

Wolf Theiss Legal Alert: How to avoid errors in public procurement funded by the EU

On 30 October 2015 the European Commission published a new Guidance to assist contracting authorities across the EU member states to avoid the most common errors in planning and delivering purchases of public works, supplies or services funded by the European Structural and Investment Funds ('Guidance'). This Guidance is part of the Commission's priority action plan to help Member States to strengthen their administrative capacity and improve the way the EU funds are invested and managed and to reduce the irregularities in public procurement contracts. The main aim of this Guidance is to give knowledge and exchange of good practices for better preparation of tenders and projects by the contracting authorities.

Some of the most common mistakes are highlighted and explained in detail in the document with a particular focus to those which lead to financial corrections at each of the stages (e.g. direct awarding of a contract with no adequate justification; artificial splitting of procurements; disproportionate and discriminatory selection criteria; short timelines for obtaining and submitting of tenders; unequal treatment of tenderers; lack of transparency during evaluation; undisclosed conflict of interest and others).