

Public procurement, service and works contracts: coordination of procedures for the award, classical directive

2000/0115(COD) - 17/06/2003

The committee adopted the report by Stefano ZAPPALÀ (EPP-ED, I) amending the Council's common position under the 2nd reading of the codecision procedure. It retabled a large number of amendments adopted by Parliament at 1st reading: - there should be substantial increases in the level of the various thresholds laid down in the Council common position. In particular, the committee wanted to see a 23% increase in the threshold for public supply and service contracts awarded by central government authorities, a 20% increase for public supply and service contracts awarded by any other authority and by central defence authorities, and a 12% increase for public works contracts. MEPs argued that these increases would help to ease the tensions now faced by local and regional authorities in dealing with the disproportionately high economic and administrative costs relating to European tendering, while still allowing for a genuine single EU market in public procurement. Another amendment called for 12% and 20% increases respectively in the thresholds for contracts and connected service contracts directly subsidised by the contracting authorities by more than 50%, in the areas of civil engineering and building work for hospitals, sport, recreation and leisure facilities, school and university and administrative buildings; - there should be an exemption for public supply contracts for schoolbooks for which a fixed final retail price has been laid down by law in the Member State where they are purchased; - Member States should be able to stipulate that 10% of the public contract award budget should be reserved for SMEs; - the rules on the economic, financial and social standards to met by an economic operator should also apply in full to subcontracting firms; - intellectual services, with the exception of translation, interpretation and management related services, should not be subcontracted; - bids from firms whose tenders are abnormally low or who breach the rules on the financial and personal situation of tenderers should be rejected; - environmental and social criteria, especially employment, health and safety standards and improved access for disabled people, should be better reflected in all stages of public procurement procedures; - as regards electronic tendering, enhanced data security requirements, e.g. on electronic signatures, should be safeguarded when tenders are submitted electronically. Other amendments sought to tighten up the provisions on the personal, economic and financial situation or the professional capability of the tenderer. The awarding authorities should be obliged (rather than being given the option, as proposed by the Council) to exclude from tendering anyone who has been convicted of bankruptcy or whose business is being wound up, whose affairs are being administered by a court, who has entered into an arrangement with creditors or who has suspended business activities. There should also be a ban on tendering by operators convicted of fraud or other forms of dishonest anti-competitive behaviour connected with the award of public contracts in the common market, breaches of rules on collective agreements and drugs-related offences.