



SIGMA

A joint initiative of the OECD and the EU,
principally financed by the EU

WEBINAR ON THE ROLE OF THE LEBANESE PUBLIC PROCUREMENT AUTHORITY

KEY ROLES AND FUNCTIONS OF THE PUBLIC PROCUREMENT AUTHORITIES – INTERNATIONAL PRACTICES: POLAND

Dariusz Piasta

31 March 2022





SIGMA

A joint initiative of the OECD and the EU,
principally financed by the EU

Public Procurement Office in Poland

- established 01.01.1995 following adoption of the 1st PPL in 1994.
- Currently operating on the basis of the PPL 2019 (PPL - 3).
- Organisation: President + max 2 deputy Presidents + Office (PPO) providing support/services to the President.
- President of the PPO: central body of government administration competent in matters of public contracts; **the President of the Office is supervised by the Minister *responsible for the economy*.**
- Statute (which determines organisation) of the PPO is established by the Minister.
- Financed from the State Budget.





SIGMA

A joint initiative of the OECD and the EU,
principally financed by the EU

PPO in Poland – short introduction

- Office employs app. 130 people working in 7 different units:
- Legal Department
- Public Procurement Control Department
- European Union and International Cooperation Department
- Information, Education and System Analyses Department
- Appeals Bureau
- Organisational and Financial Bureau
- Independent Position for Internal Audit

URL: <http://www.uzp.gov.pl>





SIGMA

A joint initiative of the OECD and the EU,
principally financed by the EU

Evolution in organisation of the PPO

- **1995 – 2015** – subordinate to the **Prime Minister** (with a short interval - 2002-2004 when subordinate to Minister for Internal Affairs).
- **2016 – up to date** supervised by the Minister responsible for economy, until 2021 the role of Minister was formally limited to appointing and dismissing the President + adoption of regulatory acts prepared by the PPO.
- 2019 PPL (applicable as of 2021) defines in more detail the „supervision” – supervision is more formal.
- Gradual increase of the staff and the budget (increased number of review body members who are supported in technical and organizational matters by the PPO, development of e – procurement, increase of control functions etc.).





SIGMA

A joint initiative of the OECD and the EU,
principally financed by the EU

Evolution of tasks of PPO since 1994

- Shift from intervention in the procurement in individual procurement procedures (ex ante approval of choice of specific procedure) to ex – post control of compliance and regulation of the system as a whole,
- Strengthening of monitoring and control functions (because of EU funds),
- More emphasis on good procurement practice, dissemination of knowledge, good practice examples and models.





SIGMA

Current supervision role of the Minister for Economy

- exercises control over the President of the PPO according to the Law on Control in Government Administration,
- approves the plan of the PPO (submitted by 31.10) explaining how specific activities of the PPO will be performed in the following year concerning **dissemination of good practice and training**,
- assesses the activities of the President on the basis of the annual report on the functioning of the procurement system,
- may require the President of the Office to provide information or documents related to the performance of his tasks.

A joint initiative of the OECD and the EU,
principally financed by the EU





SIGMA

President of the PPO

- appointed by the Minister responsible for the economy from among persons selected by means of an open and competitive recruitment.
- Requirements to be fulfilled are established in the PPL, for example, minimum 6 years of professional experience, including 3 years „on managerial positions” + knowledge and experience in the field of public procurement, checked in the recruitment process.
- Recruitment competition is conducted by a committee composed of experts chosen by the Minister.
- No terms of office (duration of a mandate is not limited); can be dismissed by the Minister any time; no specific requirements for dismissal.





SIGMA

Tasks of the President of PPO

Main functions

- Regulation of public procurement processes
- Control of public procurement processes
- Support of procurement review (functioning of legal protection)
- Advice and support of procurement activities
- Monitoring of the public procurement system

A joint initiative of the OECD and the EU,
principally financed by the EU





SIGMA

Tasks of the President of PPO

Regulatory function

- **draws up and gives an opinion** on draft regulatory acts on procurement (laws, implementing regulations) – regulatory acts adopted by the Minister;
- **seeks to ensure** uniform application of the procurement rules, taking into account the case law of the courts and tribunals, in particular the dissemination of decisions of the National Appeal Chamber, common courts, the Supreme Court, the Court of Justice of the European Union and the Constitutional Tribunal concerning procurement;





SIGMA

Tasks of the President of PPO

Regulatory function (2)

- conducts activities related to the computerisation of the public procurement system;
- issues in electronic form the Public Procurement Bulletin, in which the notices provided for by the PPL are published;
- prepares and disseminates examples of public contracts, rules of procedure and other documents used in the award of public contracts;

A joint initiative of the OECD and the EU,
principally financed by the EU





SIGMA

Tasks of the President of PPO

Control function

- controls the procurement process within the scope of the law: checks legal compliance of procuring entities with the PPL;
- presents the position in relation to the interpretation doubts between the control authorities at the request of the control authority;
- gives an opinion on the „control questionnaire” if the control authority requests an opinion.





SIGMA

Tasks of the President of PPO

Support of procurement review

Review of appeals is conducted by the **National Appeals Chamber** (connected to the PPO but functionally independent) but the President:

- ensures the functioning of the system of legal remedies in the area of appeal proceedings;
- maintains and publishes on the PPO's website a list of organisations entitled to bring legal remedies;
- submit candidates for President and Vice-Presidents of the NAC and submits a request for the appointment of a disciplinary spokesman of the NAC.





SIGMA

Tasks of the President of PPO

Monitoring

- analyses the functioning of the procurement system;
- submits to the Minister a report on the activities of the NAC for the previous calendar year, taking into account the problems arising from its case-law;
- draws up and submits to the Council of Ministers, by 31 July each year, and the relevant parliamentary committee, a report on the functioning of the procurement system, taking into account an analysis of PPO activities,
- transmits to the European Commission, every three years, a report on the monitoring of the functioning of the procurement system and a statistical report on public contracts whose value is less than the EU thresholds;





SIGMA

Tasks of the President of PPO

Advice and support

- prepares and disseminates examples of public contracts, rules of procedure and other documents used in the award of public contracts;
- prepares and make publicly available examples of „abusive” contractual provisions (which put economic operators in extremely disadvantageous position)
- conducts **educational** and **information** activities in the field of public procurement;
- provides information on public procurement, by means of a telephone centre and by electronic means of communication;
- disseminates knowledge of public procurement, including analytical information





SIGMA

A joint initiative of the OECD and the EU,
principally financed by the EU

Thank you for attention!

