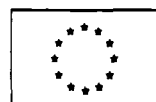
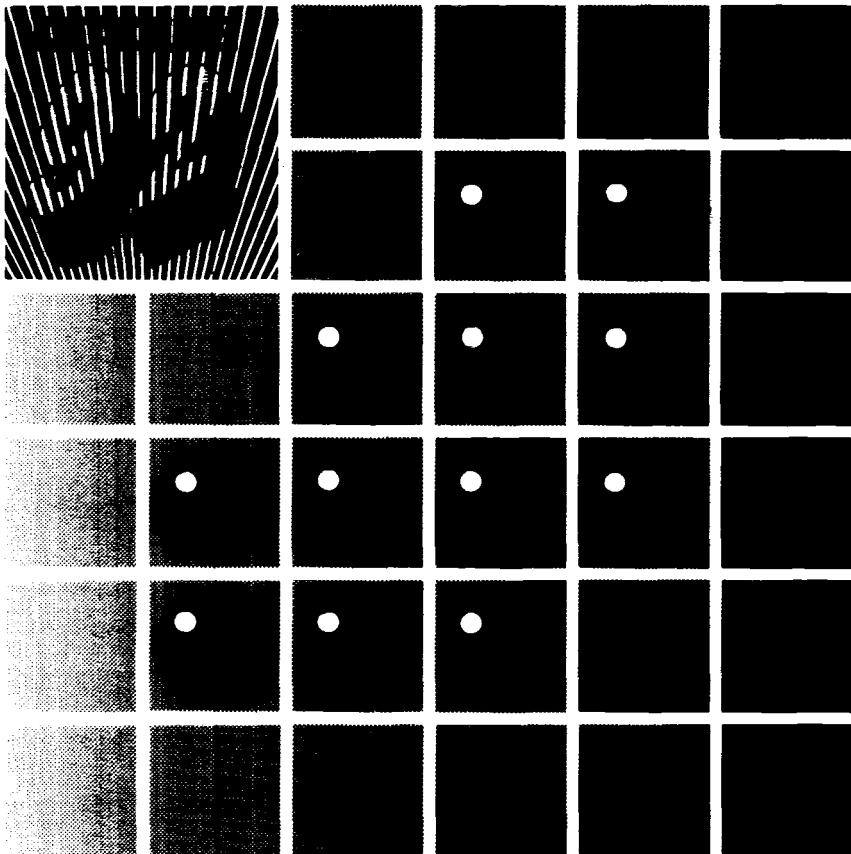


PUBLIC PROCUREMENT AND CONSTRUCTION — TOWARDS AN INTEGRATED MARKET



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Public procurement and construction — Towards an integrated market

(Second edition)

Manuscript completed in July 1988

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Introduction

Government departments, local authorities and public utilities in EC countries still tend to purchase their supplies of consumables and capital equipment overwhelmingly from domestic suppliers. Local contractors also receive the bulk of contracts in connection with public construction projects. This state of affairs ought not to exist in a Europe supposed to become a single market by the end of 1992. There are, in fact, EC rules that require public procurement and construction contracts to be thrown open to competition from firms in other member countries. Unfortunately, the rules have so far been inadequately applied or, worse still, flouted or ignored. The reason? It probably lies in the protectionist instincts and ingrained 'buy-national' habits of governments.

The unsatisfactory degree of market integration in Europe costs industry and governments a lot of money. This is nowhere more true than in public-sector purchasing and construction, where national markets are still insulated from the blast of competition. The EC Commission has estimated the waste of taxpayers' money due to failure to open public-sector purchasing and construction markets to EC-wide competition at an average of ECU 20 billion a year, equivalent to roughly half the total EC budget.¹

Apart from the possible cost savings, government contracts are tremendously important for European integration because they form such a large sector of the economy. One of the current priorities of the EC is to make the Community into a single market by the end of 1992. This puts government procurement at the top of the political agenda.

This brochure explains the importance of open public-sector purchasing and construction for the single market and describes the current EC legislation and how it is applied. It also previews forthcoming changes designed to make the legislation more effective. Firms should find it a useful introduction to the real possibilities of winning public-sector contracts in other Member States.²

¹ As at 8 April 1988 the exchange rates of the ecu against EC currencies and the US dollar were: BFR/LFR (conv.) 43.4607, BFR/LFR (fin.) 43.6652, DM 2.07587, HFL 2.32989, UKL 0.662585, DKR 7.94522, FF 7.04210, LIT 1.540.98, IRL 0.776704, DR 165.252, PTA 137.234, ESC 169.776, USD 1.23970.

² A more technical 'Guide to the EC rules on open government procurement' mainly intended for the government and public bodies awarding contracts and for others interested in the fine print of the legislation, has been published in the *Official Journal of the European Communities* (1987, C 358).

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I. Open public procurement and construction: A priority of the single market programme

A. Aim: A large integrated market

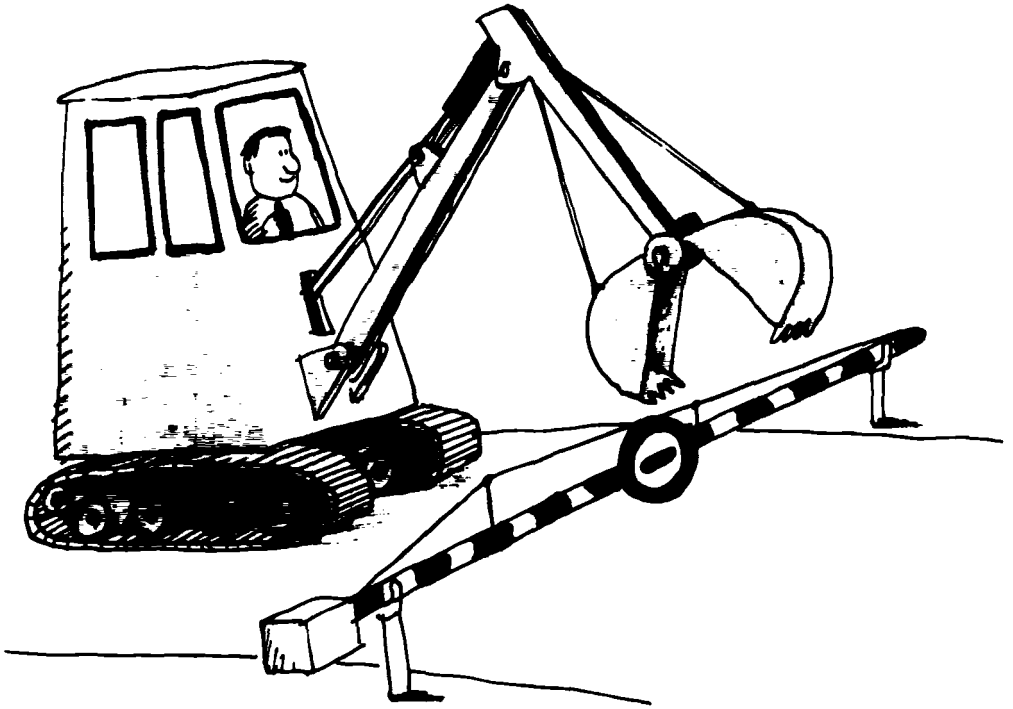
In a White Paper published in June 1985, the EC Commission took a long, hard look at the state of the common market. It found there was a long way to go before the Community became a genuinely 'common' market in which people, goods and services, and capital could move freely. Intra-Community trade and cross-frontier cooperation still faced a host of controls and barriers.

After three European Council meetings, EC government leaders decided to embark on a crash programme to complete the work of integrating the now 12 countries of the Community into a single large market of 320 million people. The overriding task was to remove the remaining barriers between Member States. The unified EC market should be dynamic and expanding, and flexible enough to ensure an optimal allocation of resources — human, material and financial. But when the market was opened up, it would be up to business to spot and take the opportunities it presented.

The single market programme drawn up by the Commission¹ is to be completed by the end of 1992. It comprises no less than 300 pieces of legislation grouped under three headings: elimination of physical, technical and fiscal barriers. They include measures on customs procedures, mobility both of individuals and businesses, cross-frontier provision of services, liberalization of capital movements, deregulation of air and sea transport, and a host of others to align national legislation in various areas. The 1992 programme also includes among its priorities the complete opening up of government procurement and large public-sector construction projects.

Open procurement will make a major contribution to getting rid of technical barriers to trade in manufactured goods, for purchasing entities will no longer be able to insist that products meet national standards; increasingly, they will be obliged to refer to European standards in their contract specifications. More international competition in procurement should also lead to decisions that make better commercial and economic sense. There will be many other benefits, too: budget savings, opportunities for firms to scale up to international competition, and pressure on Community industry to rationalize.

¹ See *Europe without frontiers - Completing the internal market*, European Documentation 4/1987.



The EC government leaders accepted the case for liberalization of public purchasing and construction presented in the White Paper. They recognized that it had a major role to play in improving the Community's technological and industrial performance, and resolved to take the necessary decisions early, by the end of 1988.

But government purchasing and construction contracts will not be opened up without the active cooperation of those principally concerned, namely businesses. First of all, they should understand that the Community is endeavouring to make the rules as clear and practical as possible and that they are not needless red tape but a basic minimum of regulation required to allow markets to operate. The second way they can contribute is by not hesitating to complain if government purchasers or contracting bodies appear to break the rules; if necessary, they can complain direct to the EC. European business is aware of the potential gains from open procurement. Unice, the confederation of European industry, recently said: 'The continuing partitioning of national markets denies many European firms the economies of scale they need to compete with American and Japanese rivals and is responsible for a general loss of efficiency in the European economy.'¹ It went on to welcome the planned changes to the present legislation and the

¹ Unice position paper on public procurement in the Community, 14 September 1987.

proposed introduction of new legislation to ensure that effective legal remedies are available and to extend the EC rules to sectors previously excluded, principally the public utilities.

B. Economic importance and benefits of liberalization

One of the main reasons for the high priority assigned to opening up public purchasing and construction in the single market programme is the huge size of the sector.

According to 1984 estimates for the Community of 10 (i.e. minus Spain and Portugal), purchases of goods and construction services by general government in the EC run to about 9% of Community GDP (ECU 80 billion in 1984), and as much as 15% (ECU 300 billion) if nationalized industries (e.g. public transport and telecommunications services) are included. About ECU 40 to 50 billion of this goes on defence procurement. With such sums involved, it is hardly surprising that the waste of public money due to lack of competition for these contracts is estimated at ECU 20 billion.

Which are the main industries affected? Although the picture varies from one Member State to another, the vast majority of public contracts concern the following sectors: construction, fuels and energy, electrical and telecommunications plant, transport equipment, engineering, office equipment, and textiles. A noteworthy feature is the high degree of involvement of small firms, although often only as subcontractors.

Importance of public sector purchasing
(Billion units national currency, 1984)

| | Belgium BFR | France FF | Germany DM | Italy LIT | UK UKL | Total BCU |
|---|----------------|--------------|---------------|---------------|-----------|--------------|
| GDP | 4 402 | 4 282 | 1 754 | 720 682 | 319 | 2 566 |
| Total expenditure: Government | 2 599 | 2 048 | 788 | 336 515 | 137 | 1 183 |
| Total public purchasing: | | | | | | |
| — Government | 288 | 369 | 131 | 60 215 | 38 | 227 |
| — Public enterprises | 480 | 235 | 77 | 34 226 | 32 | 157 |
| — Total PP | 768 | 604 | 208 | 94 441 | 70 | 384 |
| Government purchasing/ expenditure | 11.0% | 18.0% | 17.0% | 18.0% | 23.0% | 19.0% |
| Total PP as % GDP | 17.5% | 14.1% | 11.8% | 13.1% | 21.8% | 15.0% |
| Estimated total contract procurement (45-65 % PP) | 350-500 | 270-400 | 95-140 | 43 000-60 000 | 32-45 | 170-250 |

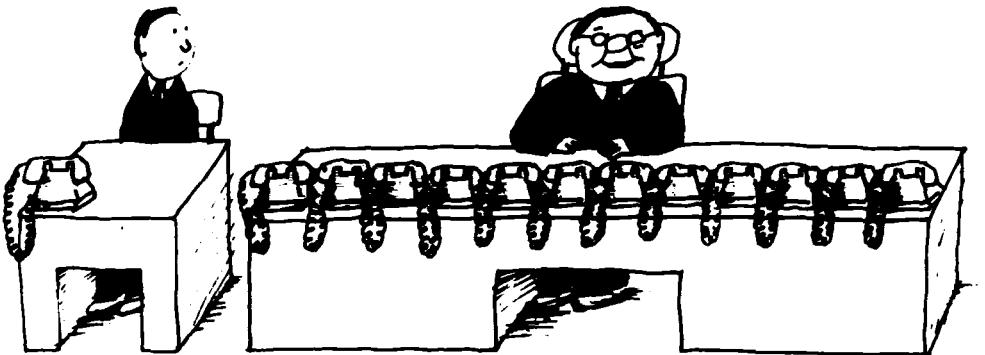
Sources: ESA National Accounts; Atkins' estimates for public enterprises and contract procurement.

It is estimated that in barely 20% of the public contracts currently awarded in the EC are the Community directives on competitive tendering and EC-wide advertising followed. As we shall see below, large sectors of public procurement and construction still fall outside the Community rules, while many contracts awarded in sectors subject to the rules come below the value threshold for the directives to apply.

The economic benefits that can be expected to flow from the single market programme, and in particular from the liberalization of public purchasing, have been emphasized many times in the debate surrounding 1992. Lord Cockfield, Vice-President of the EC Commission and the Member of the Commission with special responsibility for the internal market programme, summed up these benefits in a speech he gave in Lisbon on 2 July 1987:

'With the integration of the European market,' he said, 'we will eliminate unnecessary costs, open up new opportunities, and strengthen the competitive cutting edge of European industry, thus strengthening its position both in its home market and in international markets.' In this context, he added, public procurement was a sector of great importance, 'embracing many areas of high technology where the maintenance of segmented markets has slowed development in Europe in those very areas where a high level of development is essential if we are to match the performance of our competitors, particularly in the United States and Japan.'

Better access to government contracts in other Member States, thanks to wider advertising and more uniform tendering procedures, will increase the opportunities of industry — manufacturers, distributors and contractors — to diversify geographically to serve the wider EC market. Expansion will allow economies of scale to be realized, so reducing production costs. The competition with firms from other Member States will also be a spur to efficiency and competitiveness, and there will be greater encouragement for firms in different Member States to cooperate on major government contracts, thus furthering the general integration of the EC economy.



The weakness of European industry due to dependence on national markets which are too small for optimum performance is nowhere more apparent than in high-technology sectors. The research and development costs of bringing innovative products and services to the market are enormous and can only be recouped if the market is large. For high-technology goods and services, therefore, markets of at least European scale are essential. But the high-tech industries are among those most dependent on the public-sector market. In most EC countries, telecommunications and transport services, space research programmes, etc. are State-run. If government contracts in these sectors are open to firms from all Member States, the chances of European research coming up with commercially exploitable results should be greatly enhanced.

Finally, the opening of public-sector procurement and construction markets to foreign competition will help reduce public expenditure and widen consumer choice. It will provide governments with a wider selection of goods and services at lower costs.

C. EC legislation — alas, not always applied

The Community legislation requiring public contracts to be opened to competition from firms in other Member States goes back to the 1970s. It is in the form of directives.¹ So far the legislation has covered only a fraction of public contracts, however.

The bases of the legislation are the 1971 directive on public works and construction contracts and the 1977 directive on government procurement of supplies of goods and equipment.² These have subsequently been amended, but the fundamental principles still apply: suppliers and contractors from all EC countries should have equal opportunities in bidding for public-sector contracts and, to discourage discrimination against foreign firms, tendering and award procedures should be open and above board. Discrimination against potential or actual foreign bidders would be against the rules on intra-Community free trade and might also infringe a firm's right to set up in business, or provide services as a non-resident, in other Member States. The main provisions of the legislation are as follows:

¹ Directives are issued by the EC Council of Ministers and require the Member States to incorporate common EC rules or principles into their national legislation.

² Directive 71/305/EEC (Official Journal 1971, L 185, p. 5) and Directive 77/62/EEC (Official Journal 1977, L 13, p. 1).

- (i) Contracts must, as a rule, be put out to competitive tender. Negotiation with a single or a few suppliers is allowed only in specified exceptional circumstances. Tenders may be 'open' (i.e. without selection of bidders) or 'restricted' (with selection), at the choice of the authority awarding the contract.
- (ii) Discrimination against foreign firms, for example in technical specifications, is prohibited.
- (iii) Tenders must be advertised in the Official Journal, with minimum periods allowed until the closing date and maximum periods observed for the provision of documentation by authorities, so that bidders have sufficient time to prepare their bids.
- (iv) The directives also list the only grounds on which bidders (or applicants to bid in selective tenders) may be disqualified or eliminated and the only criteria that may be applied in awarding contracts.
- (v) Public water and energy utilities and public transport and telecommunications services are excluded (telecommunications only from the procurement rules, not from the public works provisions).

In 1980 the 1977 procurement directive was amended to adapt EC law to the GATT Agreement on Government Procurement to which the European Community was a signatory.¹ The GATT Code commits governments not to practise discrimination against foreign suppliers in the procurement decisions of central government agencies (a list of EC government agencies subject to the Code is given in an appendix to the directive).² As far as defence procurement is concerned, the code only applies to certain listed products.

The rules applicable to procurement subject to the GATT Code are slightly different from the general EC rules and they apply from a lower contract value threshold. The range of contracts covered has recently been extended and the value threshold further lowered by a Protocol which was passed into EC law by a decision of the Council of Ministers taken in November 1987 and which came into effect on 14 February 1988.

Alas, the legislation has not entirely lived up to expectations. Purchasing entities and public authorities undertaking construction projects have continued to give preference to domestic suppliers and contractors. The exclusion of public utilities, which generate a considerable volume of business for materials and equipment suppliers and construction firms, has proved to be a major loophole. But a large part of the blame must lie with the recession which hung over Europe through most of the 1970s following the first oil crisis. This brought the process of European integration to a halt after the rapid start made with the establishment of a customs union. The assimilation of new member countries into the Community added to these difficulties. Also, the legislation itself failed to

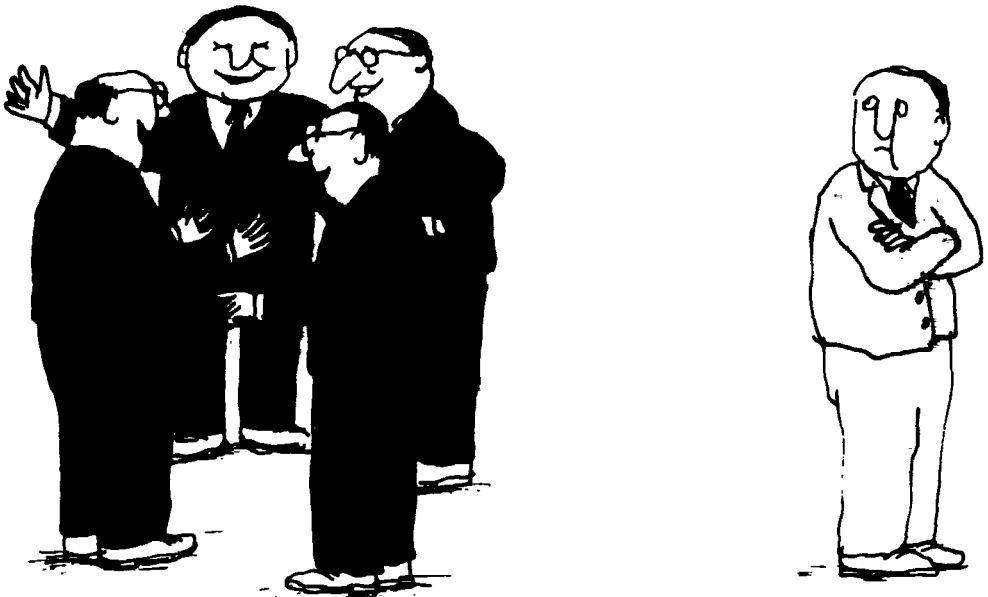
¹ Directive 80/767/EEC (Official Journal 1980, L 215, p. 1)

² Reproduced as Appendix II to this brochure. The list is not completely up to date owing to intervening changes in national administrations.

guarantee complete transparency in tendering and award procedures, so that often there was no way of detecting, let alone preventing, discrimination against foreign firms.

A survey of the commonest and most serious breaches of the EC rules was therefore seen as a priority if the public procurement and construction markets were to be opened up. The Commission has begun a series of test cases against member governments whose authorities are suspected of having broken certain key provisions. The main violations it has encountered include:

- (i) failure to advertise contracts in the *Official Journal*;
- (ii) abuse of the exceptions permitting single tendering;
- (iii) discriminatory administrative, financial or technical requirements in tenders, especially the insistence on compliance with national standards where EC law does not allow this;
- (iv) the illegal disqualification or elimination of bidders or applicants to bid from other Member States, for example by discriminatory selection criteria;
- (v) discrimination at the first award stage.



An area of the present legislation the Commission intends to tighten up is therefore enforcement. The national remedies open to a supplier or contractor who feels he has been unfairly excluded from consideration for a contract vary, and in some countries they are practically non-existent. The enforcement powers the Commission itself has are real, but

long procedures have to be followed which will usually mean that action comes too late to avert the damage. There is, however, widespread ignorance in the business community of the means of legal redress already available. The Commission intends to mount information campaigns to rectify this.

D. The Commission's reform package

The Commission saw that, vital though the opening up of public procurement and construction markets was both for the EC economy in general and for European industry, the current legislation needed improvement if it was to succeed in this aim. In March 1987 the Commission therefore came forward with a reform package. The time had come to insist that the three great free-trading principles on which the common market is based were applied also by public-sector purchases of goods and services.

The first of these principles is the prohibition of measures that by one means or another restrict trade in goods between Member States. This includes not only direct restrictions on imports but also regulations or requirements that indirectly have the same effect as import restrictions. An example would be the specification of standards that are only met by domestic suppliers.

The second principle is that firms and individuals from any Member State of the Community should be free to set up in business in any other Member State. This 'freedom of establishment' means that no special or more onerous requirements may be placed on foreign businesses resident or wishing to take up residence in a Member State which is not their own than apply to the Member State's nationals. Examples of such prohibited requirements are restrictions on residence, different tax treatment, etc.

Finally, there is the principle that no restrictions may be placed on non-resident businesses providing services in other Member States.

The Commission's reform package called for action on four fronts:

- (i) to make tendering and award procedures more transparent, by overhauling the existing legislation (this has already been completed in the case of the procurement directive);
- (ii) to introduce rules for EC-wide competitive tendering in the sectors excluded from the original legislation;
- (iii) to open up procurement of services to a greater extent than provided for under the current legislation;
- (iv) to tighten up enforcement.

Last but not least, more attention was to be given to the interests of small to medium-sized firms, so that they, too, and not only the very large firms, obtain their fair share of public procurement and construction business.

Improving the current legislation

On 22 March 1988 the EC Council passed a new directive which tightens up and clarifies the EC rules on public procurement of supplies and equipment.¹ The main changes, chiefly designed to increase transparency, are as follows:

- (i) Purchasing authorities will have to publish advance information about their procurement programmes for the following year and after awarding each contract will have to publish a report.
- (ii) A new procedure of negotiation with several suppliers, selected on the basis of the technical criteria laid down in the directive, replaces 'single tendering' (i.e. negotiation with only one supplier) as an alternative to formal competitive tendering in certain exceptional circumstances.
- (iii) The sectors exempt from the rules are more strictly defined, as are the circumstances in which single tendering is still permissible.
- (iv) The minimum periods before the closing dates for bids or (in selective tenders) applications to bid are increased.
- (v) Tenders must specify European standards if these exist.

A similar draft for a new directive on public works and construction contracts has been before the Council since December 1986. Its principal innovations are:

- (i) clearer definitions of the scope of the legislation as regards the types of contracts included (it is confirmed that planning, design and management contracts are covered), the sectors excluded (water, energy and transport), and the classes of public-sector or publicly-funded bodies that are subject to the rules;
- (ii) similar provisions to those in the new procurement directive on publication of advance information, increases in minimum time-limits, and restriction of the use of single tendering.

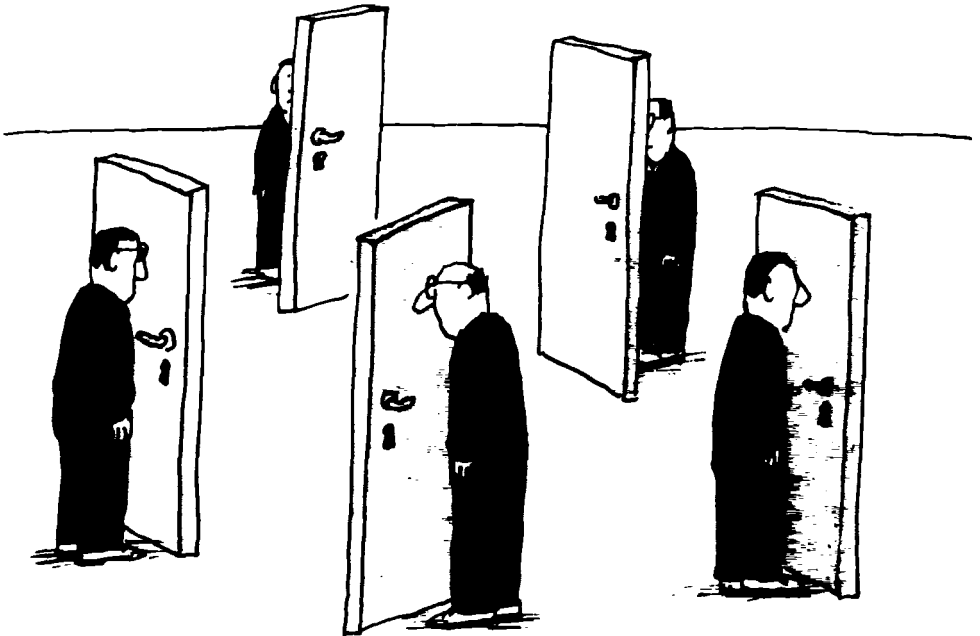
Opening up procurement and construction by the public utilities

The Commission is pressing for the competitive tendering rules to be extended to the four large sectors which have so far been excluded: telecommunications (in the case of procurement), energy, drinking water supply and transport. This extension will have a significant economic impact because the markets for public utility purchasing and construction are large enough to provide a major boost to the international competitiveness of European firms.

¹ Directive 88/295/EEC (Official Journal 1988, L 127, p. 1).

The role of telecommunications is seen as crucial. For some years the Community has been pursuing a global liberalization policy to establish a homogenous Community-wide market for telecommunications equipment and services. Substantial progress has already been achieved on standards: a 1986 directive requires national type-approval authorities to recognize the results of tests for conformity with common technical specifications for terminal equipment which have been carried out by other countries' official testing laboratories;¹ and references to European standards or international standards accepted in the country of the procuring entity is now required in all telecommunications equipment tenders.²

Specific steps have also been taken to open up the market for procurement by public telecommunications network operators to suppliers from other EC countries. An EC Council recommendation³ started the ball rolling.⁴ In an initial experimental phase, governments have been asked to ensure that their telecommunications administrations provide opportunities for suppliers in other Community countries to bid for all new information technology terminal orders and for all conventional IT terminal orders for which there are common type-approval specifications. For all other types of equipment, foreign suppliers are to be given access to at least 10 % by value of annual equipment orders.



¹ Council Directive 86/361/EEC (Official Journal 1986, L 217, p. 21).

² Council Decision 87/95/EEC (Official Journal 1987, L 36, p. 31).

³ Recommendations are not binding.

⁴ Council Recommendation 84/550/EEC (Official Journal 1984, L 298, p. 51).

It is planned to increase this market opening in stages in time for the single European market by the end of 1992.

Finally, moves are planned in the near future to open up public procurement of *services* to EC-wide competition to a greater extent than is required under the current legislation.

Enforcement

In mid-1987 the Commission sent the Council a proposal for a new directive to improve the national remedies available to firms against breaches of the EC competitive tendering rules and to increase the scope for the Commission itself to intervene to prevent violations.

The directive would require all EC countries to provide means of quick and effective relief to firms through official complaints machinery or the courts. Aggrieved suppliers or contractors would be able to get decisions by government purchasers or contracting authorities set aside and to obtain damages.

A streamlined procedure is proposed to allow the Commission itself to intervene before contracts are awarded. Where there have been clear breaches of the rules, the Commission would be able to order a three-months suspension of the award decision.

Consulting and informing industry

The Commission wants the EC rules to be sensible, to be flexibly applied and to take account of all relevant economic circumstances, and is therefore anxious to keep in touch with the views of industry. In 1987 it set up a committee (the Advisory Committee on the Opening Up of Public Procurement) composed of businessmen, industrialists and independent experts with wide experience of public purchasing and public-sector construction work to advise it on economic, technical, legal and social developments in the sector and to make industry itself better aware of the Community rules and the problems that can arise.

Firms can find out details of government contracts in other countries that are being put out to tender from national official gazettes and the EC official journal. All government tenders (procurement, construction and services) published in the *Official Journal* are now also on the *TED* (Tenders Electronic Daily) database, which is accessible through various host organizations.¹ Another source of information on tenders are the Euro-Info-Centres, of which a number have been operating since October 1987 under a pilot scheme. These stock the *Official Journal* and are linked to the TED system.²

¹ For further information contact the Office for Official Publications of the European Communities, Sales Department, L-2985 Luxembourg.

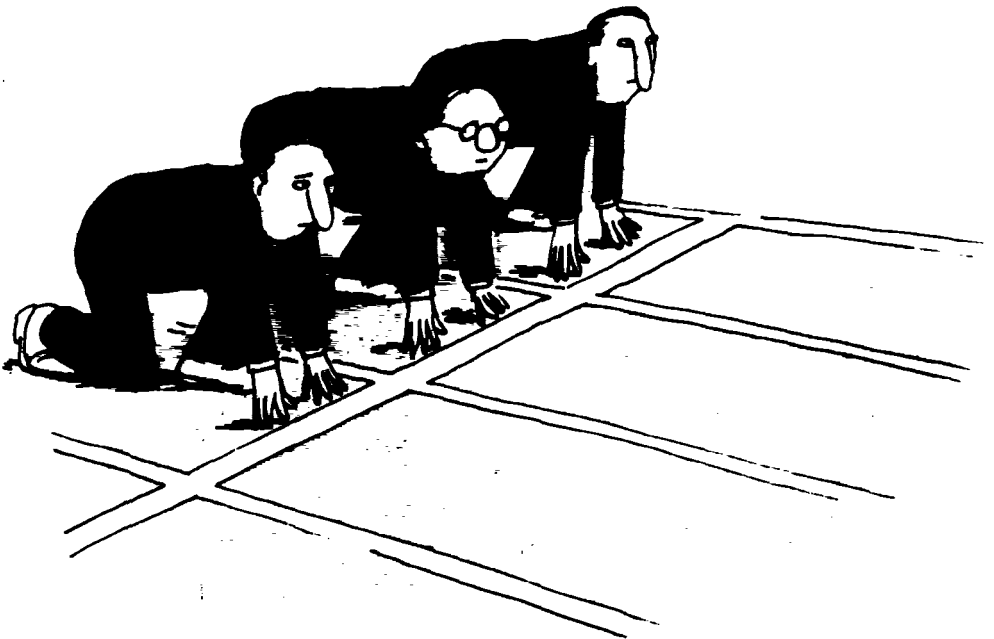
² For further information contact Commission of the European Communities, Small Firms Task Force, 200 Rue de la Loi, 1049 Brussels.

E. The Single European Act smooths the way

In July 1987 the 'Single European Act' came into force. Its provisions will make progress towards opening up public procurement and construction markets easier.

The Single Act is a set of amendments and additions to the European treaties, which were agreed to by the Member State governments after years of deliberations. The Act improves the internal working of the Community and extends its powers. To combat the widespread paralysis that had set in in EC decision-making, a new Article 100A of the EEC Treaty provides for decisions on measures connected with the establishment of a unified European market by 1992 to be taken by a weighted majority, rather than unanimously. Majority voting is also introduced for Community research and development programmes, measures to improve 'economic and social cohesion' between the Community's Member States, and legislation on working conditions.

The Act's provisions on the creation of a single European market are among the most important of the whole instrument. A firm date of 31 December 1992 is set for doing away with the remaining internal barriers within the common market and most of the measures necessary for this purpose can be passed by weighted majority.



In its chapter on research and development, the Act stresses the importance of public procurement: to strengthen the scientific and technological base of European industry, it says, the Community will support the efforts of firms to cooperate in order to exploit to the full the potential of the Community's internal market, in particular through the opening up of national public contracts, the establishment of common standards and the removal of legal and tax barriers to such cooperation.

In the new provisions on foreign policy cooperation, the Member States have undertaken to coordinate their positions more closely on the political and economic aspects of security. It is hoped that this will lead to more open defence procurement.

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II. What the law is and how it is applied

The Treaties founding the European Community prohibited restrictions on intra-EC trade and discrimination against companies or individuals from other Member States. But in government purchasing it became clear that these principles would not be applied without specific EC legislation. There were two objectives: to get governments to open up public-sector contracts to firms from other Member States and, having done that, to ensure that tendering and award procedures were correctly followed.

Because of the different characteristics of public works and construction contracts and contracts for the supply of consumables and equipment, separate directives were passed for the two sectors: EC Council Directive 71/305/EEC of 1971 for public works and EC Council Directive 77/62/EEC of 1971 for public 'supplies'. The division between construction and procurement will be followed in this brochure. But the principles and structure of the two pieces of legislation are the same: both require contracts to be advertised in a publication distributed throughout the European Community (the *Official Journal*), prohibit specifications liable to discriminate against foreign bidders, and lay down objective criteria to be followed in tendering and award procedures. Their common aim is EC-wide competitive tendering.

The brochure sets out to answer the main questions public authorities and especially businesses may have about EC law and practice concerning competitive tendering for government contracts. But it is only an outline. For further detail reference should be made to the legislation.

A. Procurement: definitions

Directive 77/62/EEC is stated to apply to 'public supply contracts'. These are defined as contracts for pecuniary consideration concluded in writing between a supplier and a contracting authority (purchasing or procurement agency) for the supply of products. The contract may, in addition, cover siting and installation work.

Suppliers may be companies, firms or individuals or consortia of such.

The contracting authorities whose purchasing is covered by the Directive are the State (i.e. central government agencies), regional or local authorities, and other 'legal persons governed by public law' or similar bodies listed in an appendix (this list is reproduced in Appendix I at the back of the brochure).

B. What types of procurement are covered?

The rules do not apply to all procurement by contracting authorities, but only to contracts worth more than a certain threshold value. Also, procurement by public utilities is largely excluded, as is procurement in connection with international agreements.

The threshold value from which a procurement contract becomes subject to the legislation is, in general, ECU 200 000 (European currency units) before VAT.

However, purchasing by certain central government agencies (see list in Appendix II at the back of this brochure) comes within the legislation from a different threshold, which is determined under the GATT Government Procurement Code¹ and is adjusted each year in line with exchange rate variations. The special threshold is published every year in the 'C' (Information and Notices) series of the *Official Journal* and is currently ECU 130 000.

Fixed exchange rates are used to convert the ecu thresholds into national currencies. These rates are published for the following year every November in the *Official Journal*.

For 1988 the exchange rates of national currencies against the ecu are:²

| | | |
|---------|----------|---------|
| 1 ECU = | 43.3452 | BFR/LFR |
| | 7.86926 | DKR |
| | 2.07479 | DM |
| | 153.327 | DR |
| | 160.447 | ESC |
| | 6.90031 | FF |
| | 2.33945 | HFL |
| | 0.773632 | IRL |
| | 1 482.32 | LIT |
| | 142.368 | PTA |
| | 0.710192 | UKL |

¹ Incorporated into EC law by Council Directive 80/767/EEC (Official Journal 1980, L 215, p. 1).

² Official Journal 1987, C 330, p. 3.

This makes the national currency equivalents of the thresholds for 1988 as follows:

| | General threshold (Directive 77/62): ECU 200 000 | Special threshold for central government agencies (Directive 80/767) ECU 130 000 |
|---------|--|---|
| BFR/LFR | 8 669 040 | 5 634 876 |
| DKR | 1 573 852 | 1 023 004 |
| DM | 414 958 | 269 723 |
| DR | 30 665 400 | 19 932 510 |
| ESC | 32 089 400 | 20 858 110 |
| FF | 1 380 062 | 897 040 |
| HFL | 467 890 | 304 129 |
| LFR | 8 669 040 | 5 634 876 |
| IRL | 154 726 | 100 572 |
| LIT | 296 464 000 | 192 701 600 |
| PTA | 28 473 600 | 18 507 840 |
| UKL | 142 038 | 92 325 |

The directive lays down certain valuation principles to prevent contracts being taken below the threshold and thus out of the scope of the legislation by undervaluation. For example, it is prohibited to split up a purchase with the intention of evading the rules of the directive.

Public transport, water, energy and telecommunications utilities are excluded from the present rules. The Commission would emphasize, however, that these exceptions are construed strictly. In the transport sector the exception covers organizations actually undertaking the carriage of passengers or goods, but not, for example, those running ports or airports which are covered by the directive. As far as water services are concerned, the exception only applies to services whose main function is the collection, supply and distribution of drinking water; river management, irrigation, drainage and sewage services are subject to the rules. A similar restriction applies to energy: for example, a public hospital purchasing its own electricity generator would be covered by the directive.

Also excluded are contracts awarded under international agreements between a Member State and a non-EC country concerning the implementation or exploitation of a joint project, and procurement by international agencies.

The position of defence procurement is more complicated and the rules have often not been properly applied to this sector. Most procurement by defence agencies is, in fact, subject to the rules. The only defence procurement contracts not covered are those concerning products for specifically military purposes, i.e. arms, munitions and war material. Moreover, defence agencies' procurement of products listed in an appendix to the 1980 directive adapting EC law to the GATT Code is subject to the rules from the lower GATT threshold.

C. Advertising of tenders: where and how

Government contracts that come within the scope of the EC legislation must be put out to tender throughout the European Community, so that firms in all the Member States know of the contracts and can decide whether the business interests them. The advertising of tenders in the *Official Journal (Supplement)* is therefore compulsory.

There is a prescribed layout and content for tender notices to ensure that all tender notices give the same amount of information. The model notices given in the legislation are reproduced in Appendix III at the back of this brochure.

The prescribed content is slightly different in open and restricted (i.e. selective) tendering (see below), but there is a central core of information that must always be given, such as the date on which the notice was sent for publication to the *Official Journal* publisher (the Office for Official Publications of the European Communities), the tendering procedure, the nature and quantity of the goods to be supplied, the place and date of delivery, particulars of the purchaser, the closing date for receipt of bids or applications to bid (selective tendering), the means of payment, the evidence and formalities required of suppliers, and the criteria on which the contract is to be awarded if not stated in the tender documentation.

There are also rules on the technical specifications purchasers give in tender notices and tender documentation. Specifications must state the technical requirements the product must meet in terms of quality and performance, in such a way as to objectively describe the product. They should include all relevant mechanical, physical and chemical properties, classifications and standards, and inspection or acceptance requirements for the products or their constituent parts or materials.

Purchasers have often been known to frame specifications in such a way as to practically reserve the contract for domestic suppliers. The EC legislation in general forbids specifications that favour or discriminate against certain firms. To prevent such discrimination, purchasers are recommended to refer in their specifications to (in order) EC standards, European standards (drawn up by the European Committee for Standardization — CEN — or the European Committee for Electrotechnical Standardization — Cenelec), or international standards, and only if these do not exist to national or other preferred standards.

The sources of information on tenders are:

- (i) *The Official Journal (Supplement)*, the publication in which all contracts subject to the Community rules have to be advertised. Responsibility for publication of tender notices in the *Official Journal* is shared between procurement authorities and the Office for Official Publications of the European Communities. The procurement entity is required to supply a notice in the standard form, using modern transmission methods wherever possible so that publication is not delayed. The Publications Of-

office has notices translated into the other EC languages and undertakes to publish them within nine days (12 days for notices of tenders by central government agencies subject to the GATT rules and five days in specially 'accelerated' selective tenders). The *Official Journal Supplement* is available in all EC countries from the official distributors (see addresses in Appendix VIII at the back of this brochure). The publisher's address is:

Supplement to the Official Journal of the European Communities
Office for Official Publications of the European Communities
2, rue Mercier
L-2985 Luxembourg
Telex 1324 pubof LU — 2731 pubof LU
Telefax (352) 49 00 03/(352) 49 57 19

- (ii) The TED (Tenders Electronic Daily) database, which contains all government tenders (procurement, construction and services) published in the *Official Journal Supplement*. The database is accessible through various host organizations. Address:

Office for Official Publications of the European Communities
Sales Department
L-2985 Luxembourg
Tel. (352) 49 92 81
Telex 1324 pubof LU
Telefax (352) 49 00 03

- (iii) Euro-Info Centres: since October 1987 a network of Euro-Info Centres has been operating throughout the European Community, mainly intended for the use of small firms. The Centres stock the *Official Journal* and are linked to the TED system. Euro-Info Centres are listed in Appendix IX at the back of this brochure.

For further information contact:
Commission of the European Communities
Small Firms Task Force
200, Rue de la Loi
B-1049 Brussels
Tel. (02) 236 16 76
Telex 61655 burap b
Telefax (02) 236 12 41

- (iv) National publications: tenders are also advertised in the official government publications and press of the country of the purchaser. Tender notices published in national publications may not contain information other than that published in the *Official Journal* and may not appear before the tender notice is sent to the Publications Office for EC-wide publication.

D. Tendering procedures and closing dates

Procurement subject to the EC rules must be put out to competitive tender except in certain specified circumstances. Purchasers have a choice between open tendering, whereby interested suppliers immediately put in bids for the contract, and 'restricted' (selective) tendering, where a selection is made from the suppliers who reply to the tender notice and the selected suppliers only are invited to bid. There is an 'accelerated' variant of the restricted tender.

To ensure that all potentially interested suppliers have a chance of bidding or applying to bid before the closing date, the legislation prescribes minimum time-limits for the receipt of bids and applications to bid and maximum periods for procurement authorities to provide documentation and information.

Open tenders

Closing dates for the receipt of bids must be not less than 36 days from dispatch of the tender notice for publication in the *Official Journal* (40 days from publication of the notice in the case of procurement by central government agencies subject to the GATT rules).¹ Tender documents and supporting documentation must be sent to suppliers within four working days of receipt of the request and additional information concerning the tender documents no later than six days before the closing date for the receipt of tenders.

The periods include public holidays and weekends, unless otherwise stated. For further details of how time-limits have to be calculated, reference should be made to the EC regulation dealing with the subject.²

Restricted (selective) tenders

Applications to bid in reply to a restricted tender notice must be in writing.

The closing date for receipt of applications to bid must not be less than 21 days from dispatch of the tender notice for publication in the *Official Journal* (42 days in the case of central government agencies subject to the GATT rules). Additional information concerning the tender documents must be sent no later than six days before the closing date for the receipt of tenders. Finally, closing dates for receipt of bids must be not less than 21 days (40 days from the date of issuance of invitations to bid in the case of the GATT

¹ New time-limit applicable from 14 February 1988 under the Protocol amending the GATT Code.

² Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 (Official Journal English Special Edition 1971 (II), p. 354).

rules)¹ from the dispatch of the written invitations to tender. Periods are again calculated in accordance with the EC regulation.²

Invitations to tender issued to the suppliers selected from those who replied to the tender notice must be sent to all the selected suppliers simultaneously and must be accompanied by the tender documents and any supporting documentation and contain certain minimum information (including the address from which other relevant documentation may be obtained, the closing date for receipt of bids, the names of the persons authorized to be present at the opening of bids, a list of the documents bidders must submit with their tender, etc.). Applications and invitations to tender may be sent by letter, telegram, telex or telefax, but in the last three cases must be confirmed by letter.

'Accelerated' selective tenders

An accelerated form of restricted tender with shorter than normal time-limits is permitted in cases of urgency when observance of the normal time-limit is impracticable. Purchasers must be able to prove the need for urgency.

The time-limits are: closing date for receipt of applications to bid not less than 12 days from the dispatch of the tender notice for publication in the *Official Journal*; additional information concerning the tender documents to be sent no more than four days before the closing date for receipt of bids; closing date for the receipt of bids not less than 10 days from the dispatch of the invitations to tender.

Under the accelerated procedure, applications and invitations to tender must be sent by the most rapid means; only applications to tender must be confirmed by letter.

Single tendering — permissible in certain exceptional cases

The rule that contracts must be put out to competitive tender is waived in certain specified circumstances. In these circumstances the purchaser can negotiate directly with a given supplier or suppliers without prior advertisement. It is up to the purchasing entity to prove that the circumstances obtain. The rules on technical specifications apply even to single tendering, however.

¹ New time-limit applicable from 14 February 1988 under the Protocol amending the GATT Code.

² Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 (Official Journal English Special Edition 1971 (II), p. 354).

The cases where single tendering is allowed are:

- (a) where no suitable supplier was found in a previous open or restricted tender because no or only irregular bids were received or because the bids submitted were unacceptable under national provisions that are consistent with the Community rules on public-sector procurement, provided that the original terms for the contract — for example, as regards financing, delivery dates and in particular the technical specifications of the products — are not substantially altered (otherwise, the whole procedure must be recommenced with a re-advertisement of the tender);
- (b) where, for technical or artistic reasons or because of the existence of exclusive rights, there is only one supplier in the Community able to supply the product;
- (c) where the product is manufactured purely for the purposes of research, experiment, study or development;
- (d) in cases of extreme urgency resulting from unforeseen circumstances not attributable to the action of the purchaser, where the time-limits laid down in tendering procedures cannot be observed;
- (e) for additional deliveries by the original supplier required either as part replacement of regular supplies or equipment, or to extend existing supplies or equipment, where a change of supplier would compel the contracting authority to purchase equipment having different technical characteristics which would result in incompatibility or disproportionate technical difficulties of operation or maintenance;
- (f) for goods quoted and purchased on a commodity market in the Community (not applicable to purchases covered by Directive 80/767/EEC);
- (g) where supplies are classified as secret or where their delivery must be accompanied by special security measures under the law of the Member State of the purchaser, or where the protection of the basic interests of that State's security so requires.

E. When can a supplier be disqualified or eliminated and what criteria can be used in awarding contracts?

It is important that purchasers should not be able to prefer one supplier over another for quite arbitrary reasons. The procurement directive therefore lays down the only qualitative criteria on which applicants to bid (selective tenders) or bidders (all tenders) may be disqualified or eliminated at the selection stage or before bids are opened.

First of all, there are a number of grounds pertaining to the general commercial standing and fitness of suppliers on which purchasers are entitled to disqualify them from selection to bid or from consideration of their bids. In most cases it is for the supplier to show that

he is not in any of the specified situations. The burden of proof is on the procurement entity, however, where the supplier is alleged to have been guilty of grave professional misconduct or false declarations.

Any supplier may be disqualified who:

- (a) is bankrupt or being wound up, has ceased or suspended trading, or is operating under court protection pending a settlement with creditors, or is in an analogous situation arising from national proceedings of a similar nature;**
- (b) is the subject of proceedings for bankruptcy, winding-up or court protection pending a settlement with creditors, or national proceedings of a similar nature;**
- (c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of *res judicata*;**
- (d) can be shown by the contracting authority to have been guilty of grave professional misconduct;**
- (e) has not fulfilled obligations relating to payment of social security contributions under the statutory provisions of his country of residence or of the country of the contracting authority;**
- (f) has not fulfilled obligations relating to payment of taxes under the statutory provisions of his country of residence or the country of the contracting authority;**
- (g) has been guilty of serious misrepresentation in supplying information about his current standing or past record or his financial or technical capacity.**

In the cases where it is up to the supplier to show that he is not in any of the stated situations (i.e. all except cases (d) and (g)), the procurement authority is bound to accept as satisfactory evidence;

- (i) for cases (a), (b) and (c), the judicial record on the supplier or an equivalent document issued by a judicial or administrative authority in the supplier's country of origin or residence showing that none of these cases applies;**
- (ii) for cases (e) and (f), a certificate issued by the competent authority in the Member State concerned.**

If such documents or certificates are not issued by the country in question or if they do not cover all the cases referred to in (a), (b) and (c), the supplier may instead produce an affidavit sworn before a judicial or administrative authority, notary or any other competent authority in the Member State concerned.

Instead of an affidavit, a solemn declaration may be provided.

Affidavits and solemn declarations must be authenticated by the competent authority or a notary.

To prove their general commercial standing and fitness, suppliers may also be required to show that they are on an official register of businesses in their home country. They do not have to be on an official register in the purchaser's country, however.

Finally, purchasers are entitled to check the financial soundness and technical competence of suppliers before selecting them to bid or considering their bids and to eliminate those who fail to qualify.

The evidence the purchasing entity requires of suppliers' technical competence must be stated in the tender notice and may not go beyond what is necessary for the purposes of the contract, so as not to infringe trade secrets, for example. The legislation contains an exhaustive list of the types of evidence purchasers may require: a list of the supplier's main deliveries of the products over the past three years, a description of his technical plant, particulars of the technical resources (staff and facilities) the supplier has available for quality control purposes, samples, descriptions or photographs of the products, certificates of conformity with standards, and inspections by the purchaser or an official body on its behalf where the products required are complex or are required for a specific purpose.

As for financial standing, suppliers may submit as evidence, for example (here the list is not exhaustive), statements from bankers, the company's balance sheet, or statements of the firm's total sales, etc. All evidence required of financial standing must be stated in the tender notice and in the invitation to tender (in selective tendering).

Having received bids from a number of suppliers, what criteria can a purchaser use to decide to which one to award the contract? Only two criteria are allowed: the lowest price or the 'economically most advantageous tender'.

The 'lowest price' criterion is straightforward: the prices quoted in the bids are compared and the contract is awarded to the lowest bidder.

Which bid is 'economically the most advantageous' is clearly more a matter of judgment. But the legislation lists examples of the features of bids that may be taken into consideration in determining which, on balance, is the best offer: price, delivery date, running costs, cost-effectiveness, quality, aesthetic and functional characteristics, after-sales service, etc. The list shows that only objective criteria that are uniformly applicable to all bidders may be used. Also, the purchaser is obliged to state all the criteria it intends to use to determine the economically most advantageous bid in the tender notice or tender documents.

If a bid appears to be abnormally low given the contract specifications, the purchaser is entitled to check the costing of the bid before awarding the contract to the bidder. It is advisable to put the communications the bidder has with the purchaser for this purpose in writing, so that there are documentary records in case of disputes later on. Clearly, in

evaluating whether or not a bid is abnormally low, purchasers must base themselves on the conditions in the bidder's country.

The only exception from the rule that contracts must be awarded either to the lowest bidder or to the bid offering overall the economically most advantageous terms is where legislation in force when the 1977 government procurement directive was adopted provides for certain bidders to be given preference. However, this legislation must be compatible with the Treaty. Most such preferences are a form of regional incentive. These have long posed a problem for the Community government procurement rules, and the Commission intends to redefine its position on this question in the light of the Treaty amendments made by the Single European Act.

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III. Procurement: changes to the law from 1 January 1989

In 1988 a new EC Directive (88/295/EEC) amending the 1977 legislation on government procurement was issued by the Council of the European Community.

The directive, which tightens up the existing rules and also consolidates some of the special provisions arising from the Community's obligations under the revised GATT Code into the main legislation, has to be transposed into the Member States' law by 1 January 1989. However, Greece, Spain and Portugal are allowed until 1 March 1992 to do so.

Here are the main changes.

A. Types of contracts covered

The new directive removes any ambiguity as to the types of contract covered.

It is made clear that the procurement need not to be by outright purchase but may involve leasing, rental or hire purchase (with or without a purchase option).

B. Value thresholds and exclusions

The contract value thresholds from which the EC rules apply are unchanged at ECU 200 000 (general) and ECU 130 000 (GATT rules).

A method of valuing leasing, rental and hire purchase contracts, both fixed-term or indefinite, is prescribed and the valuation method for regularly renewed contracts is clarified. These reinforce the prohibition of splitting contracts or undervaluing them in order to evade the legislation.

Ambiguities have been removed from the definitions of public utilities exempt from the EC rules. As noted above, the Commission always interpreted these exclusions strictly.

It is now made clear that only the following types of procurement by public utilities is excluded:

- (a) procurement by land, air, sea or inland waterway carriers;
- (b) contracts concerning the production, transport and distribution of drinking water;
- (c) procurement by public authorities whose principal activity is the production and distribution of energy or the provision of a public telecommunications network.

A final change is that procurement of supplies or equipment that are classified as secret or the delivery of which involves special security measures are taken out of the legislation altogether, instead of merely being a sector in which single tendering is allowed.

C. Advertising

EC-wide competitive tendering and hence the advertising of tenders in the *Official Journal (Supplement)* remain a key requirement of the legislation.

However, from 1989 tender notices will be published in the *Official Journal* in full only in the original language; in the other EC languages only summaries will be published.¹

An important innovation is that large purchasers will in future have to give advance information of their procurement plans for the year ahead. As soon as possible after the start of their financial year, purchasing departments will be required to announce their total planned procurement in the coming year in any product area in which their procurement will exceed ECU 750 000. These advance notices will also be published in the *Official Journal*.

Initially, the new advance advertising requirement will only apply to central government agencies subject to the GATT rules. But before 1 March 1990 the Council of the European Communities will decide whether it should not be extended to all other public purchasers. Although the published procurement plans will not be final, advance advertising should make suppliers better prepared for the tender when it is advertised and therefore better able to put in a bid in spite of the distance they may be away from the purchaser.

The new rules also fill a gap in the previous legislation, in that they require reporting of the outcomes of tenders.

¹ The new model tender notices are reproduced in Appendix IV at the back of this brochure.

The new requirement for purchasers to publish a notice on the outcome of each tender in the *Official Journal (Supplement)* should increase suppliers' confidence in the system. The notices may not disclose any information that would harm firms' commercial interests or be prejudicial to fair competition between suppliers or against the public interest.

D. New rules on tendering procedures and time-limits

Experience has shown that 'open' tenders are most likely to provide equal opportunities for suppliers in all EC countries to bid for government contracts and are therefore the best way of opening up procurement to EC-wide competition. They are also the most 'open' in the sense of transparency and visibility.

For this reason, the new legislation elevates open tendering to the rule and restricts the use of any other procedure.

From 1989, selective ('restricted') tendering will be an option only in justified cases, such as where the value of the contract does not warrant the procedural costs of an open tender or where the product required is highly specific. The Commission will be able to monitor its use because purchasers will in future have to draw up a written report on all selective tenders, explaining why the procedure was justified and stating, among other details, the value of the contract, the quantity and nature of the products procured, the number of suppliers who applied to bid and the number selected to bid.

The possibility of awarding contracts without competitive tendering at all is further curtailed. Such 'single tendering', or negotiation with one or more individual suppliers, will be permissible in a smaller number of cases than before and in one case a tender notice will have to be published.

The circumstances in which 'negotiation', with or without advertising, is permitted are listed in the two boxes below.

As in the case of selective tendering, purchasers who have awarded contracts by negotiation will have to draw up a report containing details of the contract award process and specifying the reasons why direct negotiation instead of competitive tendering was justified.

To make it easier for suppliers in other countries to bid, the minimum closing dates purchasers can set for the receipt of bids and applications to bid (in restricted tenders) are extended under the new legislation.

In open tenders, the closing date will in future have to be not less than 52 days from dispatch of the tender notice for publication in the *Official Journal*.

In restricted (selective) tenders, closing dates for receipt of applications will have to be not less than 37 days (15 days in the case of 'accelerated' restricted tenders) from dispatch of the tender notice and those for the submission of bids not less than 40 days from the sending of invitations to tender.

Circumstances in which negotiation with individual suppliers without competitive tendering or advertising is allowed

- (1) Where no suitable supplier was found in a previous open or restricted tender because only irregular bids were received or because the bids submitted were unacceptable under national provisions that are consistent with the Community rules on public-sector procurement, provided that the original terms for the contract are not substantially altered and that the purchaser includes in the negotiations all the firms not disqualified or eliminated for failure to meet the criteria for general suitability, financial standing and technical capacity which in the tender submitted bids in accordance with the formal requirements of the tendering procedures.
- (2) Where no bids at all were received in response to a previous open or restricted tender, provided that the original terms for the contract are not substantially altered and that the procurer sends the Commission a report.
- (3) Where the product is manufactured purely for the purposes of research, experiment, study or development; this provision does not include volume production to establish commercial viability or to recover research and development costs.
- (4) Where, for technical or artistic reasons or because of the existence of exclusive rights, there is only one supplier in the Community able to supply the products.
- (5) In cases of extreme urgency resulting from unforeseen circumstances not attributable to the action of the purchaser, where the time-limits laid down in the competitive tendering procedures cannot be observed.
- (6) For additional deliveries by the original supplier required either as part replacement of regular supplies or equipment, or to extend existing supplies or equipment, where a change of supplier would compel the contracting authority to acquire equipment having different technical characteristics which would result in incompatibility or disproportionate technical difficulties of operation or maintenance; the term of such contracts and of similar recurrent contracts may not, in general, exceed three years.

Circumstances in which negotiation with individual suppliers without competitive tendering but after advertising is allowed

Where no suitable supplier was found in a previous open or restricted tender because only irregular bids were received or because the bids submitted were unacceptable under national provisions consistent with the Community rules on public-sector procurement, and the purchaser does not wish to include in the negotiations all suppliers not disqualified or eliminated on the grounds of general suitability, financial standing or technical capacity who in the previous tender submitted offers in accordance with the formal requirements of the tendering procedures. The original terms for the contract must not have been substantially altered.

E. Specifications

As far as the technical specifications for products are concerned, the new rules turn the previous recommendation to refer to EC or European standards into an obligation, in line with current EC policy on technical harmonization and standardization.

In future purchasing entities will be obliged to define technical specifications by reference to national standards implementing European standards, or by reference to 'common technical specifications.' This rule is without prejudice to legally binding national technical requirements which are compatible with Community law. In certain specified circumstances,¹ purchasers may depart from the general rule, but in that case must justify doing so in their internal documentation and in the tender notice.

In the absence of European standards or common technical specifications, purchasers may refer, subject to the principles of equivalence and mutual recognition of national technical specifications, to other documents. In that case they are recommended to refer (in order) to national standards implementing international standards and to other national standards.

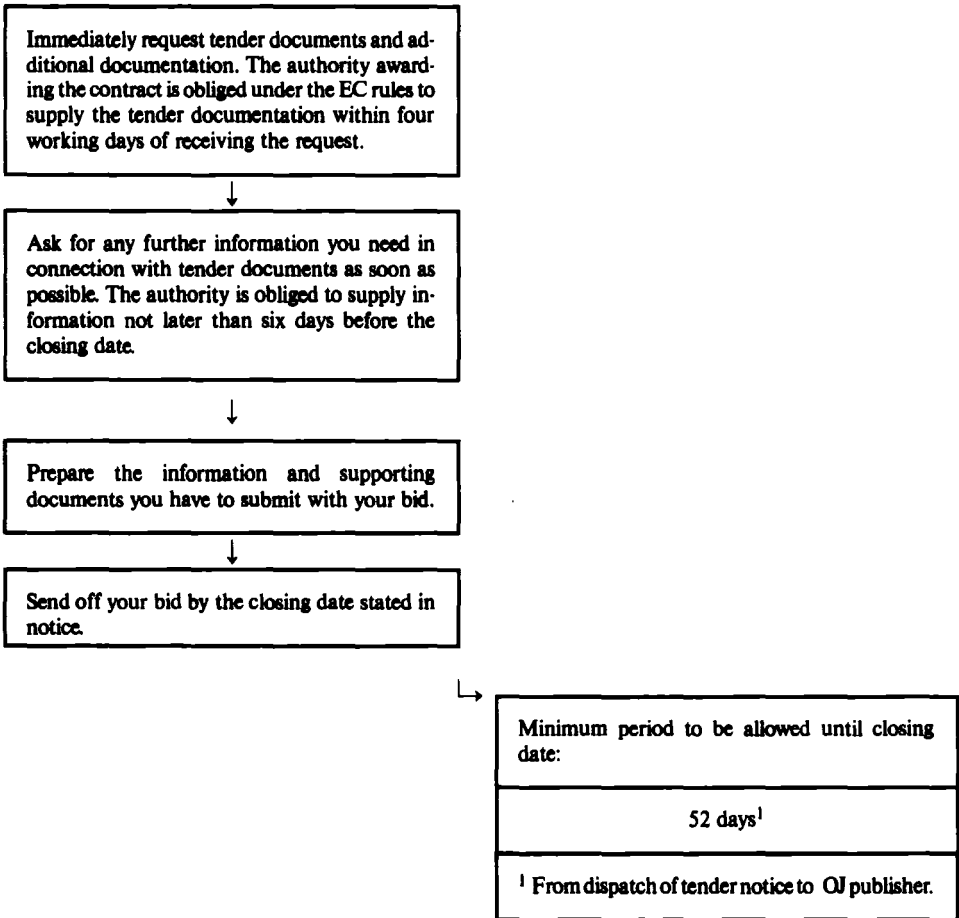
¹ Namely where:

- (a) the standards do not include provision for establishing conformity or no satisfactory technical means of establishing conformity exist;
- (b) application of the rule would run counter to Community provisions for telecommunications;
- (c) it would oblige the purchaser to accept products incompatible with equipment already in use or would entail disproportionate costs or disproportionate technical difficulties;
- (d) the project is genuinely innovative, making reference to existing standards inappropriate.

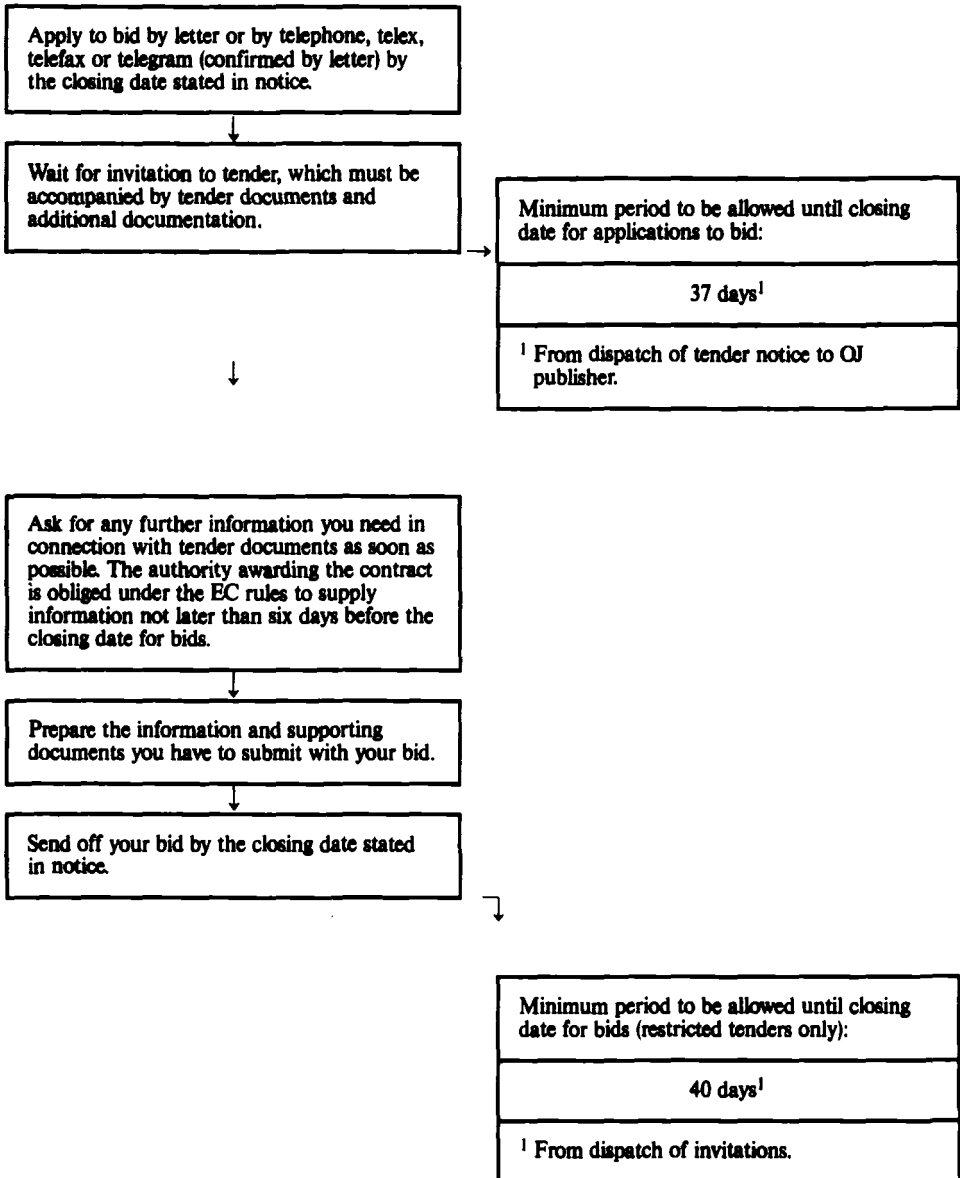
Public procurement contracts

Timetable of the bidding process after 1 January 1989

Open tenders



Restricted (selective) tenders and contracts advertised before negotiation



'Accelerated' procedure in restricted tenders and for contracts advertised before negotiation

Apply to bid by letter or by telephone, telex, telefax or telegram (confirmed by letter) by the closing date stated in notice.



Wait for invitation to bid, which must be accompanied by tender documents and additional documentation.



| |
|--|
| Minimum period to be allowed until closing date for applications to bid: |
| 15 days ¹ |
| ¹ From dispatch of tender notice to OJ publisher. |



Ask for any further information you need in connection with tender documents as soon as possible. The authority awarding the contract is obliged under the EC rules to supply information not later than four days before the closing date for bids.



Prepare the information and supporting documents you have to submit with your bid.



Send off your bid by the closing date stated in notice.



| |
|---|
| Minimum period to be allowed until closing date for bids (restricted tenders only): |
| 10 days ¹ |
| ¹ From dispatch of invitations. |

IV. Public-sector construction contracts

The 1971 legislation on public works and construction contracts¹ has the same aims as the procurement directives explained in the previous section: to prise open public construction markets through EC-wide competitive tendering and to ensure that the tendering procedures are open and above board. Seperate legislation was felt necessary because of the different characteristics of construction and procurement. But many of the rules, such as compulsory EC-wide advertising, the prohibition of discriminatory specifications, and the use of objective criteria for disqualifying or eliminating contestants, are similar.

A. Definitions

The 1971 directive is stated to apply to 'public works contracts'. These are defined as contracts for pecuniary consideration concluded in writing between a contractor and an authority awarding contracts and concerning activities in the construction sector. A list of these activities taken from the EC's standard industrial classification (NACE)² is appended to the legislation and is reproduced in Appendix V at the back of this brochure. Nothing is said in the legislation about the terms of contracts. Thus, all types of contract are covered; the financing arrangements, in particular, are irrelevant.

Contractors may be companies, firms or individuals or consortia of such. Consortia may not be required to assume any particular legal form in order to bid for a contract, but may be required to do so if the contract is awarded to them.

The authorities whose construction contracts are subject to the legislation are the State (i.e. central government agencies), regional or local authorities, and other 'legal persons governed by public law' or equivalent bodies listed in an appendix (this list is reproduced in Appendix VI at the back of this brochure).

¹ Council Directive 71/305/EEC.

² The original NICE (Nomenclature of industries in the European Communities) classification was in 1970 revised and incorporated into the broader NACE (General industrial classification of economic activities within the European Communities) classification. The list at the back of this brochure gives the relevant sections of both classifications.

B. What contracts are covered?

The EC rules do not apply to all public-sector construction contracts but, as in the case of procurement, certain sectors and certain types of contract are exempt, as are any contracts falling below a certain value threshold. In case of doubt as to whether or not a contract is covered, advice should always be sought from the Commission.

The threshold value from which a public-sector construction contract becomes subject to the EC competitive tendering rules is ECU 1 million before VAT.¹ This is converted into national currencies at the fixed exchange rates for public contract thresholds which are published for the following year every November in the *Official Journal*. For 1988 the exchange rates of national currencies against the ecu and the national currency equivalents of the public-works contract threshold are as follows:²

| | Currency rates against Ecu | National currency equivalents of threshold (ECU 1 million) |
|---------|----------------------------|--|
| BFR/LFR | 43.3452 | 43 345 200 |
| DKR | 7.86926 | 7 869 260 |
| DM | 2.07479 | 2 074 790 |
| DR | 153.327 | 153 327 000 |
| ESC | 160.447 | 160 447 000 |
| FF | 6.90031 | 6 900 310 |
| HFL | 2.33945 | 2 339 450 |
| IRL | 0.773632 | 773 632 |
| LIT | 1 482.32 | 1 482 320 000 |
| PTA | 142.368 | 142 368 000 |
| UKL | 0.710192 | 710 192 |

The directive lays down rules for calculating the value of contracts. The value taken must include, as well as the value of the work contracted for, also the cost of the supplies needed to carry out the work, even if these are provided to the contractor by the principal. Furthermore, it is prohibited to split up contracts in order to take them below the threshold. In practice, the Commission considers that no question of splitting to evade the rules can arise if the contract value is calculated to include all the work necessary to make the project operational, i.e. finished and ready for the use intended by the promoter of the scheme.

As in the case of procurement, projects by public transport, water and energy (but not telecommunications) utilities are exempt from the provisions of the EC legislation. Once again, the exemptions are construed strictly as applying only to organizations whose

¹ Council Directive 78/669 EEC amending the 1971 directive because of the change in the European unit of account.

² Official Journal 1987, C 330, p. 3.

specific function is to provide the relevant service. Thus, in the transport sector, for example, the exemption covers organizations actually undertaking the carriage of passengers and goods, i.e. common carriers. Authorities operating facilities such as ports or airports are subject to the rules. As far as water services are concerned, the exemption only applies to bodies whose specific function is the production, transport or distribution of drinking water. River management, irrigation, drainage and sewage services are covered by the directive. Where an organization provides several services at once, for example a local authority combining the functions of sewage treatment and drinking water supply, only contracts relating to the latter service are excepted.

The type of contract known as a 'concession contract' — i.e. a contract in which part of the consideration consists in a concession, or franchise, to operate the completed works — is also not subject to the rules (but there is a voluntary code of practice — see below).

Finally, three types of international contracts are excluded: contracts awarded by a Member State under an international agreement with a non-EC country which contains different stipulations for the award of contracts, those awarded to firms in non-EC countries under an international agreement which excludes EC firms, and those awarded under the specific procedure of an international organization.

C. Advertising of contracts

EC-wide competitive tendering and hence compulsory advertising of contracts in the *Official Journal (Supplement)* are again key requirements under the legislation.

For ease of publication and for consistency in the amount of detail given of contracts, the layout and content of tender notices must follow a prescribed format. The model notices for open and restricted (selective) tenders are reproduced in Appendix VII at the back of this brochure.¹ Notices must be concise: the maximum length is one page of the *Official Journal* (about 650 words).

The content may vary slightly for open and restricted tenders (see models), but some items are required in both: e.g. the date on which the notice was sent for publication to the *Official Journal* publisher (the Office for Official Publications of the European Communities), the tendering procedure, the site, nature and extent of the work, any time-limit for its completion, particulars of the principal, the closing date for receipts of bids or applications to bid (selective tendering), the main financing and payment terms, the evidence and formalities required of contractors, and the criteria on which the contract is to be awarded if not stated in the tender documentation.

¹ From Council Directive 72/277/EEC (Official Journal 1972, L 176, p. 12).

There are also rules on the types of technical specifications promoters may give in tender notices and tender documentation. These rules are extremely important, as it is often by presenting specifications that are difficult for foreign contractors to meet that promoters in effect reserve contracts for local firms. First of all, the legislation requires the technical specifications for the work and descriptions of the testing, inspection, acceptance and calculation methods that are to be used to be stated in the tender documentation. Specifications are defined as including all the mechanical, physical and chemical properties of the works and the materials and parts used in their construction, the construction methods, the standards applicable, etc.

Specifications that would have the effect of discriminating against contractors in other EC countries are prohibited. Thus, the directive forbids specifications that mention products of a specific make or source or refer to specific patents, unless the subject of the contract cannot be adequately described in any other way, in which case the references must be accompanied by the words 'or equivalent'.

Finally, in cases where projects are the subject of a design competition or bidders are invited to submit variants to the promoter's design, tenders which meet the specifications set out in the tender documents may not be rejected solely on the ground that they have been prepared using different methods of costing work from those normally used in the country where the project is to be undertaken. However, in that case, tenderers must include with their tenders all the evidence necessary for checking the costing of the project and supply the promoter with any clarifications it considers necessary.

The sources of information on public works tenders are:

- (i) *The Official Journal (Supplement)*, the publication in which all contracts subject to the Community rules have to be advertised. Responsibility for publication of tender notices in the *Official Journal* is shared between the authorities putting out contracts to tender and the Publications Office. The authority is required to supply a notice in the standard form, using modern transmission methods wherever possible so that publication is not delayed. The Publications Office has notices translated into the other EC languages and undertakes to publish them within nine days (five days in specially 'accelerated' selective tenders). The *Official Journal (Supplement)* is available in all EC countries from the official distributors (see addresses in Appendix VIII at the back of this brochure). The publisher's address is:

Supplement to the Official Journal of the European Communities
Office for Official Publications of the European Communities
2 rue Mercier
L-2985 Luxembourg
Telex 1324 pubof LU — 2731 pubof LU
Telefax (352) 49 00 03/(352) 49 57 19

- (ii) The TED (Tenders Electronic Daily) database, which contains all government tenders (procurement, construction and services) published in the *EC Official Journal (Supplement)*. The database is accessible through various host organizations. Address:

Office for Official Publications of the European Communities
Sales Department
L-2985 Luxembourg
Tel. (352) 49 92 82
Telex 1324 pubof LU
Telefax (352) 49 00 03

- (iii) Euro-Info Centres: since October 1987 a network of Euro-Info Centres has been operating throughout the European Community, mainly intended for the use of small firms. The Centres stock the *Official Journal* and are linked to the TED system. Euro-Info Centres are listed in Appendix IX at the back of this brochure.

For further information contact:

Commission of the European Communities
Small Firms Task Force
200 rue de la Loi
B-1049 Brussels
Tel. (02) 236 16 76
Telex 61655 burap b
Telefax (02) 236 12 41

- (iv) National publications: tenders are also advertised in the official government publications and press of the country of the purchaser. Tender notices published in national publications may not contain information other than that published in the *Official Journal* and may not appear before the tender notice is sent to the Publications Office for EC-wide publication.

D. Tendering procedures and closing dates

Public-sector construction contracts subject to the EC rules must be put out to competitive tender except in certain specified circumstances. Authorities putting contracts out to tender have a choice between open tendering, whereby interested contractors immediately put in bids for the contract, and 'restricted' (selective) tendering, where a selection is made from the contractors who reply to the tender notice and the selected contractors only are invited to bid. There is an 'accelerated' variant of the restricted tender.

The legislation prescribes minimum time-limits for the receipt of the bids and applications to bid and maximum periods for authorities to provide documentation and information. Unless otherwise stated, the periods include public holidays and weekends. For further details of how time-limits are to be calculated, reference should be made to the EC regulation dealing with the subject.¹

Open tenders

Closing dates for the receipt of bids must be not less than 36 days from dispatch of the tender notice to the *Official Journal* publisher. If a contractor asks for additional information concerning the tender documents, the authority must supply the information not later than six days before the closing date.

Restricted (selective) tenders

The closing date for receipt of applications to bid must be not less than 21 days from dispatch of the tender notice for publication in the *Official Journal* and that for the receipt of bids not less than 21 days from the dispatch of the written invitations to tender. Additional information concerning the tender documents must be sent not later than six days before the closing date for bids.

The invitations to tender issued to the contractors selected from those who replied to the tender notice must be sent in writing to all the selected contractors simultaneously. Certain minimum items of information must be included (see box).

Invitations to tender sent to the contractors selected in a restricted tender must state at least the following:

- (a) the address from which the tender documents and any additional documentation may be obtained and the final date for requesting the documentation, also the amount and terms of payment of any sum payable for the documentation;
- (b) the closing date for receipt of tenders, the address to which they must be sent and the language or languages in which they must be submitted;
- (c) information about deposits and any other guarantees that may be required by the authority awarding the contract, whatever their form;

¹ Council Regulation (EEC, Euratom) No 1182/71 (Official Journal English Special Edition 1971 (II), p. 354).

- (d) the main terms of financing and payment and/or references to legislation in which these are laid down;
- (e) a reference to the tender notice published in the *Official Journal*;
- (f) any documents to be produced by the contractor either to confirm the verifiable statements about his current standing and past record required under the terms of the tender notice in order to disclose any grounds for disqualification or to supplement the evidence supplied under the terms of the tender notice that the contractor meets the minimum financial and technical standards;
- (g) the criteria on which the contract is to be awarded, if these were not stated in the tender notice.

'Accelerated' selective tenders

An accelerated form of restricted tender with shorter than normal time-limits is permitted in cases of urgency when observance of the normal time-limits is impracticable. But this procedure must be reserved for exceptional cases, because the shorter deadlines naturally mean that fewer contractors will be able to bid for the contract. For that reason, authorities wishing to apply the 'accelerated' time-limits in a tender must be able to justify the need for them. Clearly, the urgency must not have arisen through the authority's own fault.

Under the accelerated procedure, the closing date for receipt of applications to bid must be not less than 12 days from the dispatch of the tender notice for publication in the *Official Journal* and that for the receipt of bids not less than 10 days from the dispatch of invitations to tender. Additional information concerning the tender documents must be sent not later than four days before the closing date for receipt of bids.

Applications and invitations to tender may be sent by letter, telegram or telex or communicated by telephone. Applications made by the last three methods, however, must always be confirmed by letter.

Single tendering — permissible in certain exceptional cases

The requirement for contracts to be put out to competitive tender is waived in certain specified circumstances. In these circumstances the promoter can negotiate directly with one or more contractors without prior advertisement. The rules on technical specifications apply even to single tendering, however.

Cases in which single tendering is allowed (construction contracts):

- (a) where no suitable contractor was found in a previous open or restricted tender because no or only irregular bids were received or because the bids submitted were unacceptable under national provisions that are consistent with the EC legislation, provided that the original terms for the contract, as set out in the tender notice and the tender documents, are not substantially altered (otherwise, the contract must be re-advertised);
- (b) where, for technical or artistic reasons or because of the existence of exclusive rights, there is only one contractor in the Community able to carry out the work;
- (c) for works carried out for purposes of research, experiment, study or development;
- (d) in cases of extreme urgency resulting from unforeseen circumstances not attributable to the action of the authority placing the contract, where the time-limits laid down in tendering procedures cannot be observed;
- (e) where the works are classified as secret or where their execution must be accompanied by special security measures under the law of the Member State of the authority awarding the contract, or where the protection of the basic interests of that State's security so requires;
- (f) for additional work not included in an earlier project or in the contract awarded for that project which has become necessary as a result of unforeseen circumstances for completing the work described in the earlier contract, where the additional work is to be done by the contractor awarded the earlier contract, and:
 - (i) the work cannot be separated technically or financially from the earlier project without great inconvenience to the authority; or
 - (ii) though separable from the execution of the earlier project, is strictly necessary for its later stages.

The total value of the additional work may not, however, exceed 50% of the value of the earlier contract;
- (g) for new work consisting of a repetition of work similar to that carried out under an earlier contract awarded to the same contractor by the same authority, provided that the work conforms to a basic project and the earlier contract for a similar project was awarded to the contractor after an open or restricted tender. The possibility that the procedure might be used must be announced when the first project is put out to tender and the estimated value of the later projects must be included in the contract value taken for the purposes of determining whether the contract exceeds the value threshold for application of the directive. The procedure may only be applied during the three years following conclusion of the original contract;
- (h) in exceptional circumstances, where the nature of the works or the risks attaching to them make it impossible to estimate their total cost.

The European Court of Justice has held that these exceptions from the rules of the directive, rules which are intended to guarantee the possibility of effectively exercising the EC-wide right of establishment and freedom to provide services in connection with public-sector construction contracts, must be construed strictly and it is up to the person invoking them to prove that the exceptional circumstances referred to really exist.¹

E. When can a contractor be disqualified or eliminated and what criteria can be used in awarding contracts?

In order to open up the EC public-sector construction market to competition, the legislation had to include safeguards against the arbitrary elimination of foreign contractors. The directive therefore lays down the only qualitative criteria on which applicants to bid (selective tenders) or bidders (all tenders) may be disqualified or eliminated at the qualification stage or before bids are opened. In addition to not being in any of these situations giving ground for disqualification, contractors can be required to demonstrate their general commercial standing and fitness by listing on an official register, and to provide evidence of their financial soundness and technical competence.

Grounds for disqualification (construction tenders).

Any contractor may be disqualified who:

- (a) is bankrupt or being wound up, has ceased trading, or is operating under court protection pending a settlement with creditors, or is in an analogous situation arising from national proceedings of a similar nature;
- (b) is the subject of proceedings for bankruptcy, winding-up or court protection pending a settlement with creditors, or national proceedings of a similar nature;
- (c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of *res judicata*;
- (d) can be shown by the authority awarding the contract to have been guilty of grave professional misconduct;
- (e) has not fulfilled obligations relating to payment of social security contributions under the statutory provisions of his country of residence or of the country of the authority awarding the contract;
- (f) has not fulfilled obligations relating to payment of taxes under the statutory provisions of his country of residence or of the country of the authority awarding the contract;

¹ Judgment of the European Court of Justice in Case 199/85 *Commission v Italy* (paragraph 14), 10 March 1987, not yet reported.

(g) has been guilty of serious misrepresentation in supplying information about his current standing or past record or his financial or technical capacity.

In cases (d) and (g) the burden of proof is on the authority awarding the contract. In other cases it is for the contractor, if asked to do so in the tender notice, to show that he is not in any of the special situations. However, the evidence an authority may require for this purpose is not left entirely to its discretion. The legislation provides that it must accept as satisfactory evidence:

- (i) for cases (a), (b) and (c), the judicial record on the contractor or an equivalent document issued by a judicial or administrative authority in the contractor's country of origin or residence;
- (ii) for cases (e) and (f), a certificate issued by the competent authority in the Member State concerned.

If such documents or certificates are not issued by the country in question, the contractor may instead produce an affidavit sworn before a judicial or administrative authority, a notary or a competent professional body in his country of origin or residence, or, in Member States where there is no provision for affidavits, a solemn declaration.

As evidence of their general commercial standing and fitness, contractors may be required to show that they are on an official register of businesses in their country of residence.¹ They may not, however, be required to be registered in the country of the principal, as this would clearly be a restriction on the freedom of non-residents to provide services, one of the fundamental principles of the EC.

To show his financial soundness, the contractor may provide references from bankers, copies of the company's balance sheet or extracts from it, statements of the firm's sales, or any other relevant documentation. All evidence required of financial capacity must be stated in the tender notice.

The evidence of technical capacity promoters may require includes: the professional qualifications of the contractor, a list of the construction work carried out over the past five years, particulars of the plant and equipment the contractor has, particulars of his labour and staff resources, and details of the technical resources (staff and facilities) the contractor can call upon for carrying out the work. Here too, the nature of the evidence required must be stated in the tender notice.

Contractors from countries in which official lists of qualified contractors are maintained may claim a listing as alternative evidence of fulfilment of certain of the criteria of general

¹ Greek contractors may be asked to produce a statement sworn before a notary that they are public works contractors.

suitability, financial standing and technical competence. However, this applies only to the matters of objective fact on which evidence had to be submitted in order to gain the listing.

As for the criteria an authority may apply in deciding to which of the contestants still in the running it will award the contract, the EC legislation allows only two criteria to be used: the lowest price or the 'economically most advantageous tender'.

The only exception from the rule that contracts must be awarded either to the lowest bidder or to the bidder offering overall the economically most advantageous terms is where legislation provides for certain bidders to be given preference by way of aid. However, this legislation must be compatible with the EEC Treaty, in particular the State aid rules (Article 92 *et seq.*).

The lowest price criterion is straightforward: the prices quoted in the bids are compared and the contract awarded to the lowest bidder. Application of the other criterion is more a matter of judgment. But the legislation lists examples of features of bids that can be taken into consideration in determining which is the 'economically most advantageous,' namely price, period for completion, running costs, profitability and technical merit. The list is not exhaustive, but it is clear from the examples that only objective criteria that are applicable to all bids may be used. As in the case of evidence of financial standing and technical capacity, all the factors the promoter intends to take into account in determining the economically most advantageous bid must be stated in the tender notice or tender documents.

If a bid appears to be abnormally low given the contract specifications, the authority is entitled to check the costing of the bid before awarding the contract to the bidder. Bidders are strongly advised to put the communications they have with the authority for this purpose in writing, so that they have documentary records in case of dispute.

Clearly, in evaluating whether a bid is abnormally low, authorities must base themselves on conditions in the bidder's country: they may not reject as abnormally low a bid that has been properly costed according to conditions on the market of the contractor's country and meets the contract specifications.

The legislation also provides that where possible the various criteria to be taken into account in determining which bid offers the most advantageous terms should be listed in descending order of importance. For example, in a bridge construction project the ranking of the criteria might well be, first, technical merit (e.g. stability, elasticity, etc.), secondly cost, and lastly aesthetic merit.

To sum up, the requirements for specifying award criteria are that:

- (i) in open tenders, the intended use of the lowest price criterion must be announced in the tender notice and that of the economically most advantageous tender criterion and the various sub-criteria in the tender notice or the tender documentation;

- (ii) in restricted tenders, use of both the lowest price and the economically most advantageous tender criteria must be announced in the tender notice or the invitation to tender and the sub-criteria for the latter criterion in the tender notice or the tender documentation.

F. The rules on 'concession contracts' and subcontracting under such contracts

'Concession contracts', i.e. construction contracts in which the consideration consists of a concession, or franchise, to operate the completed facility or in an operating franchise plus payment, are exempt from the EC rules on public works contracts. But the Member State governments have agreed to follow a voluntary code of practice in relation to such contracts and associated subcontracts.

The code of practice is embodied in a declaration which was adopted at the same time as the public works contracts directive in 1971.¹ It contains procedural rules similar in some respects to those of the directive.

It provides, first of all, that authorities wishing to award a contract for works with an estimated total value exceeding ECU 1 million in return for a franchise to operate the completed facility afterwards should advertise the contract in the *Official Journal*. The tender notice should describe the subject of the contract, list the personal, technical and financial conditions to be fulfilled by applicants, state the main criteria on which the contract is to be awarded, and give the closing date for the submission of tenders (which should be not less than 35 days from the date of dispatch of the notice for publication in the *Official Journal*).

The code of practice also contains rules on subcontracting under concession contracts. First, it provides that authorities awarding contracts should stipulate that the contractor ('concessionaire') must subcontract out a certain percentage of the work to third parties.

They may either specifically require bidders to be prepared to subcontract out at least 30% by value of the total work provided for in the contract or they may leave it to bidders to name the percentage they will subcontract. Secondly, there are provisions on the advertising of subcontracts. Any subcontract for work worth ECU 1 million or more must be

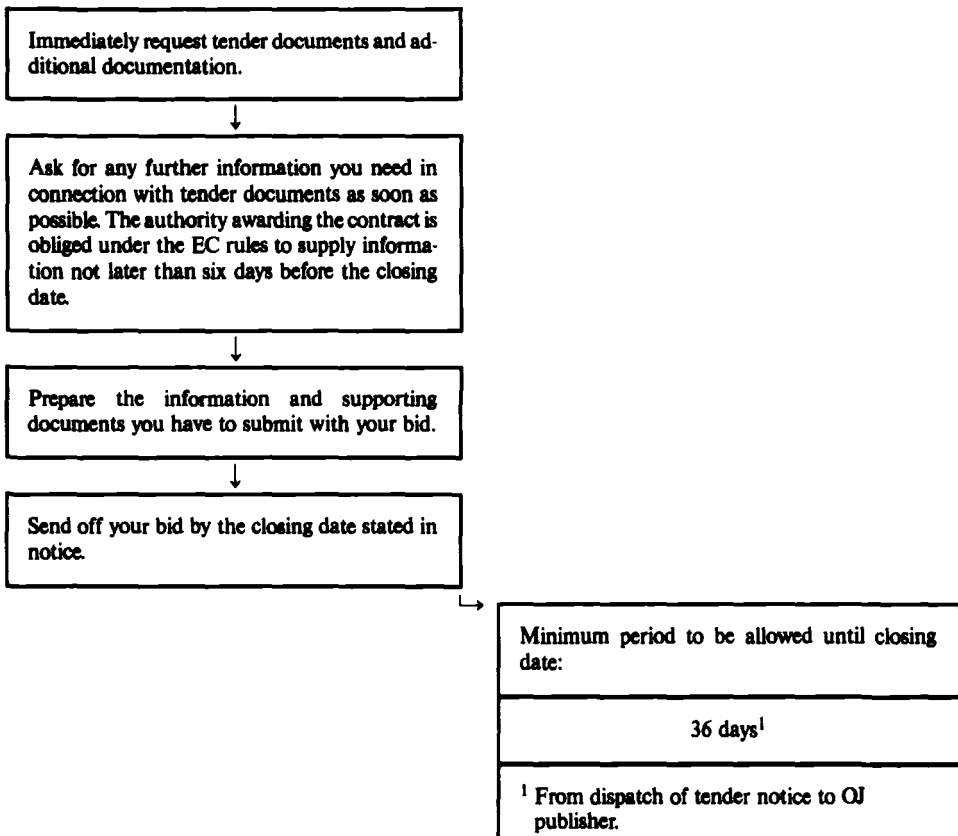
¹ Declaration by the representatives of the governments of the Member States, meeting in the Council, concerning procedures to be followed in the field of public works concessions (*Official Journal* 1971, C 82, p. 13). The declaration is an undertaking by EC member governments, not a formal act of the European Community.

put out to tender in the *Official Journal*. The tender notice must include at least the following information: the date on which the notice was sent for publication to the Official Publications Office, the place, nature and extent of the work, the time-limit for its completion, any financial guarantees that may be required, the closing date for receipt of tenders (at least 35 days from the date on which the tender notice was sent to the *Official Journal* publisher), the address from which documentation can be obtained and to which bids must be submitted, the documents required from the bidder as evidence of his technical competence and financial standing, and the criteria on which the contract is to be awarded (namely, either the lowest bidder or the economically most advantageous tender on the basis of the criteria stated in the tender documentation). Finally, national advertising of such tenders may not contain information other than that published in the *Official Journal*.

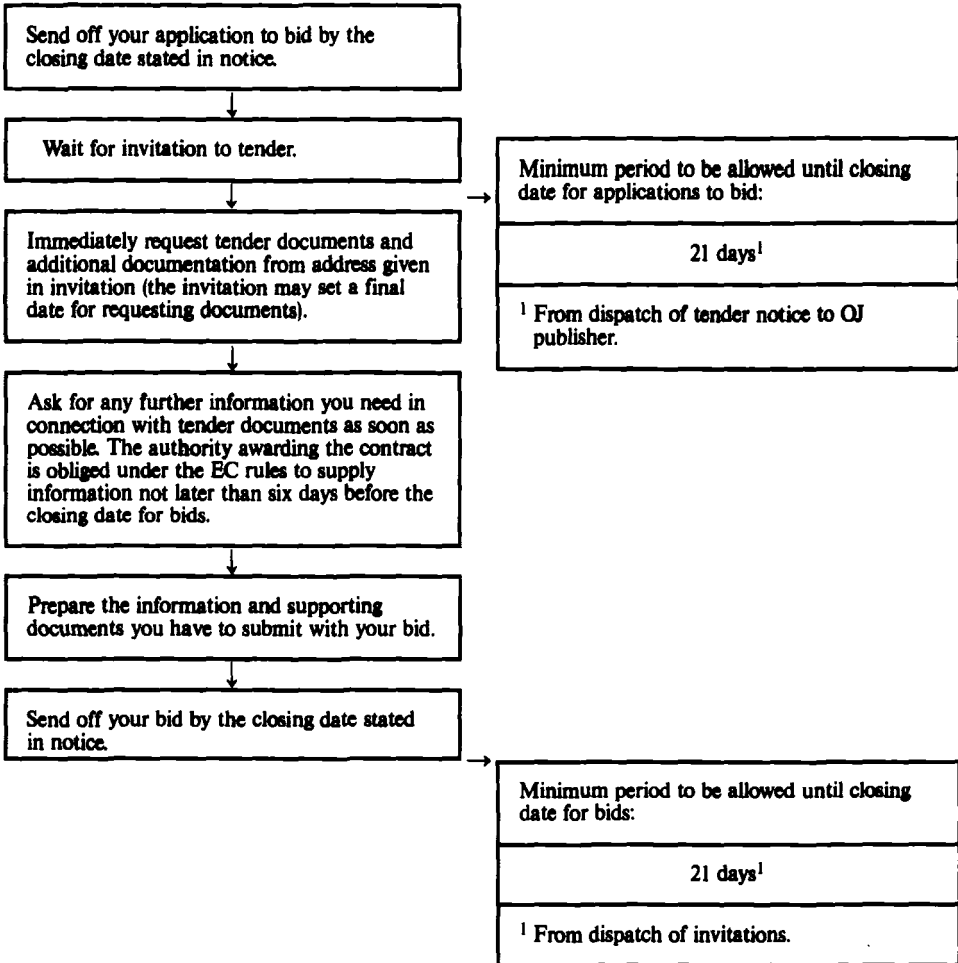
Public-sector construction contracts

Timetable of the bidding process

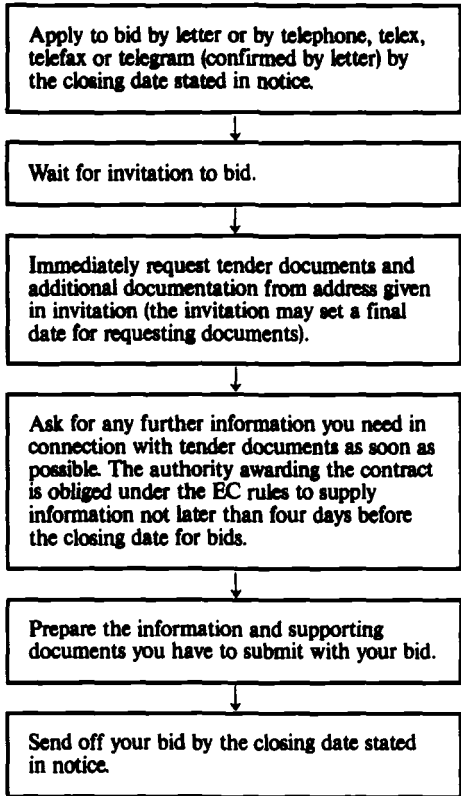
Open tenders



Restricted (selective) tenders



'Accelerated' restricted tenders



| |
|--|
| Minimum period to be allowed until closing date for applications to bid: |
| 12 days ¹ |
| ¹ From dispatch of tender notice to OJ publisher. |

| |
|---|
| Minimum period to be allowed until closing date for bids: |
| 10 days ¹ |
| ¹ From dispatch of invitations. |

V. What to do if authorities break the rules

What can a supplier or contractor do about it if he believes his interests have been damaged by the failure of a public authority (or a Member State) to observe the EC competitive tendering rules or other EC rules relevant to public procurement and construction? Does he have any means of redress?

The answer is: yes, there is action he can take to obtain redress, and the Commission is taking steps to improve these remedies: it is, for example, trying to get all the Member States to introduce effective means of relief through administrative channels and/or the courts for illegal behaviour by procurement or contracting authorities. It is also publicizing the means of redress that are available more widely.

First of all, any firm in this situation is free to complain directly to the Commission (Directorate-General for the Internal Market and Industrial Affairs, 200 rue de la Loi, B-1049 Brussels, Telex 21877 COMEU B, Telefax (02) 235 01 26). Complaints may also be lodged with your local Euro-Info Centre, which will forward them to the Commission (see list in Appendix IX at the back of this brochure). It is vital that complaints should be made promptly, to avoid delay and to give the Commission a chance of acting while there is still time.

There is no particular form for submitting complaints: an ordinary letter will do. But it is essential to give the Commission full details of the complaint and all the evidence the complainant has (such as, for example, the precise references of legislation that is believed to violate the rules, the name of the offending authority, particulars of the alleged breaches, details of the contract concerned and its value, the national advertising of the contract, etc.). Complainants should note that if they wish the Commission will keep their identity secret when it takes the matter up with the national authorities.

If the complaint is found to be justified, the Commission commences infringement proceedings against the Member State responsible for the authority. This is a three-stage process: it first writes a formal letter to the Member State asking it to answer the charges of infringement by a certain date; if by that date the Member State does not either take remedial action or refute the charges, the Commission serves a 'reasoned opinion' on it ordering it to take the necessary remedial action by a certain date; if the Member State does not comply, the Commission brings the case before the European Court of Justice,

and in appropriate cases can apply to the Court for an injunction, for example to suspend award of the contract pending judgment on the merits of the case.

The fact that the avenue of a complaint to the Commission exists does not, however, prevent aggrieved suppliers or contractors from bringing proceedings themselves in national courts to defend their individual rights under Community law. Indeed, there are several good reasons why they should do so. First, concurrent action at Community and national level can only improve the general level of enforcement and compliance. Secondly, as infringements of the competitive tendering rules tend to occur before contracts are awarded and the award process is quite short, action through national courts or national extra-judicial channels may serve the complainant's immediate purposes better because it is quicker and, unlike a complaint to the Commission, can be specifically directed at the authority awarding the contract.

Procurement

APPENDIX I

List of public bodies (other than general government) subject to the EC procurement rules (Directives 77/62/EEC and 88/295/EEC)

I. In all Member States:

associations governed by public law or bodies corresponding thereto formed by regional or local authorities, e.g. 'associations de communes', 'syndicats de communes', 'Gemeindeverbände', etc.

II. In Germany:

the 'bundesunmittelbaren Körperschaften, Anstalten und Stiftungen des öffentlichen Rechts'; the 'landesunmittelbaren Körperschaften, Anstalten und Stiftungen des öffentlichen Rechts' subject to State budgetary supervision.

III. In Belgium:

- 'le Fonds des Routes 1955-1969' — 'het Wegenfonds',
- 'la Régie des Voies Aériennes' — 'de Regie der luchtwegen',
- public social assistance centres,
- church councils,
- 'l'Office Régulateur de la Navigation Intérieure' — 'de Dienst voor regeling van den binnenvaart',
- 'la Régie des services frigorifiques de l'État belge' — 'de Regie der Belgische Rijkskoel- en Vriesdiensten'.

IV. In Denmark:

'andre forvaltningssubjekter'.

V. In France:

- administrative public bodies at national, regional, departmental and local levels,

- universities, public scientific and cultural bodies and other establishments as defined by the Law setting out guidelines for Higher Education No 68-978 of 12 November 1968.

VI. In Ireland:

other public authorities whose public supply contracts are subject to control by the State.

VII. In Italy:

- State universities, State university institutes, consortia for university development works,
- higher scientific and cultural institutes, astronomical, astrophysical, geophysical or vulcanological observatories,
- the 'Enti di riforma fondiaria',
- welfare and benevolent institutes of all kinds.

VIII. In Luxembourg:

public bodies subject to control by the Government, by an association of municipal corporations or by a municipal corporation.

IX. In the Netherlands:

- the 'Waterschappen',
- the 'instellingen van wetenschappelijk onderwijs vermeld in Article 15 van de Wet op het Wetenschappelijk Onderwijs (1960)', the 'academische ziekenhuizen',
- the 'Nederlandse Centrale Organisatie voor toegepast natuurwetenschappelijk Onderzoek (TNO)', and its dependent organizations.

X. In the United Kingdom:

- Education Authorities,
- Fire Authorities,
- National Health Service Authorities,
- Police Authorities,
- Commission for the New Towns,
- New Towns Corporations,
- Scottish Special Housing Association,
- Northern Ireland Housing Executive.

XI. In Greece:

other legal persons governed by public law whose public supply contracts are subject to State control.

XII. In Spain:

other legal persons subject to public rules for the award of contracts.

XIII. In Portugal:

legal persons governed by public law whose public supply contracts are subject to State control.

**List of all government agencies subject to the special rules implementing the GATT
government Procurement Code¹**

BELGIUM

I. MINISTERIAL DEPARTMENTS

| | |
|---|---|
| 1. Services du Premier ministre | Diensten van de Eerste Minister |
| 2. Ministère des Affaires économiques | Ministerie van Economische Zaken |
| 3. Ministère des Affaires étrangères, du Commerce extérieur et de la Coopération au développement | Ministerie van Buitenlandse Zaken, van Buitenlandse Handel en van Ontwikkelingssamenwerking |
| 4. Ministère de l'Agriculture | Ministerie van Landbouw |
| 5. Ministère des Classes moyennes | Ministerie van de Middenstand |
| 6. Ministère des Communications | Ministerie van Verkeerswezen |
| 7. Ministère de la Défense nationale | Ministerie van Landsverdediging |
| 8. Ministère de l'Éducation nationale et de la Culture | Ministerie van Nationale Opvoeding en Cultuur |
| 9. Ministère de l'Emploi et du Travail | Ministerie van Tewerkstelling en Arbeid |
| 10. Ministère des Finances | Ministerie van Financiën |
| 11. Ministère de l'Intérieur | Ministerie van Binnenlandse Zaken |
| 12. Ministère de la Justice | Ministerie van Justitie |
| 13. Ministère de la Prévoyance sociale | Ministerie van Sociale Voorzorg |
| 14. Ministère de la Santé publique et de l'Environnement | Ministerie van Volksgezondheid en Leefmilieu |
| 15. Ministère des Travaux publics — Fonds des routes — Fonds des bâtiments | Ministerie van Openbare Werken — Wegenfonds — Gebouwenfonds |
| 16. Régie des postes ² | Regie der Posterijen ² |

¹ No longer completely up to date, owing to intervening changes in administrations.

² Postal business only.

II. LIST OF MINISTRIES AND STATE DEPARTMENTS WHOSE PURCHASING IS EFFECTED THROUGH THE ENTITIES LISTED AT I

| | |
|--|--|
| Premier ministre | Eerste Minister |
| Vice-Premier ministre et ministre de la Fonction publique | Vice-Eerste Minister en Minister van Openbaar Ambt |
| Vice-Premier ministre et ministre de la Défense nationale | Vice-Eerste Minister en Minister van Landsverdediging |
| Ministre de la Justice | Minister van Justitie |
| Ministre des Affaires étrangères | Minister van Buitenlandse Zaken |
| Ministre des Affaires économiques | Minister van Economische Zaken |
| Ministre de la Prévoyance sociale et secrétaire d'État aux Affaires sociales, adjoint au ministre des Affaires wallonnes | Minister van Sociale Voorzorg en Staatssecretaris voor Sociale Zaken, toegevoegd aan de Minister voor Waalse Aangelegenheden |
| Ministre des Communications | Minister van Verkeerswezen |
| Ministre de l'Éducation nationale (néerlandaise) | Minister van Nationale Opvoeding (Nederlands) |
| Ministre de l'Agriculture et des Classes moyennes | Minister van Landbouw en Middenstand |
| Ministre de la Culture néerlandaise et ministre des Affaires flamandes | Minister van de Nederlandse Cultuur en Minister voor Vlaamse Aangelegenheden |
| Ministre de l'Éducation nationale (française) | Minister van Nationale Opvoeding (Frans) |
| Ministre de la Santé publique et de l'Environnement | Minister van Volksgezondheid en Leefmilieu |
| Ministre des Finances | Minister van Financiën |
| Ministre du Commerce extérieur | Minister van Buitenlandse Handel |
| Ministre de la Coopération au développement | Minister van Ontwikkelingssamenwerking |
| Ministre des Postes, Télégraphes et Téléphones et ministre des Affaires bruxelloises ¹ | Minister van Posterijen, Telegrafie en Telefonie en Minister voor Brusselse Aangelegenheden ¹ |
| Ministre des Pensions | Minister van Pensioenen |
| Ministre de l'Emploi et du Travail | Minister van Tewerkstelling en Arbeid |

¹ Postal business only.

Ministre de l'Intérieur
Ministre de la Politique scientifique
Ministre de la Culture française
Ministre des Travaux publics et ministre des Affaires wallonnes
Secrétaire d'État à l'Économie régionale, adjoint au ministre des Affaires wallonnes
Secrétaire d'État au Budget, adjoint au Premier ministre, et secrétaire d'État à l'Économie régionale, adjoint au ministre des Affaires flamandes

Secrétaire d'État à la Réforme des institutions, adjoint au Premier ministre

Secrétaire d'État à la Culture française, adjoint au ministre de la Culture française
Secrétaire d'État aux Affaires économiques, adjoint au ministre des Affaires économiques, et
secrétaire d'État aux Affaires sociales, adjoint au ministre des Affaires flamandes
Secrétaire d'État à la Réforme des institutions, adjoint au vice-Premier ministre

Secrétaire d'État à la Culture néerlandaise, adjoint au ministre de la Culture néerlandaise, et
Secrétaire d'État aux Affaires sociales, adjoint au ministre des Affaires bruxelloises

Minister van Binnenlandse Zaken
Minister van Wetenschapsbeleid
Minister van Franse Cultuur
Minister van Openbare Werken en Minister voor Waalse Aangelegenheden
Staatssecretaris voor de Regionale Economie, toegevoegd aan de Minister voor Waalse Aangelegenheden
Staatssecretaris voor de Begroting, toegevoegd aan de Eerste Minister en Staatssecretaris voor de Regionale Economie, toegevoegd aan de Minister voor Vlaamse Aangelegenheden
Staatssecretaris voor Institutionele Hervormingen, toegevoegd aan de Eerste Minister
Staatssecretaris voor Franse Cultuur, toegevoegd aan de Minister voor Franse Cultuur
Staatssecretaris voor Economische Zaken, toegevoegd aan de Minister voor Economische Zaken en
Staatssecretaris voor Sociale Zaken, toegevoegd aan de Minister voor Vlaamse Aangelegenheden
Staatssecretaris voor Institutionele Hervormingen, toegevoegd aan de Vice-Eerste Minister
Staatssecretaris voor Nederlandse Cultuur, toegevoegd aan de Minister voor Nederlandse Cultuur en
Staatssecretaris voor Sociale Zaken, toegevoegd aan de Minister voor Brusselse Aangelegenheden

III. GOVERNMENT INSTITUTIONS

1. Régie des services frigorifiques de l'État belge

Regie der Belgische Rijkskoel- en Vriesdiensten

| | |
|---|---|
| 2. Fonds général des bâtiments scolaires de l'État | Gebouwenfonds voor de Rijkscholen |
| 3. Fonds de construction d'institutions hospitalières et médico-sociales | Fonds voor de bouw van ziekenhuizen en medisch-sociale inrichtingen |
| 4. Institut national du logement | Nationaal Instituut voor de huisvesting |
| 5. Société nationale terrienne | Nationale Landmaatschappij |
| 6. Office national de sécurité sociale | Rijksdienst voor sociale zekerheid |
| 7. Institut national d'assurances sociales pour travailleurs indépendants | Rijksinstituut voor de sociale verzekeringen der zelfstandigen |
| 8. Institut national d'assurance maladie-invalidité | Rijksinstituut voor ziekte- en invaliditeitsverzekering |
| 9. Caisse nationale des pensions de retraite et de survie | Rijkskas voor de rust- en overlevingspensioenen |
| 10. Office national des pensions pour travailleurs salariés | Rijksdienst voor werknemerspensioenen |
| 11. Caisse auxiliaire d'assurance maladie-invalidité | Hulpkas voor ziekte- en invaliditeitsverzekering |
| 12. Fonds des maladies professionnelles | Fonds voor de beroepsziekten |
| 13. Caisse nationale de crédit professionnel | Nationale Kas voor beroepskrediet |
| 14. Caisse générale d'épargne et de retraite | Algemene Spaar- en Lijfrentekas |
| 15. Office national des débouchés agricoles et horticoles | Nationale Dienst voor afzet van land- en tuinbouwproducten |
| 16. Office national du lait et de ses dérivés | Nationale Zuiveldienst |
| 17. Office national de l'emploi | Rijksdienst voor arbeidsvoorziening |

DENMARK
DANISH GOVERNMENT PROCUREMENT ENTITIES

| | |
|------------------------|--------------------------------------|
| 1. Statsministeriet | |
| 2. Arbejdsministeriet | — fire direktorater og institutioner |
| 3. Udenrigsministeriet | — to departementer |
| 4. Boligministeriet | — ét direktorat |
| 5. Finansministeriet | — Direktoratet for statens indkøb |
| (tre departementer) | — tre andre institutioner |

- | | |
|--|---|
| 6. Ministeriet for skatter og afgifter (to departementer) | — fem direktorater og institutioner |
| 7. Fiskeriministeriet | — fire institutioner |
| 8. Handels- og industriministeriet | — Forsøgsstationen Risø — 20 direktorater og institutioner |
| 9. Indenrigsministeriet | — Statens Seruminstitut — Civilforsvarsstyrelsen — tre andre direktorater og institutioner |
| 10. Justitsministeriet | — Rigspolitichefen — tre andre direktorater og institutioner |
| 11. Kirkeministeriet | |
| 12. Landbrugsministeriet | — 19 direktorater og institutioner |
| 13. Ministeriet for forurenings- bekæmpelse | — fem direktorater |
| 14. Ministeriet for Grønland | — Den kgl. grønlandske Handel ¹ — Grønlands tekniske Organisation — to andre institutioner |
| 15. Ministeriet for kulturelle anliggender | — to direktorater og adskillige statsejede museer og højere uddannelsesinstitu- tioner |
| 16. Socialministeriet | — fem direktorater |
| 17. Undervisningsministeriet | — Rigshospitalet — seks direktorater — 11 universiteter og andre højere læreanstalter |
| 18. Økonomiministeriet (tre departementer) | |
| 19. Ministeriet for offentlige arbejder ² | — Statshavne og statslufthavne — fire direktorater og adskillige institu- tioner |
| 20. Forsvarsministeriet | |

¹ Products for resale or for use in the production of goods for sale are not included.

² With the exception of Danish State Railways, Ministry of Posts and Telecommunications, postal business only.

FRANCE
LIST OF ENTITIES

1. Main purchasing entities

A. General budget

Premier ministre

Ministre délégué auprès du Premier ministre, chargé de la condition féminine

Ministre de la Justice

Ministre de la Santé et de la Famille

Ministre de l'Intérieur

Ministre des Affaires étrangères

Ministre de la Défense

Ministre du Travail et de la Participation

Ministre de la Coopération

Ministre de l'Économie

Ministre du Budget

Ministre de l'Environnement et du Cadre de vie

Ministre de l'Éducation

Ministre des Universités

Ministre de l'Agriculture

Ministre de l'Industrie

Ministre des Transports

Ministre du Commerce et de l'Artisanat

Ministre du Commerce extérieur

Ministre de la Jeunesse, des Sports et des Loisirs

Ministre de la Culture et de la Communication

Secrétaire d'État aux Postes et Télécommunications ¹

Secrétaire d'État aux Anciens combattants

Secrétaire d'État auprès du Premier ministre

Secrétaire d'État auprès du Premier ministre (relations avec le Parlement)

Secrétaire d'État auprès du Premier ministre (recherche)

Secrétaire d'État auprès du garde des Sceaux, ministre de la Justice

¹ Postal business only.

Secrétaire d'État auprès du ministre de la Santé et de la Famille
Secrétaire d'État auprès du ministre de l'Intérieur (départements et territoires d'outre-mer)
Secrétaire d'État auprès du ministre de l'Intérieur (collectivités locales)
Secrétaire d'État auprès du ministre des Affaires étrangères
Secrétaire d'État auprès du ministre du Travail et de la Participation (formation professionnelle)
Secrétaire d'État auprès du ministre du Travail et de la Participation (travailleurs manuels et immigrés)
Secrétaire d'État auprès du ministre du Travail et de la Participation (emploi féminin)
Secrétaire d'État auprès du ministre de l'Environnement et du Cadre de vie (logement)
Secrétaire d'État auprès du ministre de l'Environnement et du Cadre de vie (environnement)
Secrétaire d'État auprès du ministre de l'Éducation
Secrétaire d'État auprès du ministre de l'Agriculture
Secrétaire d'État auprès du ministre de l'Industrie (petite et moyenne industrie)

B. Budget Annex

— Imprimerie nationale

C. Special Treasury accounts

— Fonds forestier national
— Soutien financier de l'industrie cinématographique
— Fonds spécial d'investissement routier
— Fonds national d'aménagement foncier et d'urbanisme
— Union des groupements d'achats publics (UGAP)

2. National administrative public bodies

Académie de France à Rome

Académie de marine

Académie des sciences d'outre-mer

Agence centrale des organismes de sécurité sociale (Acoss)

Agences financières de bassins
Agence nationale pour l'amélioration des conditions de travail (Anact)
Agence nationale pour l'amélioration de l'habitat (ANAH)
Agence nationale pour l'emploi (ANPE)
Agence nationale pour l'indemnisation des Français d'outre-mer (Anifom)
Assemblée permanente des chambres d'agriculture (APCA)
Bibliothèque nationale
Bibliothèque nationale et universitaire de Strasbourg
Bureau d'études des postes et télécommunications d'outre-mer (Beptom)
Caisse d'aide à l'équipement des collectivités locales (CAEC)
Caisse autonome de la reconstruction
Caisse des dépôts et consignations
Caisse nationale des allocations familiales (CNAF)
Caisse nationale des autoroutes (CNA)
Caisse nationale d'assurance-maladie des travailleurs salariés (CNAM)
Caisse nationale d'assurance-vieillesse des travailleurs salariés (CNAVTS)
Caisse nationale militaire de sécurité sociale (CNMSS)
Caisse nationale des monuments historiques et des sites
Caisse nationale des télécommunications ¹
Caisse de prêts aux organismes HLM
Casa de Velázquez
Centre d'enseignement zootechnique de Rambouillet
Centre d'études du milieu et de pédagogie appliquée du ministère de l'Agriculture
Centre d'études supérieures de sécurité sociale
Centres de formation professionnelle agricole
Centre national d'art et de culture Georges Pompidou
Centre national de la cinématographie française
Centre national d'études et de formation pour l'enfance inadaptée
Centre national d'études et d'expérimentation du machinisme agricole
Centre national d'études et de formation pour l'adaptation scolaire et l'éducation spécialisée (CNEFASES)
Centre national de formation et de perfectionnement des professeurs d'enseignement ménager et ménager agricole

¹ Postal business only.

Centre national des lettres
Centre national de documentation pédagogique
Centre national des œuvres universitaires et scolaires (CNOUS)
Centre national d'ophtalmologie des Quinze-Vingts
Centre national de préparation au professorat de travaux manuels éducatifs et d'enseignement ménager
Centre national de la promotion rurale de Marmilhat
Centre national de la recherche scientifique (CNRS)
Centres pédagogiques régionaux
Centres régionaux d'éducation populaire
Centres régionaux d'éducation physique et sportive (Creps)
Centres régionaux des œuvres universitaires (Crous)
Centres régionaux de la propriété forestière
Centre de sécurité sociale des travailleurs migrants
Centres universitaires
Chancelleries des universités
Collèges
Collèges agricoles
Commission des opérations de Bourse
Conseil supérieur de la pêche
Conservatoire de l'espace littoral et des rivages lacustres
Conservatoire national des arts et métiers
Conservatoire national supérieur de musique
Conservatoire national supérieur d'art dramatique
Domaine de Pompadour
École centrale — Lyon
École centrale des arts et manufactures
École française d'archéologie d'Athènes
École française d'Extrême-Orient
École française de Rome
École des hautes études en sciences sociales
École nationale d'administration
École nationale de l'aviation civile (ENAC)
École nationale des chartes
École nationale d'équitation

École nationale féminine d'agronomie de Marmilhat (Puy-de-Dôme)
École nationale féminine d'agronomie de Toulouse (Haute-Garonne)
École nationale du génie rural et des eaux et forêts (Engref)
Écoles nationales de l'industrie laitière
Écoles nationales d'ingénieurs
École nationale d'ingénieurs des industries des techniques agricoles et alimentaires
Écoles nationales d'ingénieurs des travaux agricoles
École nationale des ingénieurs des travaux ruraux et techniques sanitaires
École nationale des ingénieurs des travaux des eaux et forêts (Enitef)
École nationale de la magistrature
Écoles nationales de la marine marchande
École nationale de la santé publique (ENSP)
École nationale de ski et d'alpinisme
École nationale supérieure agronomique — Montpellier
École nationale supérieure agronomique — Rennes
École nationale supérieure des arts décoratifs
École nationale supérieure des arts et industries — Strasbourg
École nationale supérieure des arts et industries textiles — Roubaix
École nationale supérieure d'arts et métiers
École nationale supérieure des beaux-arts
École nationale supérieure des bibliothécaires
École nationale supérieure de céramique industrielle — Sèvres
École nationale supérieure de l'électronique et de ses applications (Ensea)
École nationale supérieure d'horticulture
École nationale supérieure des industries agricoles alimentaires
École nationale supérieure du paysage
École nationale supérieure des sciences agronomiques appliquées (Enssaa)
Écoles nationales vétérinaires
Écoles nationales de perfectionnement
Écoles nationales de premier degré
École nationale de voirie
Écoles normales d'instituteurs et d'institutrices
Écoles normales nationales d'apprentissage
Écoles normales supérieures
École polytechnique

École de sylviculture — Croigny (Aube)
École technique professionnelle agricole et forestière de Meymac (Corrèze)
École de viticulture et d'œnologie de la Tour Blanche (Gironde)
École de viticulture — Avize (Marne)
Établissement national de convalescentes du Vésinet (ENCV)
Établissement national de convalescents de Saint-Maurice
Établissement national des invalides de la marine (ENIM)
Établissement national de Koenigs Warter
Fondation Carnegie
Fondation Singer-Polignac
Fonds d'action sociale pour les travailleurs migrants
Hôpital-hospice national Dufresne-Sommeiller
Institut d'élevage et de médecine vétérinaires des pays tropicaux (IEMVPT)
Institut français d'archéologie orientale du Caire
Institut géographique national
Institut industriel du Nord
Institut international d'administration publique (IIAP)
Institut national agronomique de Paris-Grignon
Institut national des appellations d'origine des vins et eaux-de-vie (Inaovev)
Institut national d'astronomie et de géophysique (INAG)
Institut national de la consommation (INC)
Institut national d'éducation populaire (INEP)
Institut national d'études démographiques (INED)
Institut national des jeunes aveugles — Paris
Institut national des jeunes sourdes — Bordeaux
Institut national des jeunes sourds — Chambéry
Institut national des jeunes sourds — Metz
Institut national des jeunes sourds — Paris
Institut national de physique nucléaire et de physique des particules (I.N2.P3)
Institut national de promotion supérieure agricole
Institut national de la propriété industrielle
Institut national de la recherche agronomique (INRA)
Institut national de recherche pédagogique (INRP)
Institut national de la santé et de la recherche médicale (Inserm)
Institut national des sports

Instituts nationaux polytechniques
Instituts nationaux des sciences appliquées
Institut national supérieur de chimie industrielle de Rouen
Institut de recherches d'informatique et d'automatique (IRIA)
Institut de recherche des transports (IRT)
Instituts régionaux d'administration
Institut scientifique et technique des pêches maritimes (ISTPM)
Institut supérieur des matériaux et de la construction mécanique de Saint-Ouen
Lycées agricoles
Lycées classiques et modernes
Lycées d'enseignement professionnel
Lycées techniques
Musée de l'armée
Musée Gustave Moreau
Musée de la marine
Musée national J. J. Henner
Musée national de la légion d'honneur
Musée postal
Muséum national d'histoire naturelle
Musée Auguste Rodin
Observatoire de Paris
Office de coopération et d'accueil universitaire
Office français de protection des réfugiés et rapatriés
Office national des anciens combattants
Office national de la chasse
Office national d'information sur les enseignements et les professions (Onisep)
Office national d'immigration (ONI)
Office de la recherche scientifique et technique d'outre-mer (Orstom)
Office universitaire et culturel français pour l'Algérie
Palais de la découverte
Parcs nationaux
Réunion des musées nationaux
Service national des examens du permis de conduire
Syndicat des transports parisiens

**FEDERAL REPUBLIC OF GERMANY
LIST OF CENTRAL PURCHASING ENTITIES**

1. Auswärtiges Amt
2. Bundesministerium für Arbeit und Sozialordnung
3. Bundesministerium für Bildung und Wissenschaft
4. Bundesministerium für Ernährung, Landwirtschaft und Forsten
5. Bundesministerium der Finanzen
6. Bundesministerium für Forschung und Technologie
7. Bundesministerium für Innerdeutsche Beziehungen
8. Bundesministerium des Inneren (nur Ziviltätter)
9. Bundesministerium für Jugend, Familie und Gesundheit
10. Bundesministerium der Justiz
11. Bundesministerium für Raumordnung, Bauwesen und Städtebau
12. Bundesministerium für das Post- und Fernmeldewesen ¹
13. Bundesministerium für Wirtschaft
14. Bundesministerium für wirtschaftliche Zusammenarbeit
15. Bundesministerium der Verteidigung

Note

According to existing national obligations, the entities contained in this list shall, in conformity with special procedures, award contracts in certain regions which, as a consequence of the division of Germany, are confronted with economic disadvantages.

The same applies to the awarding of contracts to remove the difficulties of certain groups caused by the last war.

IRELAND

1. Main purchasing entities

- (a) Office of Public Works
- (b) Stationery Office

¹ Postal business only.

2. Other departments

President's Establishment

Office of the Houses of the Oireachtas (Parliament)

Department of the Taoiseach (Prime Minister)

Central Statistics Office

Department of Finance

Office of the Comptroller and Auditor-General

Office of the Revenue Commissioners

State Laboratory

Office of the Attorney-General

Office of the Director of Public Prosecutions

Valuation Office

Ordnance Survey

Department of the Public Service

Civil Service Commission

Department of Economic Planning and Development

Department of Justice

Land Registry

Charitable Donations and Bequests Office

Department of the Environment

Department of Education

National Gallery of Ireland

Department of the Gaeltacht (Irish-speaking areas)

Department of Agriculture

Department of Fisheries and Forestry

Department of Labour

Department of Industry, Commerce and Energy

Department of Tourism and Transport

Department of Foreign Affairs

Department of Social Welfare

Department of Health

Department of Defence

Department of Posts and Telegraphs ¹

¹ Postal business only.

ITALY
PURCHASING ENTITIES

1. Ministero del tesoro ¹
2. Ministero delle finanze ²
3. Ministero di grazia e giustizia
4. Ministero degli affari esteri
5. Ministero della pubblica istruzione
6. Ministero dell'interno
7. Ministero dei lavori pubblici
8. Ministero dell'agricoltura e delle foreste
9. Ministero dell'industria, del commercio e dell'artigianato
10. Ministero del lavoro e della previdenza sociale
11. Ministero della sanità
12. Ministero per i beni culturali e ambientali
13. Ministero della difesa
14. Ministero del bilancio e della programmazione economica
15. Ministero delle partecipazioni statali
16. Ministero del turismo e dello spettacolo
17. Ministero del commercio con l'estero
18. Ministero delle poste e delle telecomunicazioni ³

LUXEMBOURG
LIST OF CENTRAL PURCHASING ENTITIES FALLING WITHIN THE SCOPE
OF THE DIRECTIVE

1. Ministère d'État: service central des imprimés et des fournitures de l'État
2. Ministère de l'Agriculture: administration des services techniques de l'agriculture
3. Ministère de l'Éducation nationale: écoles d'enseignement secondaire, d'enseignement moyen, d'enseignement professionnel
4. Ministère de la Famille et de la Solidarité sociale: maisons de retraite
5. Ministère de la Force publique: armée — gendarmerie — police
6. Ministère de la Justice: établissements pénitentiaires

¹ Postal business only.

² Acting as the general purchasing entity for most of the other ministries or entities.

³ Not including purchases made by the tobacco and salt monopolies.

7. Ministère de la Santé publique: Mondorf-État, hôpital neuropsychiatrique
8. Ministère des Travaux publics: bâtiments publics — ponts et chaussées
9. Ministère des Finances: postes et télécommunications ¹
10. Ministère des Transports et de l'Énergie: centrales électriques de la haute et basse-Sûre
11. Ministère de l'Environnement: commissariat général à la protection des eaux

**NETHERLANDS
LIST OF ENTITIES**

A. Ministries and central governmental bodies

1. Ministerie van Algemene Zaken
2. Ministerie van Buitenlandse Zaken
3. Ministerie van Justitie
4. Ministerie van Binnenlandse Zaken
5. Ministerie van Defensie
6. Ministerie van Financiën
7. Ministerie van Economische Zaken
8. Ministerie van Onderwijs en Wetenschap
9. Ministerie van Volkshuisvesting en Ruimtelijke Ordening
10. Ministerie van Verkeer en Waterstaat, ¹ met inbegrip van post, telefoon en telegrafie
11. Ministerie van Landbouw en Visserij
12. Ministerie van Sociale Zaken
13. Ministerie van Cultuur, Recreatie en Maatschappelijk Werk
14. Ministerie van Volksgezondheid en Milieuhygiëne
15. Ministerie van Ontwikkelingssamenwerking
16. Ministerie van Wetenschapsbeleid
17. Kabinet van Nederlandse-Antilliaanse Zaken
18. Hoge Colleges van Staat

B. Central procurement offices

Entities listed above in A generally make their own specific purchases; other general purchases are effected through the entities listed below:

¹ Postal business only.

1. Rijksinkoopbureau
2. Directoraat-generaal voor de Waterstaat
3. Dienst van de Kwartiermeester-generaal
4. Directie Materieel Koninklijke Luchtmacht
5. Hoofd afdeling Materieel Koninklijke Marine
6. Staatsdrukkerij- en Uitgeverijbedrijf
7. Staatsbedrijf der Posterijen, Telegrafie en Telefonie, Centrale Afdeling Inkoop en Materieelcontrole ¹
8. Rijksautomobielcentrale
9. Rijkskantoomachinecentrale
10. Staatsbosbeheer
11. Rijksdienst IJsselmeerpolders

**UNITED KINGDOM
LIST OF ENTITIES**

Board of Inland Revenue
 British Museum
 British Museum (Natural History)
 Cabinet Office
 Central Office of Information
 Charity Commission
 Civil Service Department
 Ancient Monuments (Scotland) Commission
 Ancient Monuments (Wales) Commission
 Boundary Commission for England and Wales
 Boundary Commission for Northern Ireland
 Central Computer Agency
 Chessington Computer Centre
 Civil Service Catering Organization
 Civil Service College
 Civil Service Commission
 Civil Service Pay Research Unit
 Historical Manuscripts Commission
 Historical Monuments (England) Commission
 Medical Advisory Service

¹ Postal business only.

Museums and Galleries Standing Commission
Office of the Parliamentary Counsel
Review Board for Government Contracts
Royal Commission on Criminal Procedure
Royal Commission on Environmental Pollution
Royal Commission on Gambling
Royal Commission on Legal Services (England, Wales and Northern Ireland)
Royal Commission on Legal Services (Scotland)
Royal Fine Art Commission (England)
Royal Fine Art Commission (Scotland)
Crown Estate Office (Vote-borne, services only)
Crown Office, Scotland
Customs and Excise Department
Department for National Savings
Department of Agriculture and Fisheries for Scotland
 Artificial Insemination Service
 Crofters Commission
 Red Deer Commission
 Royal Botanic Garden, Edinburgh, etc.
Department of Education and Science
 University Grants Committee
Department of Employment
 Duchess of Gloucester House
 Employment Appeal Tribunal
 Industrial Tribunals
 Office of Manpower Economics
 Royal Commission on the Distribution of Income and Wealth
Department of Energy
Department of Health and Social Security
 Attendance Allowance Board
 Central Council for Education and Training in Social Work
 Council for the Education and Training of Health Visitors
 Dental Estimates Board
 Joint Board of Clinical Nursing Studies
 Medical and Dental Referee Service

Medical Boards and Examining Medical Officers (War Pensions)
National Health Service
National Health Service Authorities
National Insurance Commissioners
Occupational Pensions Board
Prescription Pricing Authority
Public Health Laboratory Service Board
Supplementary Benefits Appeal Tribunals
Supplementary Benefits Commission

Department of Industry
Computer-Aided Design Centre
Laboratory of the Government Chemist
National Engineering Laboratory
National Maritime Institute
National Physical Laboratory
Warren Spring Laboratory

Department of Prices and Consumer Protection
Domestic Coal Consumers' Council
Electricity Consultative Councils for England and Wales
Gas Consumers' Council
Metrication Board
Monopolies and Mergers Commission

Department of the Environment
British Urban Development Services Unit
Building Research Establishment
Commons Commissioners — (except payment of rates)
Countryside Commission
Directorate of Estate Management Overseas
Fire Research Station/Boreham Wood
Hydraulics Research Station
Local Valuation Panels
Location of Offices Bureau
Property Services Agency
Rent Control Tribunals and Rent Assessment Panels and Committees

Department of the Government Actuary
Department of the Registers of Scotland
Department of Trade
 Coastguard Services
 British Export Marketing Centre, Tokyo
 Market Entry Guarantee Scheme
 Patent Office
Department of Transport
 Road Construction Units and Sub-Units
 Transport and Road Research Laboratory
 Transport Tribunal — (except payment of rates)
 Transport Users Consultative Committees — (except payment of rates)
Director of Public Prosecutions
Exchequer and Audit Department
Exchequer Office Scotland
Export Credits Guarantee Department
Foreign and Commonwealth Office
 Government Communications Headquarters
 Middle East Centre for Arab Studies
 Wiston House Conference and European Discussion Centre
Home Office
 Gaming Board for Great Britain
 Immigration Appeals Tribunal
 Inspectors of Constabulary
 Parole Board and Local Review Committees
House of Commons
House of Lords
Imperial War Museum
Intervention Board for Agricultural Produce
Legal Aid Funds
Lord Chancellor's Department
 Council on Tribunals
 County Courts
 Courts Martial Appeal Court
 Crown Courts

Judge Advocate-General and Judge Advocate of the Fleet
Lands Tribunal
Law Commission
Pensions Appeal Tribunals
Supreme Court
Ministry of Agriculture, Fisheries and Food
Advisory Services
Agricultural Development and Advisory Service
Agricultural Dwelling House Advisory Committees
Agricultural Land Tribunals
Agricultural Wages Board and Committees
Artificial Insemination Research Centres
Central Council for Agricultural and Horticultural Cooperation
Plant Pathology Laboratory
Plant Variety Rights Office
Royal Botanic Gardens, Kew
Ministry of Defence
Procurement Executive
Meteorological Office
Ministry of Overseas Development
Centre of Overseas Pest Research
Directorate of Overseas Surveys
Land Resources Division
Tropical Products Institute
National Debt Office and Pensions Commutation Board
National Gallery
National Galleries of Scotland
National Library of Scotland
National Maritime Museum
National Museum of Antiquities of Scotland
National Portrait Gallery
Northern Ireland Government Departments and Public Authorities
Department of the Civil Service
Department of Agriculture
Department of Commerce

Department of Education
Department of the Environment
Department of Finance
Department of Health and Social Services
Department of Manpower Services
Northern Ireland Police Authority
Northern Ireland Office
Coroners' Courts
County Courts
Crown Solicitor's Office
Department of the Director of Public Prosecutions
Enforcement of Judgments Office
Forensic Science Service
Magistrates' Courts
Pensions Appeal Tribunals
Probation Service
Registration of Electors and Conduct of Elections
State Pathologist Service
Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland
Office of Fair Trading
Office of Population Censuses and Surveys
National Health Service Central Register
Office of the Parliamentary Commissioner for Administration and Health Service Commissioners
Paymaster General's Office
Postal Business of the Post Office
Privy Council Office
Public Record Office
Public Trustee Office
Public Works Loan Commission
Queen's and Lord Treasurer's Remembrancer
Crown Office
Department of Procurators Fiscal
Lord Advocate's Department
Lands Tribunal

Registrar-General's Office, Scotland
National Health Service Central Register
Registry of Friendly Societies
Royal Commission, etc. (see references under Civil Service Department)
Commission on the Constitution
Royal Commission on the National Health Service
Royal Commission on Gambling
Royal Hospital, Chelsea
Royal Mint
Royal Scottish Museum
Science Museum
Scottish Courts Administration
Court of Session
Court of Justiciary
Accountant of Court's Office
Sheriff Courts
Scottish Land Court
Scottish Law Commission
Pensions Appeal Tribunals
Scottish Development Department
Local Government Reorganization Commissions, etc.
Rent Assessment Panel and Committees, etc.
Scottish Economic Planning Department
Scottish Electricity Consultative Councils
Scottish Education Department
Royal Scottish Museum
Scottish Home and Health Department
Common Services Agency
Council for the Education and Training of Health Visitors
Fire Service Training School
Inspectors of Constabulary
Local Health Councils
Mental Welfare Commission for Scotland
National Health Service
National Health Service Authorities

Parole Board for Scotland and Local Review Committees
Planning Council
Scottish Antibody Production Unit
Scottish Crime Squad
Scottish Criminal Record Office
Scottish Council for Post-Graduate Medical Education and Training
Scottish Police College
Scottish Land Court
Scottish Office
Scottish Record Office
Stationery Office
Tate Gallery
Treasury
 Exchequer Office, Scotland
 National Economic Development Council
 Rating of Government Property Department
Treasury Solicitor's Department
 Department of the Director of Public Prosecutions
 Law Officers' Department
 Department of the Procurator-General and Treasury Solicitor
Victoria and Albert Museum
Wallace Collection
Welsh Office
 Central Council for Education and Training in Social Work
 Commons Commissioners
 Council for the Education and Training of Health Visitors
Dental Estimates Board
Local Government Boundary Commission
Local Valuation Panels and Courts
National Health Service
National Health Service Authorities
Public Health Laboratory Service Board
Rent Control Tribunals and Rent Assessment Panels and Committees

Model procurement tender notices

A — OPEN PROCEDURES

1. **The name, address, telephone number and, where applicable, telegraphic address and telex number of the contracting authority (Article 13 (e)):**
2. **The award procedure chosen (Article 13 (b)):**
3. (a) **The place of delivery (Article 13 (c)):**
(b) **The nature and quantity of goods to be supplied (Article 13 (c)):**
(c) **Whether suppliers can tender for some and/or all of the goods required (Article 13 (c)):**
4. **Any time-limit for delivery (Article 13 (d)):**
5. (a) **Name and address of the service from which the relevant documents may be requested (Article 13 (f)):**
(b) **The final date for making such request (Article 13 (f)):**
(c) **Where applicable, the amount and terms of payment of any sum payable for such documents (Article 13 (f)):**
6. (a) **The final date for receipt of tenders (Article 13 (g)):**
(b) **The address to which they must be sent (Article 13 (g)):**
(c) **The language or languages in which they must be drawn up (Article 13 (g)):**
7. (a) **The persons authorized to be present at the opening of tenders (Article 13 (h)):**
(b) **The date, time and place of this opening (Article 13 (h)):**
8. **Any deposits and guarantees required (Article 13 (i)):**
9. **The main terms concerning financing and payment and/or references to the provisions regulating these (Article 13 (j)):**
10. **Where applicable, the legal form to be taken by the grouping of suppliers winning the contract (Article 13 (k)):**
11. **The information and formalities necessary for an appraisal of the minimum economic and technical standards required of the supplier (Article 13 (l)):**

12. The period during which the tenderer is bound to keep open his tender (Article 13 (m)):
13. The criteria for the award of the contract. Criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents (Article 25):
14. Other information:
15. The date of dispatch of the notice (Article 13 (a)):

B — RESTRICTED PROCEDURES

1. The name, address, telephone number and, where applicable, telegraphic address and telex number of the contracting authority (Article 14 (a)):
2. The award procedure chosen (Article 14 (a)):
3. (a) The place of delivery (Article 14 (a)):
(b) The nature and quantity of goods to be supplied (Article 14 (a)):
(c) Whether suppliers can tender for some and/or all of the goods required (Article 14 (a)):
4. Any time-limit for delivery (Article 14 (a)):
5. Where applicable, the legal form to be assumed by the grouping of suppliers winning the contract (Article 14 (a)):
6. (a) The final date for the receipt of requests to participate (Article 14 (b)):
(b) The address to which they must be sent (Article 14 (b)):
(c) The language or languages in which they must be drawn up (Article 14 (b)):
7. The final date for the dispatch of invitations to tender (Article 14 (c)):
8. Information concerning the supplier's personal position, and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him (Article 14 (d)):
9. The criteria for the award of the contract if these are not stated in the invitation to tender (Article 15 (d)):
10. Other information:
11. The date of dispatch of the notice (Article 14 (a)):

New model procurement tender notices

A — OPEN PROCEDURES

1. **Name, address and telephone, telegraphic, telex and telefax numbers of the contracting authority.**
2. (a) **Award procedure chosen;**
(b) **form of contract for which offers are invited.**
3. (a) **Place of delivery;**
(b) **nature and quantity of the goods to be supplied;**
(c) **indication of whether the suppliers can tender for some and/or all of the goods required;**
(d) **derogation from the use of standards in accordance with Article 7.**
4. **Time-limit for delivery, if any.**
5. (a) **Name and address of the service from which the relevant documents may be requested;**
(b) **final date for making such requests;**
(c) **where applicable, the amount and terms of payment of any sum payable for such documents.**
6. (a) **Final date for receipt of tenders;**
(b) **address to which they must be sent;**
(c) **language(s) in which they must be drawn up.**
7. (a) **Persons authorized to be present at the opening of tenders;**
(b) **date, time and place of this opening.**
8. **Where applicable, any deposits and guarantees required.**
9. **The main terms concerning financing and payment and/or references to the relevant provisions.**
10. **Where applicable, the legal form to be taken by the grouping of suppliers winning the contract.**

11. **The information and formalities necessary for an appraisal of the minimum economic and technical standards required of the supplier.**
12. **Period during which the tenderer is bound to keep open his tender.**
13. **Criteria for the award of the contract. Criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents.**
14. **Other information.**
15. **Date of dispatch of the notice.**
16. **Date of receipt of the notice by the Office for Official Publications of the European Communities.**

B — RESTRICTED PROCEDURES

1. **Name, address and telephone, telegraphic, telex and telefax numbers of the awarding authority.**
2. (a) **Award procedure chosen;**
(b) **where applicable, justification for use of the accelerated procedure;**
(c) **form of contract for which offers are invited.**
3. (a) **Place of delivery;**
(b) **nature and quantity of goods to be delivered;**
(c) **indication of whether the supplier can tender for some and/or all of the goods required;**
(d) **derogation from the use of standards in accordance with Article 7.**
4. **Time-limit on delivery, if any.**
5. **Where applicable, the legal form to be assumed by the grouping of suppliers winning the contract.**
6. (a) **Final date for the receipt of requests to participate;**
(b) **address to which they must be sent;**
(c) **language(s) in which they must be drawn up.**
7. **Final date for the dispatch of invitations to tender.**

8. Information concerning the supplier's own position, and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him.
9. Criteria for the award of the contract if these are not stated in the invitation to tender.
10. Other information.
11. Date of dispatch of the notice.
12. Date of receipt of the notice by the Office for Official Publications of the European Communities.

C — NEGOTIATED PROCEDURES

1. Name, address and telephone, telegraphic, telex and telefax number of the awarding authority.
2. (a) Award procedure chosen;
(b) where applicable, justification for use of the accelerated procedure;
(c) where applicable, form of contract for which offers are invited.
3. (a) Place of delivery;
(b) nature and quantity of goods to be delivered;
(c) indication of whether the suppliers can tender for some and/or all of the goods required;
(d) derogation from the use of standards in accordance with Article 7.
4. Time-limit on delivery, if any.
5. Where applicable, the legal form to be assumed by a grouping of suppliers winning the contract.
6. (a) Final date for the receipt of requests to participate;
(b) address to which they must be sent;
(c) language(s) in which they must be drawn up.
7. Information concerning the supplier's own position, and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him.

8. Where applicable, the names and addresses of suppliers already selected by the awarding authority.
9. Date(s) of previous publications in the *Official Journal of the European Communities*.
10. Other information.
11. Date of dispatch of the notice.
12. Date of receipt of the notice by the Office for Official Publications of the European Communities.

D — PRE-INFORMATION PROCEDURES

1. Name, address and telephone, telegraphic, telex and telefax numbers of the awarding authority and of the service from which additional information may be obtained.
2. Nature and quantity or value of the products to be supplied.
3. Estimated date of the commencement of the procedures of the award of the contract(s) (if known).
4. Other information.
5. Date of dispatch of the notice.
6. Date of receipt of the notice by the Office for Official Publications of the European Communities.

E — CONTRACT AWARDS

1. Name and address of awarding authority.
2. (a) Award procedure chosen;
(b) in respect of the contracting authorities listed in Annex I to Directive 80/767/EEC, where appropriate, justification in accordance with Article 6 (3) and (4) for the use of such procedures.
3. Date of award of contract.

4. **Criteria for award of contract.**
5. **Number of offers received.**
6. **Name(s) and address(es) of supplier(s).**
7. **Nature and quantity of goods supplied, where applicable, by supplier.**
8. **Price or range of prices.**
9. **Other information.**
10. **Date of publication of the tender notice in the *Official Journal of the European Communities*.**
11. **Date of dispatch of the notice.**
12. **Date of receipt of the notice by the Office for Official Publications of the European Communities.**

Construction

APPENDIX V

List of construction activities subject to the EC rules

A — SET OUT IN THE NOMENCLATURE OF INDUSTRIES IN THE EUROPEAN COMMUNITIES (NICE)

| Major group | Group | |
|--------------------|--------------|--|
| 40 | | Construction |
| | 400 | Construction (non-specialized); demolition |
| | 400.1 | Non-specialized construction |
| | 400.2 | Demolition |
| | 401 | Construction of buildings (dwellings or other) |
| | 401.1 | General building work |
| | 401.2 | Roofing |
| | 401.3 | Construction of chimneys and furnaces |
| | 401.4 | Weatherproofing |
| | 401.5 | Re-dressing and maintenance of façades |
| | 401.6 | Scaffolding |
| | 401.7 | Other building activities (including structural work) |
| | 402 | Civil engineering; building of roads, bridges, railways, etc. |
| | 402.1 | General civil engineering |
| | 402.2 | Earth-moving work above ground |
| | 402.3 | Building of engineering structures on land (above or below ground) |
| | 402.4 | Building of inland waterway and maritime engineering structures |

Major Group
group

- 402.5 Highway construction (including airport and runway construction)
- 402.6 Specialist activities in other fields of civil engineering (including installation of road signs and signals and seamarks, installation of mains and pipelines for gas, water and hydrocarbons, and installation of electric power transmission and telecommunication lines)
- 403 Installation work**
 - 403.1 General installation
 - 403.2 Services (gas, water and sanitary equipment installation)
 - 403.3 Heating and ventilation installation (installation of central-heating, air-conditioning, and ventilation plant)
 - 403.4 Heat, sound and vibration insulation
 - 403.5 Installation of electricity
 - 403.6 Installation of aerials, lightning conductors, telephones, etc.
- 404 Decorating and finishing**
 - 404.1 General decorating and finishing
 - 404.2 Plastering
 - 404.3 Woodwork, with particular reference to installation of wooden fittings (including laying of wooden floors)
 - 404.4 Painting and glazing, wallpapering
 - 404.5 Application of facings and coverings for floors and walls (fixing of tiles, other floor coverings and adhesive finishings)
 - 404.6 Miscellaneous finishing work (including installation of stoves and fireplaces, etc.)

B — SET OUT IN THE GENERAL INDUSTRIAL CLASSIFICATION OF ECONOMIC ACTIVITIES WITHIN THE EUROPEAN COMMUNITIES (NACE)

Class Group

- 50 Building and civil engineering**
 - 500 General building and civil engineering work (without any particular specialization) and demolition work**
 - 500.1 General building and civil engineering work (without any particular specialization)
 - 500.2 Demolition work
 - 501 Construction of flats, office blocks, hospitals and other buildings, both residential and non-residential**
 - 501.1 General building contractors

| Class | Group |
|------------|--|
| | 501.2 Roofing |
| | 501.3 Construction of chimneys, kilns and furnaces |
| | 501.4 Waterproofing and dampproofing |
| | 501.5 Restoration and maintenance of outside walls (repointing, cleaning, etc.) |
| | 501.6 Erection and dismantlement of scaffolding |
| | 501.7 Other specialized activities relating to construction work (including carpentry) |
| 502 | Civil engineering: construction of roads, bridges, railways, etc. |
| | 502.1 General civil engineering work |
| | 502.2 Earth-moving (navvying) |
| | 502.3 Construction of bridges, tunnels and shafts, drilling |
| | 502.4 Hydraulic engineering (rivers, canals, harbours, flows, locks and dams) |
| | 502.5 Road-building (including specialized construction of airports and runways) |
| | 502.6 Specialized construction work relating to water (i.e. to irrigation, land drainage, water supply, sewage disposal, sewerage, etc.) |
| | 502.7 Specialized activities in other areas of civil engineering |
| 503 | Installation (fittings and fixtures) |
| | 503.1 General installation work |
| | 503.2 Gas fitting and plumbing, and the installation of sanitary equipment |
| | 503.3 Installation of heating and ventilating apparatus (central heating, air conditioning, ventilation) |
| | 503.4 Sound and heat insulation, insulation against vibration |
| | 503.5 Electrical fittings |
| | 503.6 Installation of aerials, lightning conductors, telephones, etc. |
| 504 | Building completion work |
| | 504.1 General building completion work |
| | 504.2 Plastering |
| | 504.3 Joinery, primarily engaged in on the site assembly and/or installation (including the laying of parquet flooring) |
| | 504.4 Painting, glazing, paper-hanging |
| | 504.5 Tiling and otherwise covering floors and walls |
| | 504.6 Other building completion work (putting in fireplaces, etc.) |

**List of public bodies (other than general government)
subject to the EC construction contracts rules**

I. In all Member States:

Associations governed by public law formed by regional or local authorities, e.g. associations de communes, syndicats de communes, Gemeindeverbände, etc.

II. In Belgium:

- le Fonds des routes, — het Wegenfonds,
- la Régie des voies aériennes — de Regie der Luchtwegen,
- public assistance commissions,
- structures of the Church,
- l'Office régulateur de la navigation intérieure, — de Dienst voor regeling van de binnenvaart,
- la Régie des services frigorifiques de l'État belge, — de Regie der Belgische Rijkskoel- en vriesdiensten.

III. In Germany:

the bundesunmittelbare Körperschaften, Anstalten und Stiftungen des öffentlichen Rechts.

IV. In France:

- other administrative public bodies at national, departmental and local levels.

V. In Italy:

- State universities, State university institutes, consortia for university development works,
- higher scientific and cultural institutes, astronomical, astrophysical, geophysical and vulcanological observatories,
- the Enti di riforma fondiaria,
- relief and charity organizations.

VI. In Luxembourg:

- social insurance offices,
- other public administrative bodies.

VII. In the Netherlands:

- the Waterschappen,
- the Rijksuniversiteiten, the Academische Ziekenhuizen, the Gemeentelijke Universiteit van Amsterdam, the Rooms-Katholieke Universiteit van Nijmegen, the Vrije Universiteit van Amsterdam, the Technische Hogescholen,
- the Nederlandse Centrale Organisatie voor toegepast natuurwetenschappelijk onderzoek (TNO) and its dependent organizations.

VIII. In the United Kingdom:

- local authorities,
- new towns' cooperations,
- Commission for the New Towns,
- Scottish Special Housing Association,
- Northern Ireland Housing Executive.

IX. In Denmark:

- andre forvaltningssubjekter.

X. In Ireland:

- other public authorities whose public works contracts are subject to control by the State.

XI. In Greece:

- other legal persons governed by public law whose public works contracts are subject to control by the State.

XII. In Spain:

- other corporate bodies subject to public rules for the award of contracts.

XIII. In Portugal:

- other corporate bodies governed by public law subject to a procedure for the award of contracts.

Model construction tender notices

A — OPEN PROCEDURES

1. Name and address of the authority awarding the contract (Article 16 (e)):¹
2. The award procedure chosen (Article 16 (b)):
3. (a) The site (Article 16 (e)):
 - (b) The nature and extent of the services to be provided and the general nature of the work (Article 16 (c)):
 - (c) If the contract is subdivided into several lots, the size of the different lots and the possibility of tendering for one, for several, or for all of the lots (Article 16 (c)):
 - (d) Information relating to the purpose of the contract if the contract entails the drawing up of projects (Article 16 (c)):
4. Any time-limit for the completion of the works (Article 16 (d)):
5. (a) Name and address of the service from which the contract documents and additional documents may be requested (Article 16 (f)):
 - (b) The final date for making such request (Article 16 (f)):
 - (c) Where applicable, the amount and terms of payment of any sum payable for such documents (Article 16 (f)):
6. (a) The final date for receipt of tenders (Article 16 (g)):
 - (b) The address to which they must be sent (Article 16 (g)):
 - (c) The language or languages in which they must be drawn up (Article 16 (g)):
7. (a) The persons authorized to be present at the opening of tenders (Article 16 (h)):
 - (b) The date, time and place of this opening (Article 16 (h)):
8. Any deposits and guarantees required (Article 16 (i)):
9. The main procedure for financing and payment and/or references to the instruments regulating these (Article 16 (j)):
10. Where applicable, the specific legal form which must be assumed by the group of contractors to whom the contract is awarded (Article 16 (k)):¹

¹ The Articles in brackets refer to Council Directive 71/305/EEC of 26.7.1971 (OJ L 185, 16.8.1971, p. 5).

11. **The minimum economic and technical standards required of the contractors (Article 16 (l)):**
12. **Period during which the tenderer is bound to keep open his tender (Article 16 (m)):**
13. **Criteria for the award of the contract. Criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents (Article 29):**
14. **Other information:**
15. **The date of dispatch of the notice (Article 16 (a)):**

B — RESTRICTED PROCEDURES

1. **Name and address of the authority awarding the contract (Article 17 (a)):¹**
2. **The award procedure chosen (Article 17 (a)):**
3. **(a) The site (Article 17 (a)):**
 - (b) The nature and extent of the services to be provided and the general nature of the work (Article 17 (a)):**
 - (c) If the contract is subdivided into several lots, the size of the different lots and the possibility of tendering for one, for several, or for all of the lots (Article 17 (a)):**
 - (d) Information relating to the purpose of the contract if the contract entails the drawing up of projects (Article 17 (a)):**
4. **Any time-limit for the completion of the works (Article 17 (a)):**
5. **Where applicable, the specific legal form which must be assumed by the group of contractors to whom the contract is awarded (Article 17 (a)):**
6. **(a) The final date for the receipt of requests to participate (Article 17 (b)):**
 - (b) The address to which they must be sent (Article 17 (b)):**
 - (c) The language or languages in which they must be drawn up (Article 17 (b)):**

¹ The Articles in brackets refer to Council Directive 71/305/EEC of 26. 7. 1971 (OJ L 185, 16. 8. 1971, p. 5).

- 7. The final date for the dispatch of invitations to tender (Article 17 (c)):**
- 8. Information concerning the contractor's personal position, and the minimum economic and technical standards required of him (Article 17 (d)):**
- 9. The criteria for the award of the contract if these are not stated in the invitation to tender (Article 18 (d)):**
- 10. Other information:**
- 11. The date of dispatch of the notice (Article 17 (a)):**

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Maillet, Pierre. Deux propositions de progression vers le Marche Commun. *Revue du Marché commun*. 1985/286, pp. 200-204

Saggio, Antonio. Affidamento di opere pubbliche e normativa comunitaria. *Rivista di diritto europea*. 1985, 25/01, pp. 34-50

Soeffner, Frank. Awarding of building and public works contracts in the European Community. München: Ifo-Institut für Wirtschaftsforschung 1984. 177 p., Ifo-Studien zur Bauwirtschaft. 08

Soeffner, Frank. La passation des marchés publics de travaux dans la Communauté européenne. München: Ifo-Institut für Wirtschaftsforschung 1984. 179 p., Ifo-Studien zur Bauwirtschaft. 08

Soeffner, Frank. Die Vergabe öffentlicher Bauaufträge in der EG. Gutachten. München: Ifo-Institut für Wirtschaftsforschung 1984. 171 p. Ifo-Studien zur Bauwirtschaft. 08

Soulie, Marie Christine. La passation des marchés publics en France et dans la Communauté économique européenne. Paris: Univ. de Paris 01 1987. 429 p. Thèse-Univ. de Paris 01

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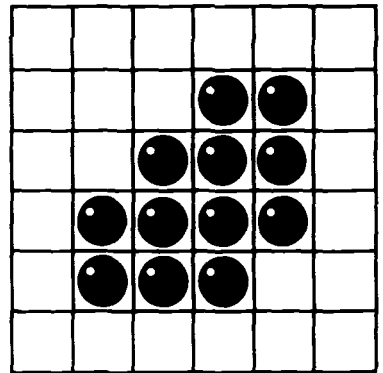
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