

Buy Smart+

Country Experiences: Romania

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Procurement legislation



Main documents:

- Transposition the EU Directive 2004/18/CE on the coordination of procedures for the award of public works contracts, public supply and
- Transposition the EU Directive 2004/17/CE on the contracts and public service contracts and coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sector,
- *At national level:* [EMERGENCY ORDINANCE No. 34/2006 concerning the awarding of public contracts, public works concession contracts and services concession contracts, reviewed with Emergency Ordinance No. 77/27.11.2012.](#)
- National Authority for Regulating and Monitoring of Public Procurement (**ANRMAP**). It has no department for GPP.
- Usual green criteria are not present within bidding documents.

Political initiatives / other projects



- The green initiatives are usual developed by environmental NGOs.
- There are a lot of activities now in order to have a GPP law and a National Action Plan for GPP.

Related projects:

- Portal “Verde la achizitii”
- Portal “TOPTEN”
- Green Revolution – GBI=Green Business Index
- Projects developed by NGOs (comunitateadurabila.ro)

Procurement practice



Tenders for public procurement are:

1. Open auction – any interested company has the right to submit its application
2. Restricted tender – any company is entitled to submit its application but only selected applicants may submit the tender
3. The competitive dialogue – the contracting authority have a dialogue with admitted candidates in order to identify one or more solutions for its problems, followed by final tender's submission
4. Negotiation – contracting authority develops consultations with one or more from selected candidates and negotiates contractual clauses including price. Negotiations may be with or without a public announcement for invitation to tender.

Procurement practice



Tenders for public procurement are (cont):

5. Ask for tender

- The contracting authority is entitled to announce a competition in order to find the best solutions.
- The contracting authority is entitled to procure *directly* products, services or work when the value for that procurement is under equivalent in lei of 15000 Euros (without VAT) based on a supporting document.
- Any contracting authority is entitled to use the procurement procedures using electronic proposal submission service (SEAP).
- *Private procurers must comply with the same rules as public ones when the funds arise from public or special European funds.*

Procurement practice (cont.)



How is done:

- Environment issues are not always supported due to unknown reasons.
- Lack of enough communication inside and outside political groups
- Lack of enough communication and collaboration between government institutions: National Authority for Regulating and Monitoring of Public Procurement (ANRMAP), National Authority for Energy Regulation (ANRE), local authorities
- Lack of knowledge regarding possible existing green criteria in order to be included within bidding documents
- Bidding documents usual not include criteria as : energy efficiency, reduced environment impact but include the cheapest price
- Bidding documents usual not include requests for certain energy labels, eco labels, other labels
- Energy labelling (even the legislation is in force) is not always obeyed according with the EU regulations. Penalties are symbolically.

Procurement practice (cont.)



How is done:

Survey: 2009-2010 in Romania, 17 public authorities:

- 26% public procurement contracts included 1 GPP EU criteria
- only 6% from developed contracts used **all** GPP EU criteria

Important labels



5 EU labels in Romania and 1 Romanian label (for buildings)

- EU Energy Label – appliances and TV *MANDATORY*
- Energy Label for buildings *MANDATORY, National Label*
- ECO Label *Voluntary*
- TCO Development *Voluntary*
- Energy Star *Voluntary*
- EU Tyre Label *Mandatory*
- Fuel Economy Label *Voluntary*
- Exhaust Emission Standards *Voluntary*

Buy Smart+ experiences



- **WP2 Helpdesks** - There have been encountered some problems in working with CMS and uploading the documents but the team with the coordinator's support is working continuously to solve the problems.
- **WP3 Knowledge Transfer** -
- Exchange experience between CONSIP & ENEA on one side and less experienced ICEMENERG on the other side, within Buy Smart+ project and with respect to green procurement procedures. It was decided during the second project meeting and before this event, that CONSIP and ENEA will provide a general initiatory training course during the national workshop in order to have a **background for discussions with main stakeholders and also for training the trainers.**

Buy Smart+ experiences



- Knowledge transfer about GPP in Europe
- General introductory training
- Project launch to main target groups: public (mayoralities, NGOs, environment agencies, ministries, regulation institutions etc.) and private (OMV PETROM).
- Steering Committee meeting and support
- Identification of future activities
- Radio Interview
- Received an invitation from ANRMAP for discussion
- Communication article
- Link to the website, documenting the workshop and steering committee

WP4 Training

- Participants asked for more trainings taking into account the state of art of GPP in Romania and extension the training modules to more groups of products;
- Increased communication with respect to experienced gained in GPP activities and better interaction between institutions which develop GP
- Involvement of ANRMAP (National Authority for Regulating and monitoring the Public Procurement) and other economic institutions
- Taking into account the low percentage of using GPP within procurement processes in Romania (<6% in Romania compared with EU average of 38% and with EU target of 50%), following measures should be considered:

WP4 Training (cont.)

1. IT products are mostly imported so, this group, which does not involve social aspects has to be procured only by using GP selection criteria in tendering documents;
2. With respect to Romanian obligations regarding environmental impact and energy efficiency, the authorities should justify all the targets assumed that were not fulfilled, therefore is a need of measures to be taken in order to eliminate such possibility;
3. Due to the fact that GPP is a voluntary activity, it is desirable that public bodies should establish, an internal regulation, within, this kind of favourable behaviour for energy efficiency and low environment impact, to become a habit. The targeted institutions may be those (like mayoralities, ministries) which can be examples for other public and private companies.

Consultations

- 4 mailings with leaflets and other documentary papers sent to peoples who couldn't attend the workshop, 1 box with 30 leaflets and documentary papers brought to the Ministry of Environment at their request plus the documentation for average 30 participants at training and workshop. The strategic partners were Terra Mileniul III, ANRE and Ministry for Environment. – *month 9*
- 1 consultation Jollie Ville – *month 10* and another one with Green Revolution – *month 13*.

Buy Smart+ experiences



- **WP5 Pilot Projects** under negotiation
- **WP7 Dissemination**
 - *Presentations:* Calarasi, Timisoara, Giurgiu, National Workshop, Chamber of Trade and Industry Romania and conference GPP for Sustainable Development
 - *Media coverings:* Radio 10 minutes interview and 45 minutes interview
 - *Press releases / articles:* more than 12 articles (online)
 - 10 links

Lessons learnt/to be learnt/needs



- Need training for how to train the “people”
- Good “know how” transfer from CONSIP and ENEA:
Thank you!
- Need to share best practice from CONSIP or other partners (every good practice (project) can “tell a story” for the newsletter!)
- Common / possible mistakes or bad advice for public procurers
- GPP law? Who has experience or may provide examples?

Contact



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