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E-public procurement

E-public procurement in a nutshell

Public procurement is an important part of the EU economy, accounting for around 15% of GDP. Not only that, by requesting new standards of service and quality, processing, and billing, contracting authorities have the chance to influence leading companies' decisions about strategic innovation.

That's because once companies have implemented new systems and standards in order to comply with the demands of public tenders, they often then adopt them as the industry standard, retaining them for smaller procuring entities.

This also holds true for innovative procedural developments. The EU Procurement Directives of 2014 compelled member states to fully implement electronic means of communication and procurement. Member States were free to extend the deadline for implementation set for 18 October 2016 by two years. Most member states exercised that option.

This means that after 18 October 2018 contracting authorities that fall under national procurement laws must use electronic means to communicate with economic operators during all stages of the public procurement procedure and electronic tender platforms for all tender procedures above the EU thresholds.

Although the obligation to introduce e-public procurement applies to all member states, the directives only set the framework and the goals to be achieved.

Therefore, the implementation and elaboration of detailed national legislation is up to member states. As a result, the outcome of the implementation varies from country to country. Some countries have already made significant progress with their practical experience of e-procurement.

E-procurement has also been implemented in several jurisdictions outside the EU. It is relevant for all companies worldwide because it allows much easier, quicker and cheaper access to tender procedures.

This document provides a snapshot of how the implementation of e-procurement is taking shape in various countries and outlines the main characteristics of the national e-public procurement systems. The aim is to provide a helpful overview for economic operators interested in, or engaged with public procurement procedures both inside and outside the EU.

If you need advice about any of these jurisdictions, please feel free to contact our local experts who authored the chapters or any of the CMS public procurement experts included on the CMS Public Procurement Contact Card.



Bernt Elsner

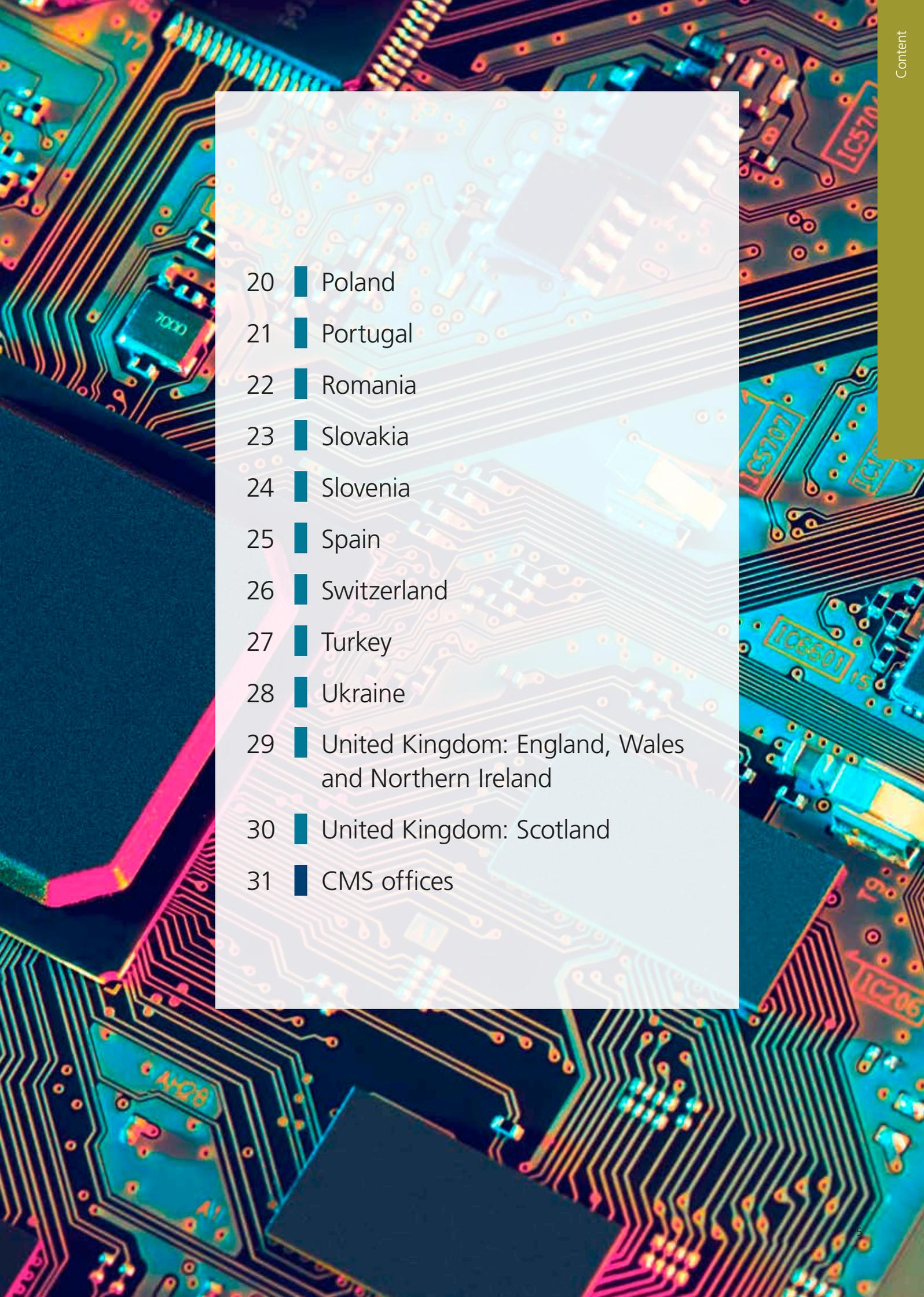
Head of CMS Public Procurement Group

T + 43 1 40443 1800

E bernt.elsner@cms-rrh.com

Content

- 6 ■ Austria
- 7 ■ Belgium
- 8 ■ Brazil
- 9 ■ Bulgaria
- 10 ■ Chile
- 11 ■ Colombia
- 12 ■ Croatia
- 13 ■ Czech Republic
- 14 ■ France
- 15 ■ Germany
- 16 ■ Hungary
- 17 ■ Luxembourg
- 18 ■ The Netherlands
- 19 ■ Peru

- 
- 20 ■ Poland
 - 21 ■ Portugal
 - 22 ■ Romania
 - 23 ■ Slovakia
 - 24 ■ Slovenia
 - 25 ■ Spain
 - 26 ■ Switzerland
 - 27 ■ Turkey
 - 28 ■ Ukraine
 - 29 ■ United Kingdom: England, Wales and Northern Ireland
 - 30 ■ United Kingdom: Scotland
 - 31 ■ CMS offices

Austria



Bernt Elsner
Partner
T + 43 1 40443 1800
E bernt.elsner@cms-rrh.com



Ruth Bittner
Associate
T + 43 1 40443 1807
E ruth.bittner@cms-rrh.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>Generally speaking, contracting authorities must use e-procurement from 18 October 2018 for contracts above the EU-thresholds that fall within the scope of the Federal Public Procurement Act (e.g. military services and goods are exempt). For contracts below the thresholds, e-procurement is voluntary as it is for the award of concessions, except for the procurement documents, which have to be provided electronically.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>At present three main e-procurement platform providers exist in Austria: ANKÖ, Lieferanzeiger and Vemap. In addition, two of the largest contracting authorities use their own proprietary e-procurement platform.</p> <p>The Federal Public Procurement Act entitles the federal government and the regional governments to assign one platform that must be used by all contracting authorities within the jurisdiction. As of August 2018 no such regulation exists at either the federal or regional level. Thus, for the time being contracting authorities are free to choose their preferred platform.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>the procurement procedure, including the submission of electronically signed offers.</p> <p>Electronic invoicing itself is usually not covered except for the previously mentioned proprietary e-procurement platform.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Bidders must use advanced e-signatures when signing requests for participation and offers.</p>

Belgium



Virginie Dor
Partner
T +32 2 74369 00
E virginie.dor@cms-db.com



Flore Verhoeven
Junior Associate
T +32 2 74369 33
E flore.verhoeven@cms-db.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>Complete use of e-procurement procedures (which implies the general use of electronic means for all communications between contracting authorities and economic operators) will be mandatory in Belgium: (a) from 18 October 2018 for public contracts whose estimated value is equal to or higher than the European thresholds, and (b) from 1 January 2020 for public contracts whose estimated value is below the European thresholds. Until then, under articles 128 and 129 of the Royal Decree of 18 April 2017, contracting authorities may choose to communicate via other means (such as fax, paper etc.). There is only one exception to this rule: for public contracts launched since 18 April 2018, the ESPD must be submitted electronically via e-procurement. An ESPD submitted in paper format will no longer be valid.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>In Belgium, there is only one centralised electronic public procurement system, e-procurement. However, e-procurement is divided into different platforms, which are used for different steps of the procedure. These platforms are briefly described below.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>E-procurement contains the following platforms: e-notification, e-tendering, e-catalogue and e-awarding. (a) e-Notification is the publication platform and it offers the following features: (1) for contracting authorities: publication of public contracts (below the European threshold, above the European threshold, national and European); and (2) for economic operators: market research. (b) e-Tendering enables: (1) economic operators to submit electronic offers/requests to participate; and (2) contracting authorities to open electronic offers/requests to participate. (c) With e-Catalogue, contracting authorities can manage folders and catalogues as well as order and manage the products of those catalogues. (d) e-Awarding allows contracting authorities to manage the back office of their public markets. E-procurement platforms do not allow invoicing. They allow communication with economic operators via a "forum".</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>The rules governing signatures on documents submitted by economic operators via e-procurement vary according to whether the procedure is conducted in one phase or in two phases (cf. article 42 of the Royal Decree of 18 April 2017). In both situations, the signature required is a qualified electronic signature. In procedures with one phase, the economic operator does not have to individually sign the offer, any annexes and the ESPD. All those documents must be signed globally by affixing a signature on the deposit report relating to the offer. In procedures with two phases, the request to participate and the ESPD do not have to be signed individually but may instead be signed globally by affixing a signature to the deposit report relating to the request to participate. If those documents are not signed globally when the economic operator submits the request to participate on the platform, he or she will have to submit a "new" ESPD when submitting the offer and any annexes. The ESPD and the offer must then be signed globally by affixing a signature on the deposit report relating to the offer.</p>

Brazil



Ted Rhodes

Partner

T +55 21 3722 9832

E ted.rhodes@cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>In Brazil, electronic procurement (e-procurement) for the purchase of goods and services began in 2002, and has been readily available since 2005. E-procurement is permitted for products whose performance and quality standards can be objectively defined in the invitation to bid using parameters recognised by the market. This type of procurement is known as a “pregão” in Brazil. A “pregão” cannot be used to contract engineering works, real estate leases, or for general sales. E-procurement is now available for use by federal, state, and municipal authorities and entities, although only federal authorities are required to use it.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Some federal government bodies (such as ministries and some members of the System of General Services – “SISG”) are required to use the federal government system, “Comprasnet”. State entities, municipal governments, and other federal government entities not in the SISG (such as public foundations, public enterprises, or mixed capital enterprises) may elect to use either their own systems or “Comprasnet”.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>E-procurement covers all phases of the bidding process, from the publication of the invitation to bid, to the final approval of the winning offer and request for the winner to enter into a contract. All bidder actions may be carried out electronically, including: (a) qualification, (b) submission of requests for clarification and challenges to the invitation, (c) submission of proposals and price offers, and (d) submission of challenges and appeals after the winner is announced.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Access to the “Comprasnet” system is granted to bidders who register with the registration system for suppliers of the federal government – the “Sistema de Cadastro de Fornecedores”, or SICAF. The e-procurement process can be accessed via Comprasnet with a user name and password once bidders have registered with SICAF.</p>

Bulgaria



Kostadin Sirleshtov
Partner
T +359 2 9219942
E kostadin.sirleshtov@cms-cmno.com



Gentscho Pavlov
Partner
T +359 2 447 1350
E gentscho.pavlov@cms-rrh.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement is being introduced step-by-step in Bulgaria. While some tools are already operating, others have not been launched yet. The goal is for e-procurement to be fully implemented by 2020, whereas e-ESPD became mandatory as of 1 April 2018 and E-certis as of 1 July 2018. The main functionalities of the e-tendering platform will start operating as of 18 October 2018, whilst the ones, related to review, evaluation of offers, assigning, invoicing and payment will be available as of 1 January 2020 only.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Bulgaria has chosen to have one centralised public e-tendering platform that will be operated by the Public Procurement Agency. The platform is intended to start operating as of 18 October 2018. However, the tender for the development and implementation of the platform was only awarded on 14 December 2017 and the contract has a 36-months time period, which could mean that launching of some of the functionalities of the platform might be delayed.</p> <p>The e-tendering platform will have a module for creating an e-ESPD but, as it has not been developed yet, there is still uncertainty how exactly it will function.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>The centralised platform should serve contracting authorities throughout the entire e-tendering process from planning, tendering, and ordering, through to invoicing and control. Thereby, e-procurement will cover all public procurement activities, from the publication of the tender notice, through the execution of the contract up to invoicing and payment.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>As mentioned, use of e-ESPD is now mandatory and as per the instructions of the Public Procurement Agency it has to be either (i) signed with a qualified e-signature or (ii) made electronically available with an electronic time stamp, ensuring that it was prepared and submitted before the expiry of the term for submission of tenders.</p> <p>Furthermore, contracting authorities may in certain cases require advanced e-signatures for the sake of granting a relevant level of security to the transferred information.</p>

Chile



Luis Felipe Arze

Partner

T +56 22 4852 073

E luis.arze@cms-ca.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>Chile has used electronic means for public procurement procedures since 2003, but they were not fully implemented until 2013.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Currently, Chile has a centralised e-procurement system managed free of charge by the institution “Chile Compra” through the platform “Mercado Público”. Authorities that want to make purchases or sell products and services must use this platform.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>The e- procurement platform currently available in Chile is known as “Mercado Público”. It is used to manage each stage of the e-procurement procedure, from the publication of the tender notice, through the submission of offers, to the contract award.</p> <p>The public procurement law established a National Suppliers Registry to which companies must register as government suppliers. The Registry aims to serve as the primary source of information.</p> <p>After a contract is awarded, the parties involved may no longer communicate about the contract on the e-procurement platforms; instead they must continue contact through private channels.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Since 1 April 2018, government agencies have had to use email and advanced digital signatures for their tenders in the public sector.</p> <p>It has also been mandatory for these agencies to conduct all transactions through www.mercadopublico.cl since that date. On 1 October 2018, other contracting authorities, such as the healthcare sector and municipalities, will begin to use this platform for their transactions as well.</p> <p>This initiative is part of the modernisation of public procurement led by the Ministry of Finance through Chile Compra and is the result of collaboration between the Comptroller General of the Republic and the Ministry General Secretariat of the Presidency (MinSegPres, its Spanish acronym).</p>

Colombia



Daniel Rodríguez
Partner
T + 57 1 321 8910 x118
E daniel.rodriguez@cms-ra.com



Guillermo Otálora
Of Counsel
T + 57 1 321 8910 x118
E guillermo.otalora@cms-ra.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement was first introduced in Colombia in 1999 as an option for public entities. Law 1150 of 2007 created an e-procurement system, SECOP, which was implemented over the following years by the Colombian government. Its use became mandatory for all contracting authorities in 2013 regarding any contract executed by them regardless of the type of contract or its value. In 2015, the Colombian procurement entity, Colombia Compra Eficiente, launched SECOP II, a next-generation e-procurement platform.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Two e-procurement platforms are currently in use, SECOP I and SECOP II. SECOP II is in its initial stages of deployment and will eventually replace SECOP I. Presently, it is only mandatory for the entities of the national executive branch and Bogota district entities.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>SECOP I Contracting authorities use this platform to announce procurement opportunities. Bidders use it to upload the information and documents related to the procurement process, from the preparatory stages to the activities after the award procedure is complete.</p> <p>SECOP II This platform is also used to announce procurement opportunities and publishes information related to each procurement process. However, unlike SECOP I, it allows, among other things, electronic communication between contracting authorities and bidders at all stages of the procurement cycle as well as the electronic submission of tenders.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>E-signatures are not required.</p>

Croatia


Marija Mušec

Partner

T +385 1 4825 600

E marija.musec@bmslegal.hr

Mia Kanceljak

Attorney-at-Law

T +385 1 4825 600

E mia.kanceljak@bmslegal.hr

1) What is the timeframe for implementing e-procurement?	<p>E-procurement in Croatia was fully implemented on 18 April 2018, when the use of e-ESPD became mandatory. Use of e-Certis will become mandatory on 18 October 2018. The electronic submission of offers has been mandatory in Croatia since 1 January 2016.</p>
2) Which e-procurement platforms are available?	<p>Currently Croatia has one centralised e-procurement platform operated by the National Gazette – the Electronic Public Procurement Classifieds of the Republic of Croatia (EOJN). Private entities are not allowed to operate e-procurement platforms.</p>
3) Which actions are covered by e-procurement platforms?	<p>The EOJN serves as a communication platform and supports communication between the contracting authorities and economic operators during the public procurement procedure. That means from the publication of the procurement documents, through the submission of offers, up to the award of the contract. The conclusion of the contract and subsequent communication, however, cannot be carried out through the EOJN.</p> <p>Although communication in a public procurement procedure is electronic, non-electronic means of communication can be also be used in exceptional cases prescribed by law. For example, when there are samples that cannot be delivered by electronic means, or in situations where the use of electronic communication would require specialised office equipment that is not generally available.</p>
4) Is it required to use a certain type of e-signature?	<p>Contracting authorities may require tenderers to use e-signatures (e.g. to sign the ESPD) and they are obliged to accept advanced electronic signatures with a qualified certificate. However, offers submitted through EOJN are binding regardless of whether they are signed, so authorities may not reject an offer solely because it lacks an e-signature.</p>

Czech Republic



Tomáš Matějovský
Partner
T +420 2 96798 852
E tomas.matejovsky@cms-cmno.com



Lenka Krutáková
Senior Associate
T +420 2 96798 759
E lenka.krutakova@cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>The electronic conclusion of public procurement procedures has been mandatory since 18 April 2017 for tenders operated by the following contracting authorities: the Czech Republic (the state as a contracting authority), the Czech National Bank, and the central purchasing bodies. For all other contracting authorities (cities, bodies governed by public law, etc.) e-procurement will be mandatory from 18 October 2018.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>There are two types of platform in the Czech Republic:</p> <ul style="list-style-type: none"> — Platforms operated by private entities, which are generally considered to be well-operated. Some platforms provide the option to use simplified documentation (e.g. up to 2000 MB of published data) for free. Further fees depend on the tools and options chosen by the contracting authority. The use of these platforms is free for economic operators. — A platform known as NEN (National Electronic Tool) is operated by the Ministry for Regional Development of the Czech Republic. Use of this platform is completely free. However, the widespread perception that it is not as user-friendly as privately operated platforms has meant contracting authorities have tended to avoid it. Since 1 July 2018, state contracting authorities – ministries, for example, but not cities, towns, etc. – have been obliged to use NEN for all public contracts with an estimated value above CZK 500,000 (approx. EUR 20,000).
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>E-procurement applies to all forms of written communication between contracting authorities and bidders. Coverage starts with the publication of the tender notice and tender documentation and ends with the procedure itself, namely with either (i) the cancellation of the tender procedure, or (ii) the conclusion of the contract (which need not happen electronically).</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>During the tender procedure, the contracting authority can only ask for the originals of those documents specified in the Public Procurement Act (ie. a bank guarantee, which requires e-signatures if submitted electronically). The contracting authority cannot require to submit bids or supporting documents with e-signatures.</p> <p>Before the execution of a public contract, originals or certified copies must be submitted in electronic form. Any signed document that is submitted as an original, must have a certified e-signature or a special electronic conversion clause attached.</p> <p>Interested parties need e-signatures to communicate with the Czech Competition Office in review procedures. An e-signature is unnecessary if the parties communicate through a data box (an electronic storage site for delivering official documents and communicating with public authority bodies).</p>

France



Kawthar Ben Khelil
Senior Associate
T +33 1 4738 4283
E kawthar.benkhelil@cms-fl.com



François Tenailleau
Partner
T +33 1 4738 5641
E francois.tenailleau@cms-fl.com



Hélène Chalmeton
Knowledge Manager
T +33 1 4738 4264
E helene.chalmeton@cms-fl.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement is mandatory for public contracts whose value exceeds EUR 25,000 (excluding VAT). Some public contracts, especially public contracts for social and other specific contracts, are exempt from this obligation. All contracting authorities and entities must offer unrestricted and full direct access – by electronic means and free of charge – to the essential data of any procurement procedure for public contracts whose value exceeds EUR 25,000 (excluding VAT), unless the disclosure of such information would disturb public order. Concessions are subject to less stringent obligations.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>To date several e-procurement platforms are available to French contracting authorities: (i) privately operated platforms offering every function required by French and European public procurement law; (ii) numerous platforms developed by one contracting authority for its own needs; (iii) shared platforms developed by a group of contracting authorities for their own use, such as www.marches-publics.gouv.fr (regarding the State's public contracts) or www.maximilien.fr (regarding the <i>Île-de-France's</i> public contracts). The requirements and specifications relating to e-procurement platforms are set forth in a ministerial order.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>Electronic means must be used for all communication and information exchange between contracting authorities or entities and economic operators in a public contract tender procedure, in particular procurement documents, request to participate, offers and contract award decisions. E-procurement platforms may also be used throughout the duration of the contract for all communication, such as amendments to the contract, service orders or purchase orders. Their use, however, must be specifically provided for in the contract.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Currently e-signatures are optional for economic operators. It is up to the relevant contracting authority to decide whether it wishes to compel economic operators to sign offers electronically. If the contracting authority decides an e-signature is necessary, the relevant e-signature must be supported by a qualified certificate (USB key or smart card) issued by a certification service provider mentioned on a trusted list. However, e-signatures previously certified in compliance with the French <i>Règlement Général de Sécurité (RGS)</i> may still be used.</p>

Germany



Volkmar Wagner
Partner
T +49 711 9764 164
E volkmar.wagner@cms-hs.com



Sven Brockhoff
Counsel
T +49 711 9764 164
E sven.brockhoff@cms-hs.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>German contracting authorities and contracting entities must use e-procurement from 18 October 2018 for public contracts and concessions above the EU-thresholds that fall within the scope of the Act against Restraints of Competition (<i>Gesetz gegen Wettbewerbsbeschränkungen - GWB</i>). Public contracts on works, services and goods in the fields of defence and security are exempt. For public works contracts below the EU thresholds, e-procurement is optional. For public contracts on goods and services below the EU-thresholds that fall within the scope of the <i>Unterschwelvenvergabeordnung (UVgO)</i>, e-procurement is optional until 31 December 2018. From 1 January 2019, contracting authorities are obliged to accept electronic offers; from 1 January 2020, they have to execute e-procurement and may only accept electronic offers.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>At the present time (October 2018), the following main e-procurement providers exist in Germany:</p> <ul style="list-style-type: none"> — Public providers: www.evergabe-online.de (federal level and Mecklenburg-Western Pomerania); www.lzbow.de/ausschreibungen (Baden-Wuerttemberg); www.vergabe.bayern.de (Bavaria); www.auftraege.bayern.de (Bavaria); www.vergabeplattform.berlin.de (Berlin); https://vergabemarktplatz.brandenburg.de (Brandenburg); www.vergabe.bremen.de (Bremen) www.hamburg.de/wirtschaft/ausschreibungen-wirtschaft (Hamburg) www.had.de (Hesse); www.vergabe.hessen.de/NetServer (Hesse); https://vergabe.niedersachsen.de (Lower Saxony); www.evergabe.nrw.de (North Rhine-Westphalia); www.vergabe.rlp.de (Rhineland-Palatinate); www.vergabe.saarland (Saarland); www.sachsen-vergabe.de (Saxony); www.evergabe.sachsen-anhalt.de (Saxony-Anhalt); www.e-vergabe-sh.de (Schleswig-Holstein); www.portal.thueringen.de (Thuringia) — Private providers: www.administration-intelligence.de; www.aumass.de; www.bi-online.de; www.cosinex.de; www.deutsche-evergabe.de; www.dtyp.de; www.vergabe.rib.de; www.subreport.de; www.vergabe24.de
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>German e-procurement platforms cover all communication carried out during the procurement procedure, including the submission of electronically signed offers. Electronic invoicing is not usually covered.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>German contracting authorities and contracting entities are not bound to demand certain types of e-signature. If necessary they can demand an advanced e-signature, a qualified e-signature, an advanced e-seal or a qualified e-seal.</p>

Hungary



Tamás Tercsák
Of Counsel
T +36 1 50549 64
E tamas.tercsak@cms-cmno.com



Veronika Kovács
Senior Associate
T +36 1 48348 78
E veronika.kovacs@cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>Following a short introductory period during which e-procurement was an option, Hungary introduced mandatory e-public procurement from 15 April 2018. Contracting authorities falling under the Public Procurement Act must conclude procurement processes through an electronic public procurement system, into which ESPD has been integrated.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Currently Hungary has one centralised electronic public procurement system operated by the Cabinet of the Prime Minister through a fully state owned company (NEKSZT Kft.)</p> <p>In some special cases (e.g. design contests, e-catalogues, etc.) the regulation allows the use of information technology systems other than the centralised electronic public procurement system.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>The electronic public procurement system is an information technology system that registers all public procurement procedures in a centralised manner and supports their electronic management. The system itself serves as a communication platform and covers communication between the contracting authorities and economic operators (tenderers, candidate tenderers, capacity providers) during the core public procurement procedure, i.e. from the publication of the tender notice, through the submission of bids, up to the award of the contract. Statements during the preparatory phase of the procedure, conclusion of the contract and (with some exceptions) all communications after the conclusion of the contract are out of scope and are not required to be communicated via the platform.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>The electronic public procurement system enables the use of e-signatures. However, e-signatures cannot be required during the procedure and almost all documentation can be submitted without them.</p> <p>Use of e-signatures may only be prescribed by the contracting authorities in case of the serving of documents for the enforcement of claims directly, especially for statements of guarantee (bank guarantee) and statements of suretyship. In this case a qualified e-signature and time stamp must be used.</p>

Luxembourg



Jérôme Guillot

Counsel

T +352 26 2753 51

E jerome.guillot@cms-dblux.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>The complete use of e-procurement will be compulsory in the Grand-Duchy of Luxembourg from the 18 October 2018 for all procurements that exceed the EU thresholds. That means for procurements whose value (net of VAT) is estimated to be equal to or greater than EUR 5,548,000 for public works contracts, EUR 144,000 for public supply and service contracts awarded by and design contests organized by central government authorities, EUR 221,000 for public supply and service contracts awarded by and design contests organized by sub-central contracting authorities, and EUR 750,000 for public service contracts for social and other specific services.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>The centralized e-procurement platform for Luxembourg is the portal for public procurement contracts, "Portail des Marchés Publics", available only in French at https://marches.public.lu/fr.html and at https://pmp.b2g.etat.lu/?page=entreprise.EntrepriseHome</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>The portal for public procurement contracts serves as a communication platform and covers communication between the contracting authorities and economic operators (tenderers, candidates, capacity providers) during the public procurement procedure. That means it must be used from the publication of the tender notice, through the submission of bids, including the European Single Procurement Document (ESPD) and e-Certis, up to the award of the contract. E-Invoicing will become mandatory under Luxembourg law on 19 April 2019.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>The portal for public procurement contracts requires the use of an advanced e-signature to ensure a sufficient level of security, specifically the national LuxTrust electronic certificate. Advanced e-signatures from other EU jurisdictions will also be recognized in the short term.</p>

The Netherlands



Petra Heemskerk
Partner Public Procurement
T +31 20 3016 295
E petra.heemskerk@cms-dsb.com



Eline Benders
Associate Public Procurement
T +31 20 3016 299
E eline.benders@cms-dsb.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>The use of e-procurement became mandatory in the Netherlands on 1 July 2017.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>The Dutch Public Procurement Act 2012 (amended 1 July 2016) ("Public Procurement Act") stipulates that every European or national tender procedure has to be published at one central place: "the electronic system for tenders". According to the Explanatory Memorandum to the Public Procurement Act, this system is TenderNed. TenderNed is hosted by the Dutch government.</p> <p>In addition, contracting authorities may publish a contract notice on other electronic platforms such as www.aanbestedingskalender.nl, professional journals and/or the contracting authorities' own websites as well, provided that the contract notice is first published on TenderNed and Tenders Electronic Daily (TED).</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>European procurement procedures must be carried out completely through e procurement. The activities covered by this obligation range from the pre award phase (e.g. publication of contract notices, invitation to submit a offer, submission of procurement documents and additional information, as well as submission of offers), to the post-award phase (i.e. publication of contract award notices). None of these e-procurement obligations apply to national procurement procedures.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>The use of e-signatures has been mandatory since 1 July 2017. However, the type of e signature requested in a procurement procedure is at the discretion of the contracting authority. All forms of e signing are permitted under Dutch law, as long as the type of e signature is in conformity with the eIDAS Regulation and has is made explicit in the tender documents beforehand in order to avoid ambiguity.</p> <p>Contracting authorities may choose, for example, a scanned signature in combination with eAuthentication (electronic authentication by means of e.g. username and password), for a qualified electronic signature in combination with a PKI government certificate (assurance level 4/eIDAS-High), or an e-signature with an assurance level in between. The most commonly used e-signature in the Netherlands is the scanned signature combined with eAuthentication.</p>

Peru


Michelle Barclay

Partner

T +51 1 513 9430

E michelle.barclay@cms-grau.com

Ramon Huapaya

Partner

T +51 1 513 9430

E ramon.huapaya@cms-grau.com

1) What is the timeframe for implementing e-procurement?	<p>E-procurement has already been implemented in Peru for three specific procedures: simplified allocation, reverse auction and pricing comparison, which are used for the acquisition of goods and services. For the remaining procedures (e.g. public tender and public bidding, which are used for contracting works and goods and services of a higher value), a partial e-procurement has been implemented that allows bidders to download the procedure documents (e.g. instructions, award), but not to upload documents or submit their offer.</p> <p>The Public Procurement Agency (OSCE, the Spanish acronym) is in charge of the progressive implementation of e-procurement. At the time of writing, however, the agency had not published a schedule for implementation.¹</p>
2) Which e-procurement platforms are available?	<p>A centralized e-procurement platform has been implemented in Peru that is controlled by the Public Procurement Agency (OSCE, the Spanish acronym). This platform is accessible to both bidders and contracting authorities.</p>
3) Which actions are covered by e-procurement platforms?	<p>As mentioned, the e-procurement platform (SEACE, the Spanish acronym) allows bidders to download all the documents for the bid. That doesn't just mean the instructions for bidders, but also other communications and even the final award. These features apply to every procedure.</p> <p>In specific cases such as the simplified allocation, the reverse auction and the pricing comparison, the e-procurement platform allows bidders to submit their offers in PDF format, along with other actions, such as the observations they make about the instructions and any requests for clarification.</p> <p>However, the e-procurement platform only works during the tender procedure and not for the execution of the contract. Regarding the execution, the only documents uploaded to the platform are the contract itself, their modifications and the documents arising from controversies (e.g. arbitration awards). Therefore, actions such as invoicing are excluded from the e-procurement platform.</p>
4) Is it required to use a certain type of e-signature?	<p>Our Public Procurement Law (Law 30225 and its Regulations) stipulates that bids can only be submitted in simple copies. Therefore, the use of e-signatures cannot be requested.</p>

¹ At the time of the elaboration of this section (August 2018), there was a legislative project pending that would modify the Public Procurement Law, regarding, among other things, the implementation of the e-procurement.

Poland



Małgorzata Urbańska

Partner

T +48 22 520 5597

E malgorzata.urbanska@
cms-cmno.com



Magdalena Wyszynska

Associate

T +48 22 520 8471

E magdalena.wyszynska@
cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>Regulations governing electronic communications between contracting authorities and tenderers during public procurement proceedings will come fully into force on 18 October 2018 and will apply to proceedings for public procurement contracts with a value equal to or above the applicable EU thresholds.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>As a general rule, a contracting authority is obliged to provide the tools and devices for communicating with tenderers and to ensure those tools and devices, as well as their technical characteristics, meet all the legal requirements. The government has recently set up a free electronic platform called “miniPortal”, which allows contracting authorities to conduct proceedings using electronic communication.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>From the date indicated above, all communication between a contracting authority and tenderers in a procurement procedure – in particular, the submission of offers, requests for participation and declarations – must be electronic. This obligation will apply from the publication of the contract notice until the end of the proceedings, i.e. until the most advantageous offer has been chosen or the proceedings have been cancelled. However, there will be no obligation to sign the public procurement contract electronically or to issue and accept electronic invoices.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>After the regulations come into force, to be valid, tenders, requests for participation and ESPDs will have to be signed using an advanced e-signature.</p>

Portugal



Gonçalo Guerra Tavares
Partner
T +351 21 09581 00
E goncalo.tavares@cms-rpa.com



António Magalhães Menezes
Associate
T +351 21 09581 00
E antonio.menezes@cms-rpa.com



Carolina Almeida
Trainee
T +351 21 09581 00
E carolina.almeida@cms-rpa.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement became mandatory for all procurement procedures (except the direct award procedure) on 30 July 2008 when the Portuguese Public Contracts Code came into force.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Managing and operating an electronic platform in Portugal requires a licence, issued by IMPIC, I.P.</p> <p>In Portugal, five electronic platforms are licensed: i) ACINGOV, ii) ANOGOV, iii) SAPHETYGOV, iv) Vortal Gov, and v) Compras PT.</p> <p>Licences are valid for 10 years.</p> <p>The updated list of licensed electronic platforms can be found at http://www.base.gov.pt/Base/en/ElectronicPlatforms/LicensedElectronicPlatforms</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>E-procurement platforms cover all communication carried out during the procurement procedure, including: i) accessing procedures and relevant published documents;; iv) submitting requests to clarify the tender documents and lists of errors and omissions; v) submitting applications and tenders; vii) notifying interested parties of a prior hearing; viii) submitting complaints and objections; ix) notifying interested parties of the award decision;</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Yes. Qualified electronic signatures must be used.</p>

Romania



Gabriel Sidere
Partner
T +40 21 4073 813
E gabriel.sidere@cms-cmno.com



Cristina Popescu
Senior Associate
T +40 21 4073 811
E cristina.popescu@cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>A new electronic procurement system went live on 2 April 2018, replacing the previous Electronic System for Public Procurement (“SEAP”). The new Collaborative Information System for a Performing Environment for Carrying Out Public Procurement (“SICAP”) was developed by the Agency for Romania’s Digital Agenda. A demo version has been available for testing since May 2017.</p> <p>Contracting authorities must initiate all new public award procedures through SICAP. However, ongoing procedures (initiated before 02 April 2018) must be completed through the previous SEAP application.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>As time goes on, SICAP will replace SEAP, the latter will continue to be partially functional in order to allow completion of ongoing award procedures.</p> <p>The main facilities offered by SICAP are claimed to be: (i) a user-friendly and intuitive interface; (ii) advance search criteria and information reporting forms; (iii) a contract module that will allow for administering all contracts and addenda; (iv) a mobile terminal interface; (v) integration with key institutions/stakeholders in the public procurement area; (iv) extensive reporting options for institutions which monitor, regulate and control public procurement.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>E-procurement rules cover both the preparatory stages of award procedures (e.g. publication of the annual procurement programme), as well as ongoing procedures (e.g. publication of notices, award documentation, clarifications throughout award procedures) and related activities subsequent to the completion of the award procedure (e.g. publication of the contract award notice publication of changes to contracts, publication of documents certifying due performance by contractors).</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Tenderers are legally required to submit their bidding documentation in electronic form and to sign them by electronic signature – failure to comply with this requirement results in the rejection of the bid.</p> <p>Similarly, contracting authorities are also required to submit the award documentation in SICAP accompanied by an electronic signature.</p>

Slovakia


Peter Šimo

Partner

T +421 2 3214 1414

E peter.simo@cms-rrh.com

Martin Baláž

Associate

T +421 2 2211 1504

E martin.balaz@cms-cmno.com

1) What is the timeframe for implementing e-procurement?	<p>Complete use of e-procurement procedures including electronic communication will be mandatory in Slovakia from 18 October 2018.</p> <p>However, public contracting authorities are already obliged to use electronic procedures in certain situations.</p>
2) Which e-procurement platforms are available?	<p>In Slovakia, there are two national e-procurement systems with key roles: IS EVO operated by the Public Procurement Office and EKS operated by the Ministry of Interior via an appointed service provider.</p> <p>Contracting authorities are generally free to choose the platform for their procurement and besides these two national platforms, certified systems operated by private companies are available for use as well.</p> <p>There are also other certified systems used for electronic auctions that are usually used for procurement cases of low value.</p>
3) Which actions are covered by e-procurement platforms?	<p>As a general rule, e-procurement will apply from the publication of the tender notice until the award decision is announced. However, prior electronic (internet-based) consultation is also possible. The contracts are typically executed in paper format; however, the law also provides for contracts to be concluded electronically if all parties sign the document with their qualified e-signatures.</p>
4) Is it required to use a certain type of e-signature?	<p>E-signatures can be required by the contracting authorities if the level of potential risk renders it necessary. Usually an authentication in the e-procurement system allowing electronic identification of the person will suffice. The public procurement act does not specify the type of e-signature that the contracting authority might ask for. However, the qualified e-signature will be necessary if required by law or the contracting authority.</p>

Slovenia



Dunja Jandl
Partner
T +386 1 62052 10
E dunja.jandl@cms-rrh.com



Vesna Tišler
Attorney-at-Law
T +386 1 62052 13
E vesna.tisler@cms-rrh.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>After the adoption of a new Public Procurement Act in April 2016, e-procurement was only an option in Slovenia. However from 1 April 2018, the use of e-public procurement systems is mandatory.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>The Slovenian Ministry of Public Administration created an electronic public procurement platform ("e-JN"), which can be used free of charge.</p> <p>Contracting authorities are not obliged to use the e-JN platform and are free to use other e-public procurement system including those operated by the private sector, but they have to ensure that such system complies with the provisions of the Public Procurement Act. Currently, besides the e-JN a number of other electronic public procurement platforms are available to contracting authorities in Slovenia (e.g. https://eponudbe.si, http://www.ejn.si)</p> <p>The platforms to be used in e-public procurement procedures have to be non-discriminatory, generally available and interoperable with the information-technology products in general use and should not restrict economic operators' access to procurement procedures.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>Electronic public procurement platforms that are currently available for use to contracting authorities in Slovenia support the electronic management of all phases of electronic public procurement procedures (i.e. from the publication of the tender notice, through the submission of bids, up to the award of the contract). However, the conclusion of the contract and all communication after the conclusion of contract cannot be carried out through e-public procurement platforms.</p> <p>In addition, non-electronic means of communication can be used also for communication related to non-essential elements of public procurement procedures and in the case of prescribed exemptions (e.g. if procurement documents require submission of physical models that cannot be submitted by electronic means or if the use of electronic communication would require specialised office equipment that is not generally available etc.).</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>The electronic public procurement platforms require the use of a qualified e-signature for the submission of tender (to ensure a sufficient level of security) and for signing of e-ESPD; however, an e-signature is not required for the submission of other documentation and communication with contracting authority.</p>

Spain



Javier Torre de Silva

Partner

T +34 91 4519 321

E javier.torredesilva@cms-asl.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement has been mandatory in Spain since 9 March 2018, the date on which the new Public Sector Contracts Act came into force. This law transposes into Spanish legislation the provisions of the directives on public contracts known as “the fourth generation Directives”. The electronic public procurement system introduced in Spain includes the use of ESPD and the publication of data in e-Certis.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Contracting authorities publish information and documents related to their procurement activity in the “Contracting Authority Profile”. Access to this platform is free.</p> <p>Contracting Authority Profiles on all state public sector entities must be published on the Public Sector Procurement Platform, a website that provides information about invitations to tender issued by contracting authorities and their results. This website, managed by the Ministry of Finance, is the point of contact between contracting entities and the companies seeking to enter partnerships with them.</p> <p>Some Autonomous Regions have set up similar information services.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>As indicated above, contracting authorities provide access to specifications, supporting documentation and all information about their procurement procedures through their respective Contracting Authority Profile.</p> <p>These e-procurement platforms allow documentation and communication to be exchanged between competent bodies for the benefit of contracting authorities and interested parties participating in the procedure, as well as for the resolution of administrative appeals</p> <p>All notifications and communications related to contract award procedures regulated by the new Public Sector Contracts Act should be made by electronic means, and e-procurement platforms are used for these purposes.</p> <p>Some of the specific actions covered by these platforms are calls for competition, submission of offers, requests to participate in the contract, and notifications to bidders.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>In accordance with the Public Sector Contracts Act, contracting authorities must specify the required security level for the electronic means used at each stage of the procurement procedure. And it should be proportional to the risk associated with the exchange of information to be made. Therefore, the type of e-signature will depend on the circumstances of each case.</p>

Switzerland


Marquard Christen

Partner

T +41 44 285 11 11

E marquard.christen@cms-vep.com

Felix Kesselring

Counsel

T +41 44 285 11 11

E felix.kesselring@cms-vep.com

1) What is the timeframe for implementing e-procurement?	Switzerland is not a member state of the European Union (EU) so the EU provisions on e-procurement are not applicable there. Swiss legislation (consisting of one federal and 26 cantonal legislations) only partially allows e-procurement. However, the government plans to amend current legislation in order to fully allow e-procurement, including electronic auctions for standardised services. Entry into force is envisaged for 2020.
2) Which e-procurement platforms are available?	There is one centralised and well-established e-procurement platform, <i>simap.ch</i> . The Confederation, almost all cantons and the bigger cities use it (mandatorily or voluntarily). A relaunch of the platform is planned for mid-2019.
3) Which actions are covered by e-procurement platforms?	<i>simap.ch</i> (see question 2) only allows contracting authorities to publish procurement documents and contract awards, as well as to communicate with the economic operators in a forum. Offers cannot be submitted electronically via the platform. The contracting authority, however, may allow for electronic submission.
4) Is it required to use a certain type of e-signature?	If electronic submission is allowed (see question 3), a recognised electronic signature is generally required.

Turkey



Döne Yalçın
 Managing Partner Turkey
 T + 90 212 401 4260
 E doene.yalcin@cms-rrh.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>The Regulation on the Conduct of Electronic Public Procurement, dated 25 February 2011, sets the framework for the procedure that applies to electronically held procurements.</p> <p>Turkey's e-procurement platform, Elektronik Kamu Alımları Platformu (EKAP), which can be translated as "Electronic Public Procurement Platform" (hereinafter: EPPP), is currently in force and frequently used (it became fully functional on 1 July 2016).</p>
<p>2) Which e-procurement platforms are available?</p>	<p>Turkey has chosen to have one centralised e-procurement platform, which is currently operated by the Public Procurement Authority in Turkey.</p> <p>The EPPP can be used by the contracting authorities specified by the Public Procurement Law (including local and governmental bodies).</p> <p>They have the discretion to conduct procurement through electronic means provided the procurement object is valued below the determined limit of TRY 213,000 (ca. EUR 40,000).²</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>The EPPP serves contracting authorities throughout the entire procurement process. The actions include registration, submission of offers, announcement and clarification as well as correspondence between the contracting authority and the bidders.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Tenders are submitted on the EPPP using e-signatures.</p>

² The exchange rate of one (1) EUR is equivalent to TRY 5.32 TL as of June 8, 2018 in accordance with the Central Bank of the Republic of Turkey's Indicative Exchange Rate Table.

Ukraine


Anna Pogrebna

Partner

T +38 0 44500 1720

E anna.pogrebna@cms-rrh.com

Maria Orlyk

Partner

T +38 0 44500 1718

E maria.orlyk@cms-rrh.com

Olga Belyakova

Partner

T +380 44 39133 77

E olga.belyakova@cms-cmno.com

1) What is the timeframe for implementing e-procurement?	<p>E-procurement has been mandatory in Ukraine since 1 August 2016, but only if certain thresholds are met or exceeded:</p> <p>UAH 200,000 (approx. EUR 6,250) for procurement of goods or services;</p> <p>UAH 1,500,000 (approx. EUR 46,875) for procurement of works (e.g., construction).</p> <p>In certain cases (e.g., when the contracting authority is a natural monopoly), higher thresholds apply:</p> <p>UAH 1,000,000 (approx. EUR 31,250) for procurement of goods or services;</p> <p>UAH 5,000,000 (approx. EUR 156,250) for procurement of works.</p> <p>Even though e-procurement is not mandatory for procurement of goods, works or services falling under these thresholds, contracting authorities may still use e-procurement platforms at their discretion.</p>
2) Which e-procurement platforms are available?	<p>The e-procurement system comprises PROZORRO (maintained by a state-owned enterprise "ProZorro"), a single administrative database for public procurement in Ukraine, and privately owned e-procurement platforms connected to PROZORRO, which are authorised by the Ministry of Economic Development and Trade. Currently, there are 24 such authorised platforms including Smart Tender, Open Tender, Public Bid, Newtend, and E-Tender.</p>
3) Which actions are covered by e-procurement platforms?	<p>The following actions are covered by e-procurement platforms:</p> <ul style="list-style-type: none"> — publication of the invitation to bid; — submission of the offers; — conducting an auction; — open and evaluating the offers; and — announcing the award decision
4) Is it required to use a certain type of e-signature?	<p>An e-signature is only necessary if the invitation to bid explicitly requires it. However, in practice an e-signature is required very often.</p>

United Kingdom: England, Wales and Northern Ireland



Caroline Hobson

Partner

T +44 20 7367 2056

E caroline.hobson@cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement has been mandatory for Central Purchasing Bodies since 18 April 2017. By 18 October 2018, procurement communication must be fully electronic for all contracting authorities. The requirements to use e-procurement from 18 April 2017 and 18 October 2018, as applicable, apply to all procurement processes from that date, including those which are already in progress (provided that the procurement process commenced on or after 26 February 2015).</p>
<p>2) Which e-procurement platforms are available?</p>	<p>There are a number of e-procurement platforms in the UK, including those for the devolved Governments. These include: Contracts Finder, Sell2Wales and eTendersNI (see separate page for Scotland). After 29 March 2019, in the event of the UK leaving the EU without a transitional arrangement or other deal regarding future access to the OJEU/TED, the UK will need to make the necessary legislative and practical arrangements to ensure that the contracts are advertised on a UK based e-notification platform, which will need to be set up to manage these services. The current domestic and regional contract platforms are expected to continue to exist in parallel.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>Subject to some limited exceptions, all communication and information exchange at all stages of a public procurement exercise must be performed electronically. This includes the submission of notices, the transmission of requests for participation and the transmission of the offers. The exceptions apply where for example, the necessary e-communication is not feasible (e.g. due to the specialised nature of the procurement or where physical or scale models need to be submitted). Exceptions also exist where there is an actual breach of e-communication security, or where a particularly high level of security is required which cannot be properly ensured by using electronic tools which are generally available to suppliers. Authorities must indicate the reasons for the use of these exceptions in the written report at the end of the procurement procedure.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>UK contracting authorities are not obliged to require the use of advanced electronic signatures. However, contracting authorities may conclude that the level of risk is such that electronic signatures are required. In assessing risk, the contracting authority must have regard to matters including risks to national security and the risk of inadvertent or unauthorised disclosure of, or access to, any economic operator's confidential information, or to information held by the contracting authority.</p>

United Kingdom: Scotland



Graeme Young

Partner

T +44 131 200 7515

E graeme.young@cms-cmno.com



Esther Duncan

Associate

T +44 131 200 7506

E esther.duncan@cms-cmno.com

<p>1) What is the timeframe for implementing e-procurement?</p>	<p>E-procurement has been mandatory for Central Purchasing Bodies since 18 April 2017. By 18 October 2018, procurement communication must be fully electronic for all contracting authorities.</p>
<p>2) Which e-procurement platforms are available?</p>	<p>There are a number of e-procurement platforms in the UK, including those for the devolved Governments. These include: Contracts Finder, Sell2Wales, eTendersNI (see separate page for England, Wales & Northern Ireland), and in Scotland, Public Contracts Scotland. After 29 March 2019, in the event of the UK leaving the EU without a transitional arrangement or other deal regarding future access to the OJEU/TED, the UK will need to make the necessary legislative and practical arrangements to ensure that the contracts are advertised on a UK based e-notification platform, which will need to be set up to manage these services. The current domestic and regional contract platforms will continue to exist in parallel.</p>
<p>3) Which actions are covered by e-procurement platforms?</p>	<p>Subject to some limited exceptions, all communication and information exchange at all stages of a public procurement exercise must be performed electronically. This includes the submission of notices, the transmission of requests for participation and the transmission of the offers. The exceptions apply where for example, the necessary e-communication is not feasible (e.g. due to the specialised nature of the procurement or where physical or scale models need to be submitted). Exceptions also exist where there is an actual breach of e-communication security, or where a particularly high level of security is required which cannot be properly ensured by using electronic tools which are generally available to suppliers. Authorities must indicate the reasons for the use of these exceptions in the written report at the end of the procurement procedure.</p>
<p>4) Is it required to use a certain type of e-signature?</p>	<p>Scottish contracting authorities are not obliged to require the use of advanced electronic signatures. However, contracting authorities may conclude that the level of risk is such that electronic signatures are required. In assessing risk, the contracting authority must have regard to matters including risks to national security and the risk of inadvertent or unauthorised disclosure of, or access to, any economic operator's confidential information, or to information held by the contracting authority.</p>

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