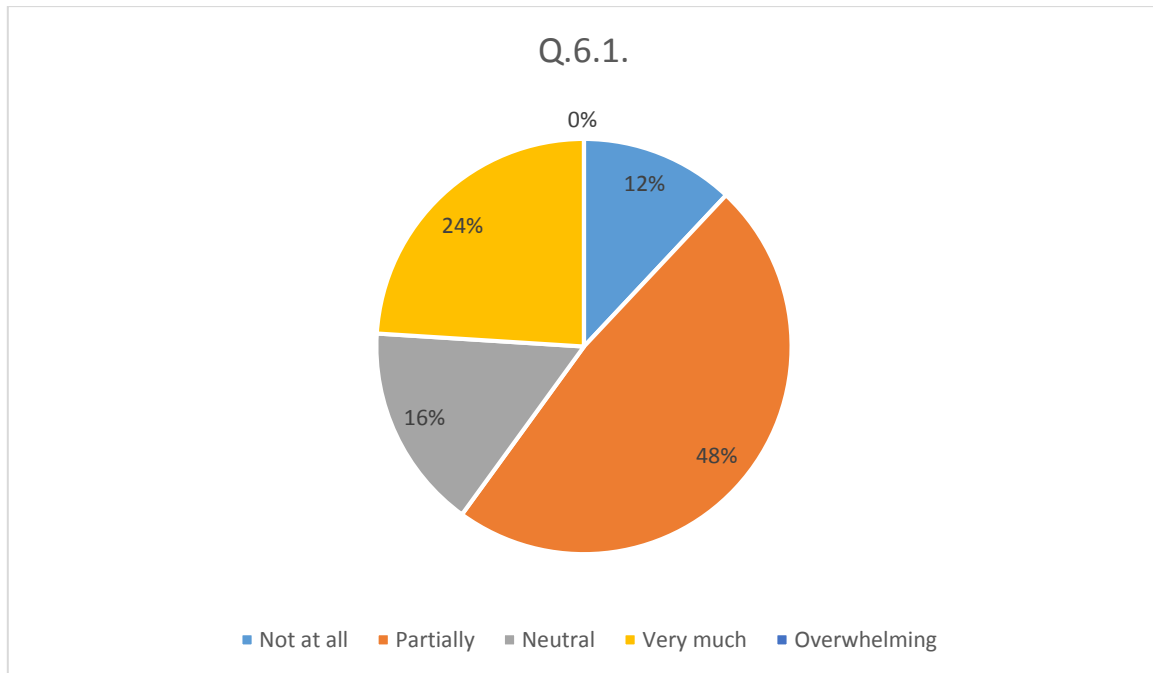
52 % of the organisations answered that SMEs partially consider the tender documents well-structured and of good quality. 28 % stated neutral and 16% are very much.

6. UNDERSTANDING OF EVALUATION PROCEDURES

Question 6.1. Do SMEs experience problems with the interpretation of evaluation procedures (criteria, restrictions, variations accepted, etc.)?



Grant Agreement No. **740005**



48 % of the SMEs partially experience problems with the interpretation of the evaluation procedures. 24 % of them stated that they experience such problems very much.

Question 6.2. Should the answer be Very much or Overwhelming, please elaborate:

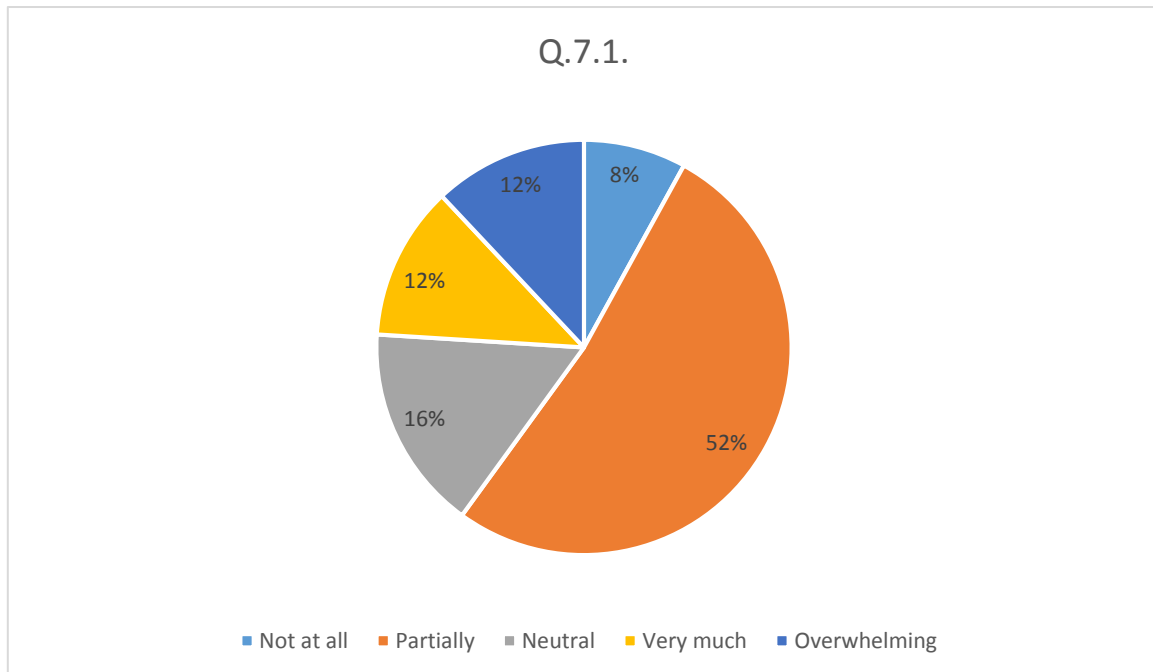
There are four responses to that question, which answer is Very much. The first one is that the evaluation procedures are always focused on a certain person. Often, the evaluation criteria are vague and sometimes even subjective is the second answer. The third one is that the single document is complicated and unclear for replenishment. Moreover there are vague formulations for the requirements, according to the last response.



Grant Agreement No. **740005**

7. EVALUATION CRITERIA AND LOWEST COST

Question 7.1. Is the lowest cost a distorted evaluation criteria?



The majority of the answers (52 %) show that the lowest cost is partially a distorted evaluation criteria. 16 % answered neutral and among the answers we can observe that 12 % answered both Very much and Overwhelming in regard to the lowest cost being a distorted evaluation criteria.

Question 7.2. Should the answer be Very much or Overwhelming, please elaborate:

There are four responses in that case, which answer is Very much or Overwhelming, as follows:

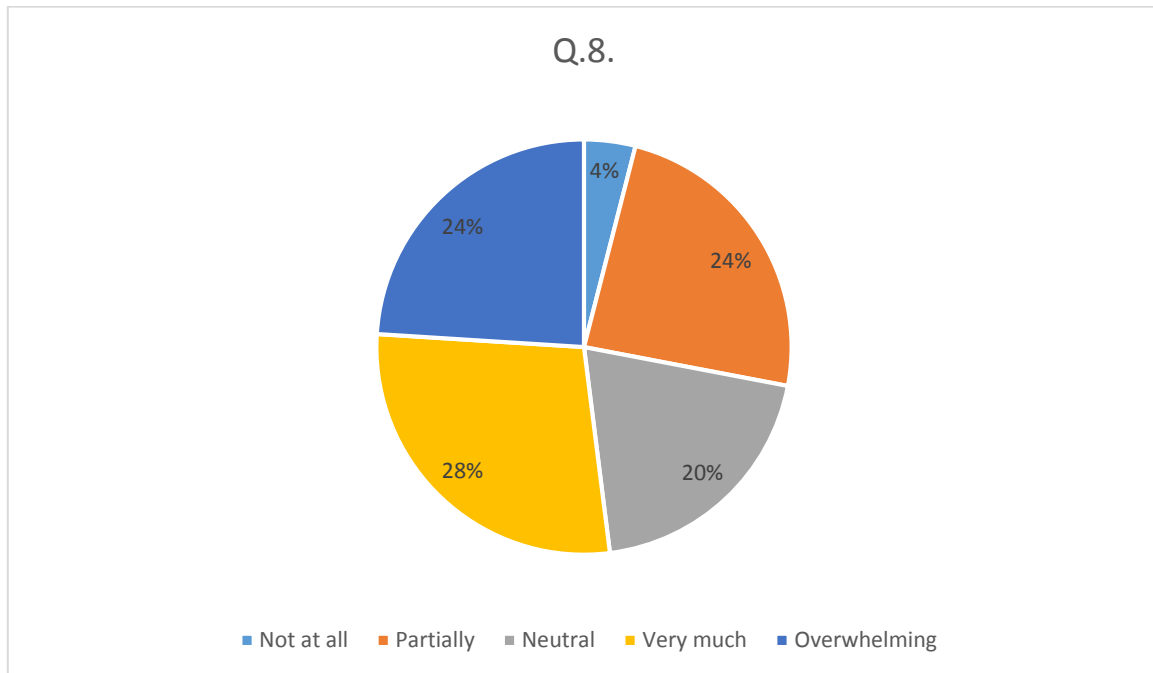
- There are no criteria for such a price, because there is no comparison;
- In this way the criterion-quality is excluded;
- For some supplies / services / works, performance or guarantees are much more important than the cost;
- The lowest price sometimes does not guarantee the best quality of the service provided (and it is assumed that it is more important for the Assignor to get a quality service than a cheap one ...).



Grant Agreement No. **740005**

8. TIMEFRAME FOR DRAWING-UP A TENDER

Question 8. Generally speaking, do SMEs consider sufficient the timeframe given for drawing-up a tender?



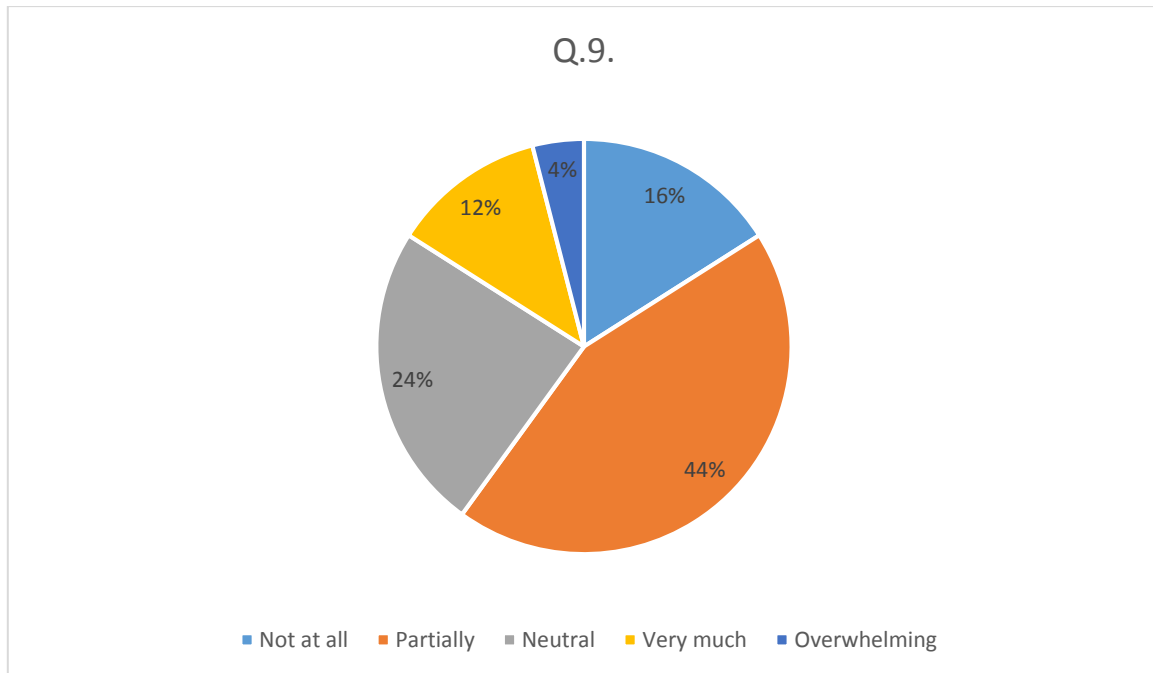
According to the chart above, 28 % of the organisations replied that in general SMEs consider very much sufficient the timeframe given for drawing-up a tender. 24 % of the given answers indicate that SMEs consider sufficient the timeframe as overwhelming and the same percent as partially sufficient.

9. PUBLIC BUYERS FEEDBACK

Question 9. Do public buyers provide appropriate feedback during the tender drawing-up phase?



Grant Agreement No. **740005**



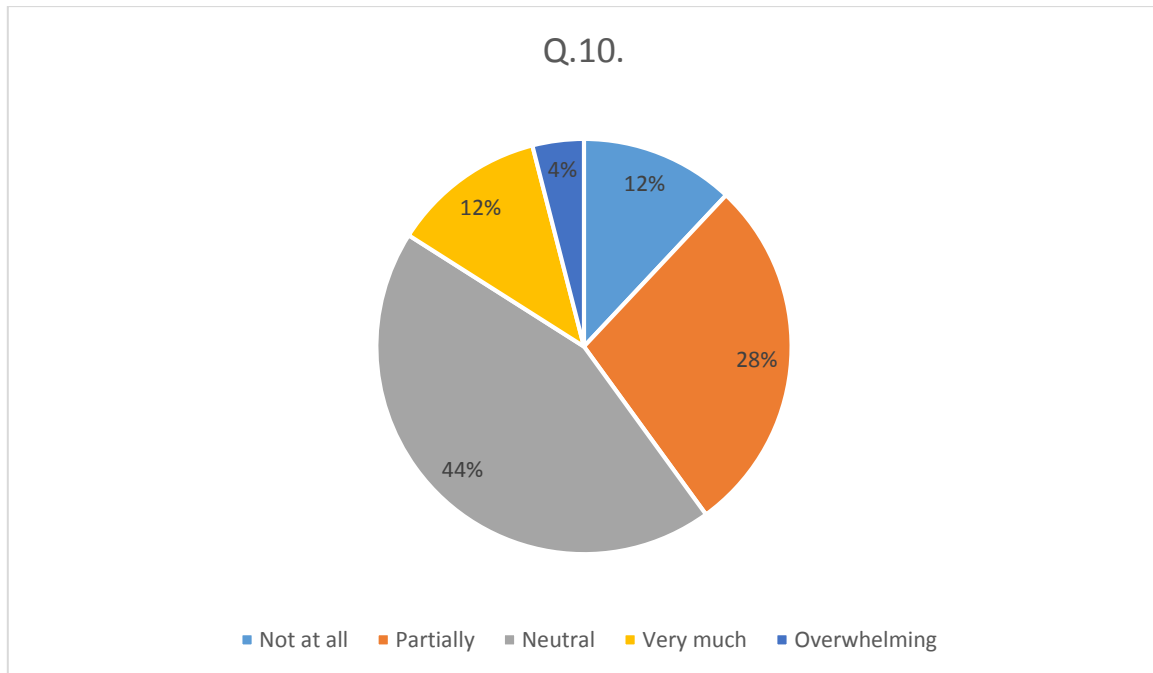
Partially is the most common answer by the respondents (44 %), which consider that the public buyers provide appropriate feedback during the tender drawing-up phase. The neutral statement is chosen by 24 % of the participants, as 16 % of them indicate Not at all, as an answer.

10. CONSISTENCY/UNIFORMITY OF PROCEDURES

Question 10. Do SMEs perceive a consistency/uniformity in what concerns the procedures in place within the various organisations pertaining the public sector?



Grant Agreement No. **740005**



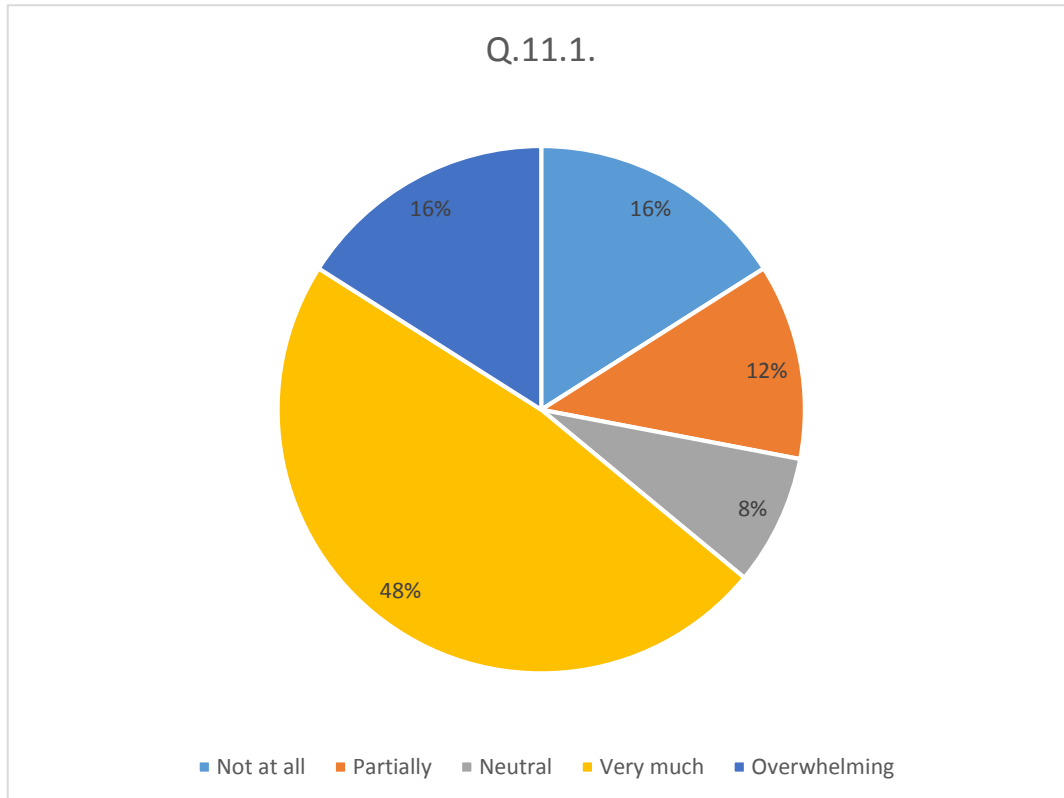
According to the chart above, 44 % of the participants stated neutral to the statement that SMEs perceive a consistency in the procedures within the various organisations pertaining the public sector. The next most common answer is partially, chosen by 28 % of the respondents.



Grant Agreement No. **740005**

11. COMPLEXITY FOR DRAWING-UP A PUBLIC TENDER

Question 11.1. Is the complexity associated to drawing-up a public tender refraining an active participation of SMEs?

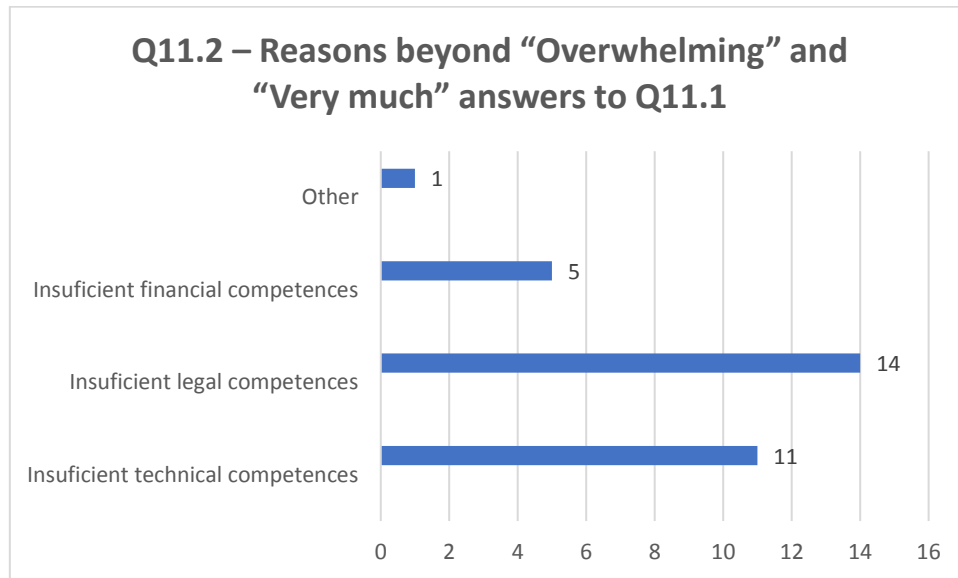


According to the chart above the complexity associated to drawing-up a public tender refraining Very much the active participation of SMEs with 48 % of the answers.



Grant Agreement No. **740005**

Question 11.2. Should the answer be Very much or Overwhelming, please tick all options that apply:



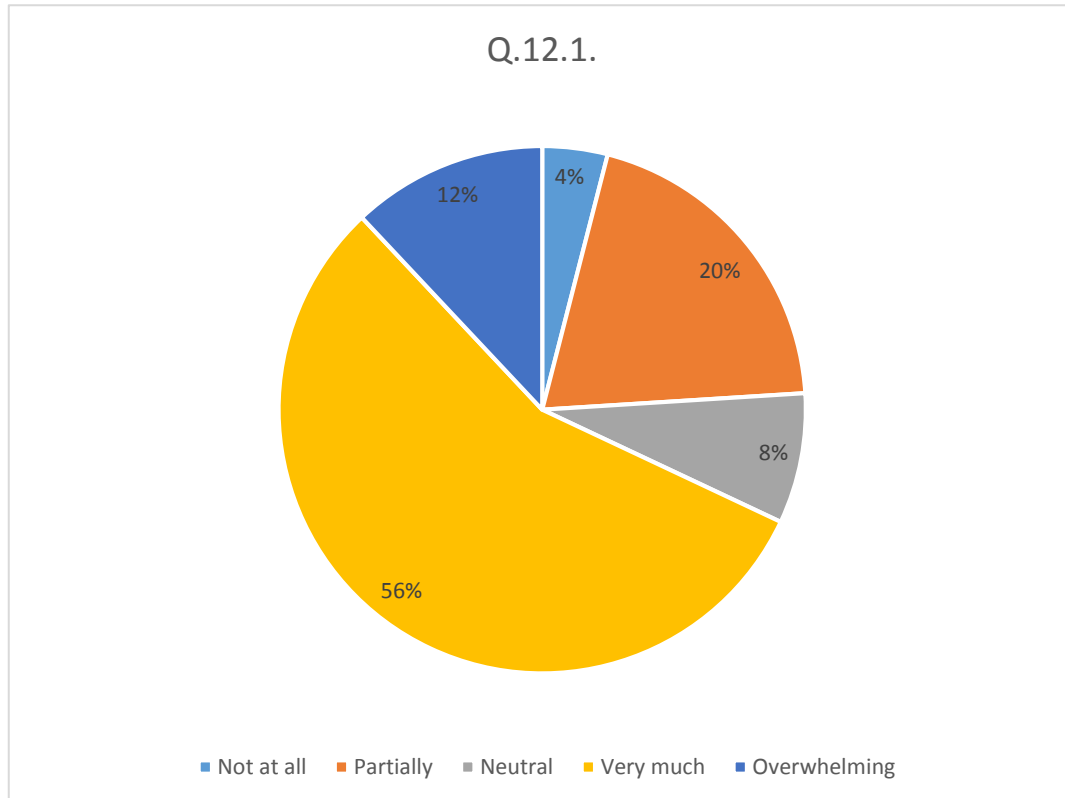
There are totally 16 responses to Question 11.2. It should be taken into account that there is more than one answer to that question. The majority of the answers (87.50%) show that there are insufficient legal competences (14 out of 16). The next most common answer is the insufficient technical competences with 68.80% (11 out of 16). Moreover 31.30% answered that there are insufficient financial competences (5 out of 16) due to which the SMEs refrain from an active participation and drawing-up a public tender. 6.30 % of the answers are Other, under which is indicated that the bureaucracy is the main cause of refraining from participation in public tenders.



Grant Agreement No. **740005**

12. BUREAUCRACY ASSOCIATED TO PUBLIC TENDERS

Question 12.1. Is the bureaucracy inherent to public tenders determinant for the dismissal of SMEs?

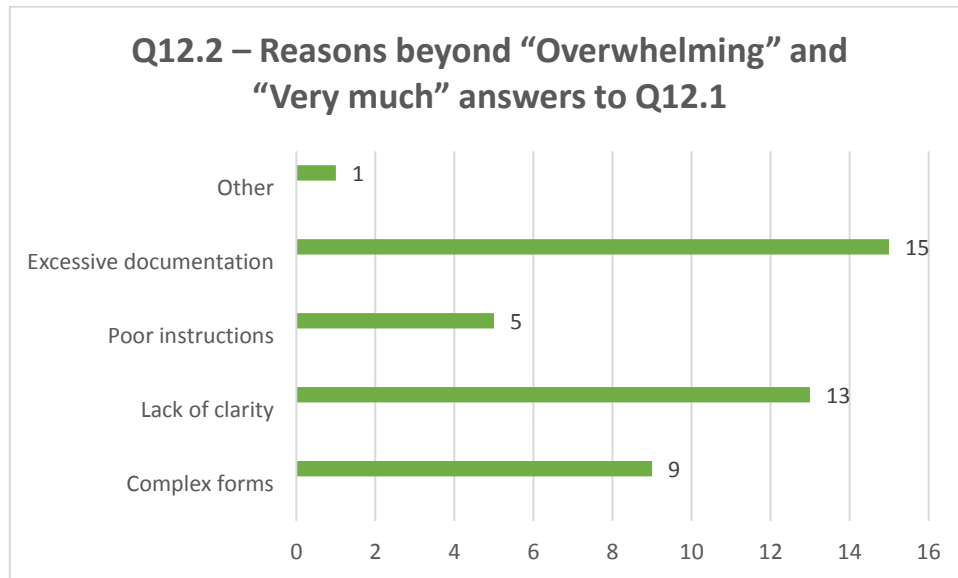


The results from this questions show that 56 % of the answers are indicated as Very much, which means that the majority of the participants believe that the bureaucracy inherent to public tenders is determinant for the dismissal of SMEs. 20 % of the organisations answered Partially to that question, as 12 % indicated the answer Overwhelming.



Grant Agreement No. **740005**

Question 12.2. Should the answer be Very much or Overwhelming, please tick all options that apply:



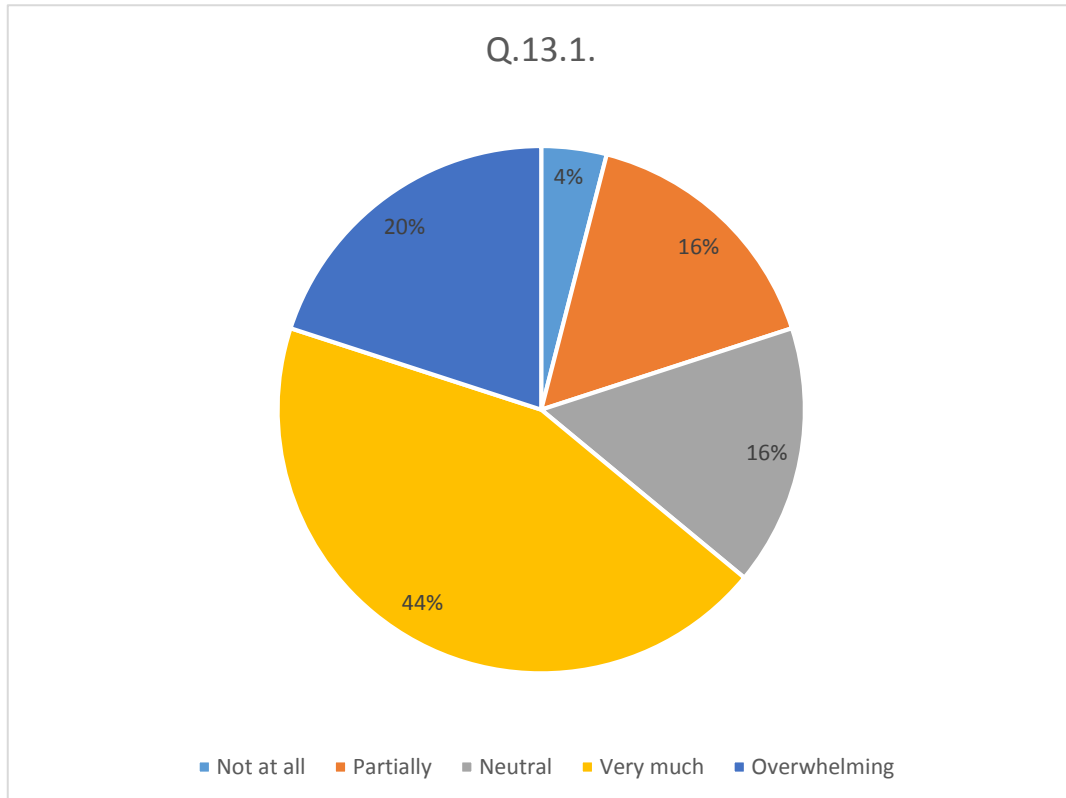
There are totally 17 responses to Question 12.2. It should be taken into account that there is more than one answer to that question. The majority of the answers show that the dismissal of SMEs from public tenders is caused by the excessive supporting documentation (88.20%, 15 out of 17). Other burdens to SMEs in that regard are the lack of clarity in some sections (76.50%, 13 out of 17) and the complex and lengthy forms (52.90%, 9 out of 17). The poor instructions of the tenders are indicated by the participants with 29.40% of the answers.



Grant Agreement No. **740005**

13. ROLE OF ICTs

Question 13.1. Do SMEs consider that ICTs (B2B platforms, digital services, etc.) can be enablers of their access to public tenders?

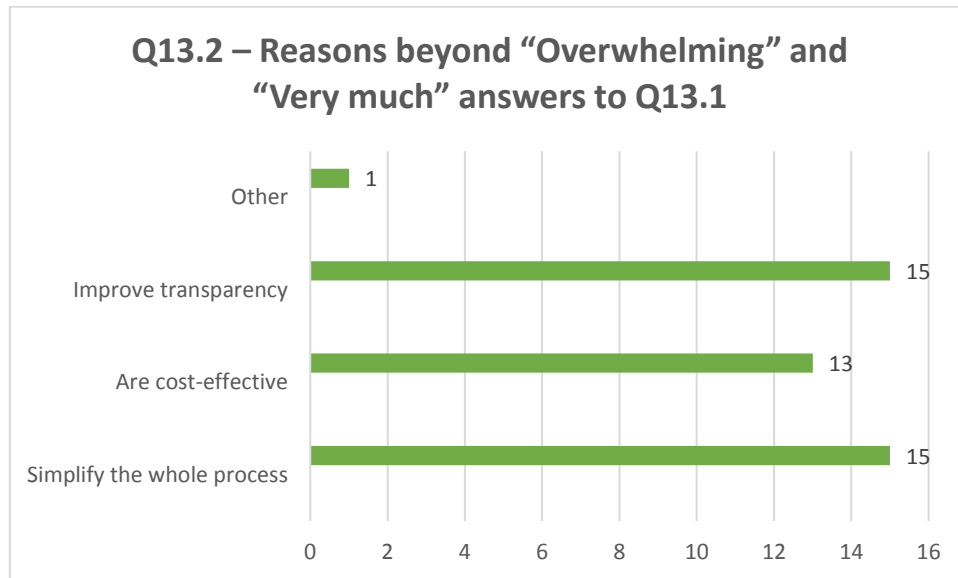


Most of the SMEs (44 %) consider that ICTs (B2B platforms, digital services, etc.) can be Very much enablers of their access to public tenders, while 20 % indicated to that question the answer Overwhelming, which underlines the importance of the ICT in the public tenders procedures.



Grant Agreement No. **740005**

Question 13.2. Should the answer be Very much or Overwhelming, please tick all options that apply:



There are totally 16 responses to Question 13.2. It should be taken into account that there is more than one answer to that question. The majority of the answers (**93.80%, 15 out of 16**) to that question is given to the options that ICTs simplify the tendering process and that it improves transparency. **81.30%** of the responses (**13 out of 16**) point out at that ICTs are more cost-effective. Mere 6.30 % of the answer refer to the option “Other”, claiming that ICTs save time and resources.



Grant Agreement No. **740005**

14. MISSING POINTS

Question 14. Are there any other topics you consider relevant to address? If the answer is YES, please elaborate:

To that question we received 3 answers from the respondents, as follows:

- The most important one is not included - the ordering algorithm must be designed so that the subject can not be affected, if you are interested, I can specify an algorithm that is in that direction.
- Opportunity to associate several SMEs when applying. Feedback when declining a company with a detailed description of the reasons for the refusal;
- What can be done to have greater transparency in choosing performers (because at the moment, despite the work in this direction, we are far from the desired result).

15. WAY AHEAD

Question 15. What has to be done in this framework, in order to engage more SMEs into public tenders?

We have received 25 responses on that question and the answers are as follows:

- Simplify the disclosure documents for auctions.
- Objectively conducting procedures, transparent, understandable with clear rules and algorithm that does not allow for corruption.
- Legislative priority for public auctions for SMEs.
- Targeting objective evaluation criteria, setting criteria to restrict the participation of the same companies in certain types of procurement (for example, Construction work).
- Greater transparency and simplification of the overall application procedure and accompanying documents.
- When selecting contractors, use objective criteria to completely exclude the possibility of "set orders".
- Do not place the price as the sole and "final" priority. To look for a way for "big" people not to "use" the small ones without paying in time when they are subcontractors. Prioritization in the criteria in regard to the local businesses. To not be threaten by the constant thought that someone will appeal to them and lose their own funds, time and lost profits.



Grant Agreement No. **740005**

- Expert opinion
- Objective approach.
- SMEs must be members in branch organisations and work together.
- Optimize accessibility and assistance from competent organisations
- Can not happen.
- Interests and transparency
- Publicity, transparency, clear application of the evaluation criteria.
- To have more transparency and clarity.
- Work towards a faster introduction and active use of ICT in public auctions.
- Maybe more public debates on topics related to the transparency of public auctions might be initiated.
- Raising awareness of the possibility for SMEs to participate in public auctions.
- Simplification and transparency, reducing bureaucracy.
- Transparency.
- The need for practical training and the possibility of consulting.
- Possibility for consultation and hotline for questions.
- Greater awareness through media, departments, and transparency.
- Transparency in the choice of assignor.
- Simplification of the procedure and application documents.

5.1.5 CONCLUSIONS

Readiness to adopt inclusive public procurement procedures;

- Maturity of the technological infrastructure for the support of e-procurement;
- Major burdens perceived by the various stakeholders being considered;
- General impression about the market operation;
- Recommendations.