

# Making Contract Opportunities and Awards More Transparent

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# Transparency in Public Procurement

## Basic Principles of Turkish Public Procurement Law (PPL) no:4734

- In tenders to be conducted in accordance with the PPL, the contracting entities are liable for ensuring ***transparency***, competition, equal treatment, reliability, confidentiality, public supervision, and procurement of needs are being carried out under appropriate conditions and in a timely manner, and for the efficient use of resources.

# Transparency in Public Procurement

- **Procurement Announcement Rules and Time Limits**

- **According to the Law the threshold values for the year 2006 are:**

- \*474,468 YTL for procurement of goods and services by the contracting entities operating under the general or the annexed budget.

- \*474,468 YTL for procurement of goods and services by other contracting entities within the scope of the Law

- \*17.397.187 YTL for the work contracts.

- Time limits and related thresholds are set in detail by the PPL, these details are given in following table:**

Procurement Procedures →  Thresholds↓	Open procedure	Restricted Procedure	Negotiated Procedure
1-Procurement of works up to <b>103,535 YTL</b> and procurement of goods and services up to <b>51,767 YTL</b> with estimated cost below the thresholds	At least 7 days prior to the date of tender on at least 2 newspapers which are published at the location of the tender and the work.	Pre-qualification notices are published at least 7 days prior to the deadline to the application on at least 2 newspapers which are published at the location of the tender and the work	Pre-qualification notices are published at least 7 days prior to the deadline to the application on at least 2 newspapers which are published at the location of the tender and the work.
2- Procurement of goods and services with an estimated cost between <b>51,767 YTL</b> and <b>103,535 YTL</b> and procurement of works with an estimated cost between <b>103,535 YTL</b> and <b>862,810 YTL</b> .	At least 14 days prior to the date of tender on at least a newspaper which is published at the location of the work and Public Procurement Bulletin	Pre-qualification notices are published at least 7 days prior to the deadline to the application on at least a newspaper which is published at the location of the work and Public Procurement Bulletin	At least 14 days prior to the date of tender on at least a newspaper which is published at the location of the work and Public Procurement Bulletin

(continued)

1Euro ≈ 1,85 YTL

Procurement Procedures → Thresholds↓	Open procedure	Restricted Procedure	Negotiated Procedure
3- Procurement of goods and services above <b>103,535 YTL</b> and below the threshold and procurement of works above <b>862,810 YTL</b> and below the threshold.	At least 21days prior to the date of tender on at least a newspaper which is published at the location of the work and <b>Public Procurement Bulletin</b>	Pre-qualification notices are published at least 7 days prior to the deadline to the application on at least a newspaper which is published at the location of the work and <b>Public Procurement Bulletin</b>	At least 21days prior to the date of tender on at least a newspaper which is published at the location of the work and <b>Public Procurement Bulletin</b>
4- Procurements with an estimated cost equal to the thresholds or exceeding these values.	At least 40 days prior to the date of tender and <b>Public Procurement Bulletin</b>	Pre-qualification notices are published at least 14 days prior to the deadline to the application and <b>Public Procurement Bulletin</b>	At least 25 days prior to the date of tender and <b>Public Procurement Bulletin</b>

# Transparency in Public Procurement

- Other than announcements made in the Public Procurement Bulletin(PPB), the contracting entities may also advertise the procurement notices by means of other newspapers or publications depending on the significance and characteristics of the procurement.
- However, where international announcement of notices is required, the above minimum time limits are increased by twelve days.

# Transparency in Public Procurement

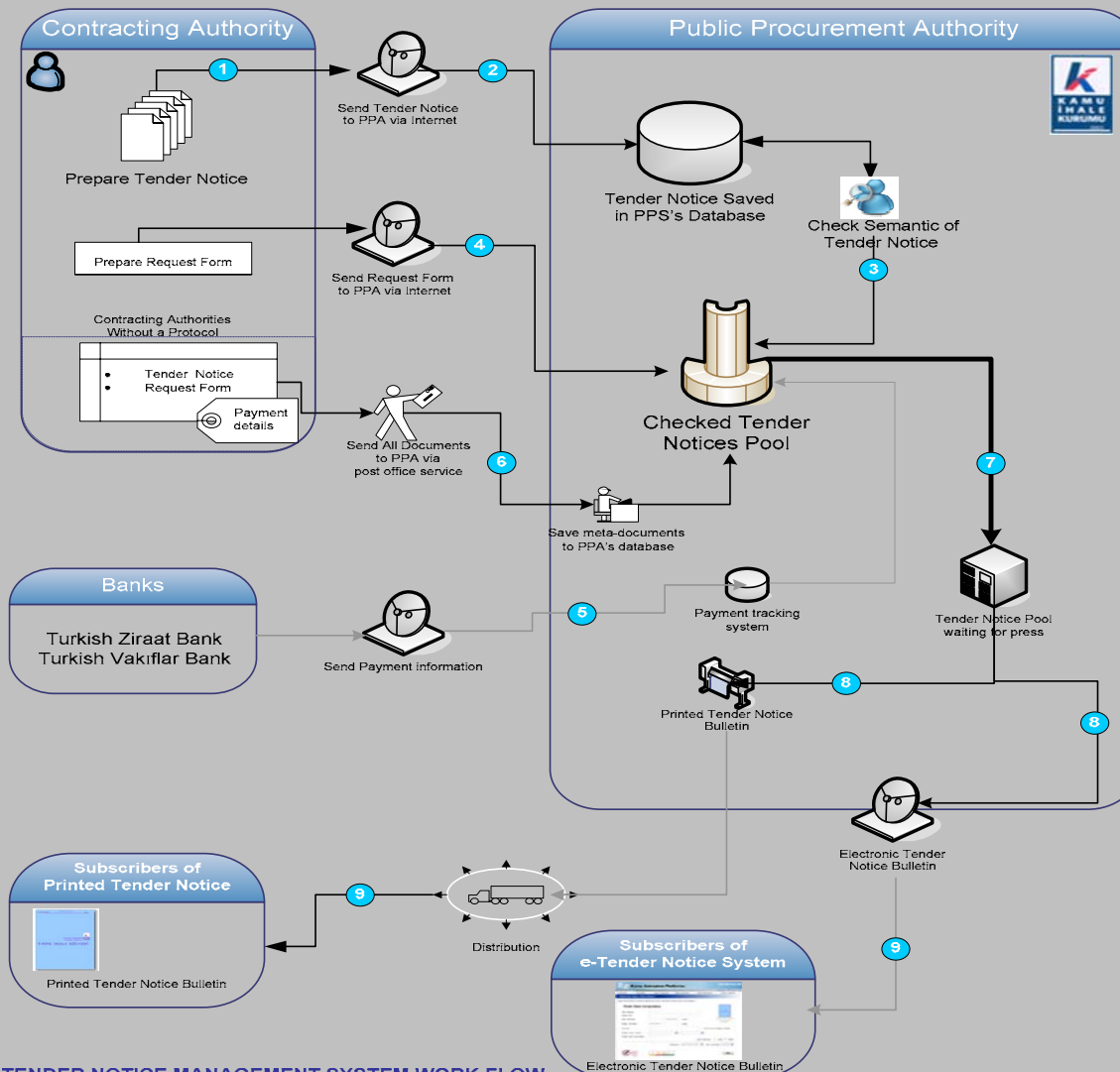
## Preparation of Tender Notices

Contracting entities draft the tender notices to be published in the Public Procurement Bulletin by using “Module of Notice Preparation” which provides avoiding mistakes and achieving time efficiency and propriety.

# Transparency in Public Procurement

- **Notices drafted with Module of Notice Preparation are transmitted to responsible department in the PPA by internet or in special cases by postal mail. The notices should be transmitted to PPA 15 days prior to the date of publication in case of postal delays and the preparation period at the PPA.**
- **Tender notices transmitted to PPA via internet are subject to preliminary examination and contracting entities may follow the process from the transmission to the publication by PRN through internet. Contracting entities may correct lately realized mistakes by correction notice through module of notice preparation. These corrections are announced to everyone by PPB. Notices of registered entities are published in the PPB in 2 days following the arrival date to PPA.**

# Tender Notice Management System



## TENDER NOTICE MANAGEMENT SYSTEM WORK FLOW

1. Preparation of Tender Notices
2. Submission of Tender Notice Papers
3. Checking of Notices
4. Submission of Proceeding Form to PPA
5. Transmission of payment details to PPA Payment Tracking System
6. Sending documents via Post Office Service to PPA { for contracting authorities without a protocol }
7. Transferring Payment information, [ Post Address information ], and Checked tender notice to tender notice pool waiting for press
8. Starting pressing operation for bulletins, Usage by e-Tender Notice Bulletin
9. Distribution of pressed bulletins / Allowing users to access e-Tender Notices.

# Transparency in Public Procurement

- **For the sake of transparency the contents of pre-qualification and procurement advertisements are listed in the Law. Among the information given by these notices are;**
  - Type and quantity of the procurement
  - Criteria to be used in the qualification evaluation
  - Rules on participation
  - The procurement procedure to be applied
  - The required documents and certificates
  - Type of tender and contract

# Transparency in Public Procurement

- **Ineligibility of procurement notices**

-Procurement notices that are not in compliance with the provisions regarding the procurement rules, time limits and contents set in the Law will not be valid.

-In case of such incompliance, the procurement or pre-qualification proceedings cannot be carried out unless the procurement notices are renewed in a way to ensure conformity with these articles.

# Transparency in Public Procurement

- **Access to tender and pre-qualification documents**

- The tender and pre-qualification documents can be seen at the place of contracting entity, free of charge.

- However, it is compulsory this document be purchased by tenderers willing to participate in the pre-qualification or tender proceedings.

- The price of the document is determined by the contracting entities in such a way that this amount shall not exceed its printing cost and not impede competition.

# Transparency in Public Procurement

- **Amendments and clarifications to the tender documents**

- In principle, no amendment should be made in the tender documents after the advertisement of the procurement notices but if it is deemed necessary, the notice will be advertised again to notify all parties.

- The tenderers may request clarifications relating to aspects in the tender documents. If it is found appropriate, clarifications and explanations will be provided in writing and to all tenderers to ensure transparency and equal treatment.

# Transparency in Public Procurement

## ● Access to the Public Procurement Bulletin

-Presently the price of annual subscription fee to the hard copy Bulletin is 855 YTL and the electronic version is 59 YTL for the year 2006.

-In one months time there will not be a hard copy version; only electronic version will be in use.

-Access to electronic version will be free of charge in order to increase transparency and competition in the system and to avoid extra burden of costs due to the registration and subscription to the Bulletin.

# Transparency in Public Procurement

- **Opening of tenders**

- **Envelopes containing the technical proposals are opened in receiving order in the presence of the tenderers and those who are present, and are controlled to ensure that all of the required documents are submitted and the situation is recorded in the minutes.**

# Transparency in Public Procurement

- **Notification of the results**

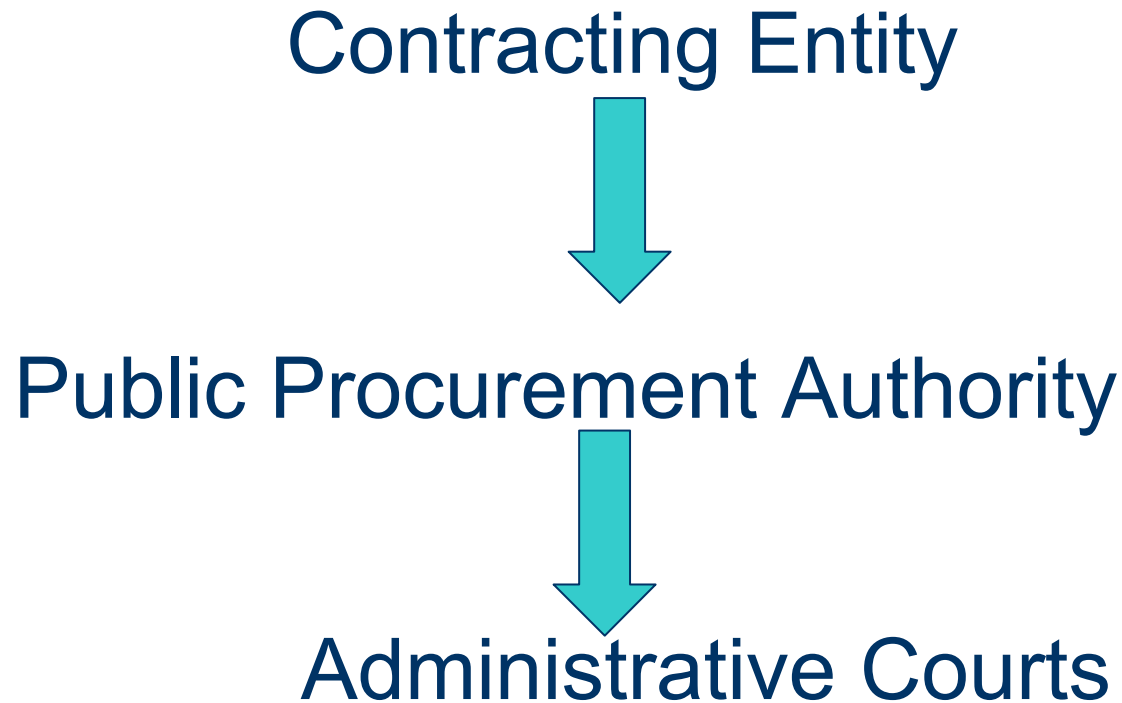
-For the goods and service contracts having a value above 1,725,624 YTL and for the work contracts having a value above 3,451,249 YTL, publication of “Notification of the Results of the Tender” is mandatory.

-Notification of the results of the tender should be published on the Public Procurement Bulletin 15 days prior to the signing of the contract. The results might be announced by the other means if it is deemed necessary.

# Transparency in Public Procurement

- To achieve proper implementation of these rules an effective remedies system is also necessary.
- Turkish Public Procurement System provides a complaint review mechanism for unsatisfied tenderers who claim that there has been breaches.
- Turkish complaint system has three consecutive stages.

# Transparency in Public Procurement



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Thank you...