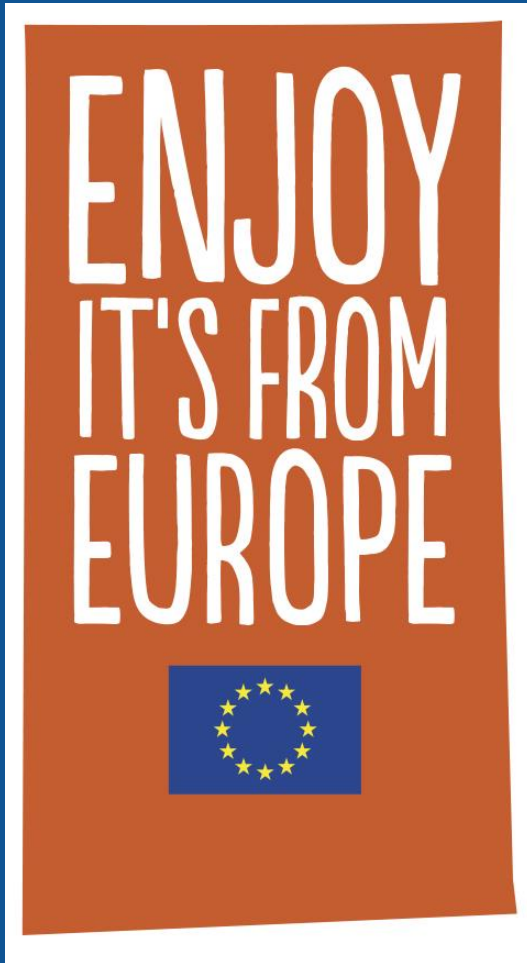




# The new promotion policy

## GUIDANCE ON COMPETITIVE PROCEDURE

*DG Agriculture and Rural Development  
European Commission  
9 June 2016*



# **GUIDANCE ON COMPETITIVE PROCEDURE**

## **- Aim & presentation**

AIM: guidance on the application of the competitive procedure

- selection of implementing bodies in case of simple programmes
- non-public organisations acting as applicants/beneficiaries
- to the competent authorities of the Member States

Structure of Guidelines:

- 1) Context
- 2) The 2 criteria
- 3) Guidance on competitive procedure

# GUIDANCE ON COMPETITIVE PROCEDURE - Context

- The legislative framework:
  - The basic act
  - Delegated Regulation
  - Implementing Regulation
- Grant Agreement (GA)
  - Article 10 – Implementation of action tasks by subcontractors
  - Article 9 - Purchase of goods, works and services

## **GUIDANCE ON COMPETITIVE PROCEDURE**

### **- Best value for money**

- 'best value for money' alias 'best price-quality ratio'
- price is an essential yet not the sole aspect/criteria
  - not automatically necessary to select the offer with the lowest price
- the criteria defining 'quality' must be clear and coherent with the purposes of the action task that is subcontracted.
- competitive selection procedures would not be always required
  - ! However, beneficiary to demonstrate how best value for money was ensured.

# **GUIDANCE ON COMPETITIVE PROCEDURE**

## **- Conflict of interests**

When shared interests influence or affect contract's/subcontract's selection/award procedure and/or implementation of the programme.

Shared interests may be

- economic interests,
- political or national affinity,
- family or emotional ties or
- any other shared interest.

# **GUIDANCE ON COMPETITIVE PROCEDURE**

## **- Competitive procedure guidelines**

- Basic act requires a competitive procedure in all cases, irrespective whether a proposing organisation is non-public or public
- Implementation of promotion programmes via subcontractors not confined to a limited part thus the amounts from EU budget may be substantial

## **GUIDANCE ON COMPETITIVE PROCEDURE**

### **- Competitive procedure guidelines**

Member States to establish a 'competitive procedure' laying down the criteria non-public organisations taking account that

- the procedure is proportionate to the economic importance
- while the fundamental principles of the EU Treaty are observed.

It would consist at least of :

- the contract notice is published and adequately advertised;
- sufficient time for the receipt of tenders is provided;
- an objective and non-discriminatory evaluation of the tenders
- the assessment of any possible conflict of interests.

# GUIDANCE ON COMPETITIVE PROCEDURE

## - Competitive procedure guidelines

- low-value contracts
  - a negotiated procedure without publication of a contract notice with consultation of at least three candidates, or any other alternative method ensuring that the best value for money has actually been achieved
- existing framework contract
  - if conditions (best value-for-money and absence of conflict of interests) were respected at the time of their award

**NB** existence of national rules on competitive procedure may be subject to audit within the conformity clearance procedure