

Country case: Simplification of public procurement procedure in Spain: self declaration

Description

Spain, through the Act 14/2013, of support and internationalization of entrepreneurs which modified the Royal Legislative Decree 3/2011, of Contracts of the Public Sectors has introduced measures intended to support and facilitate participation of SME's in public procurement.

In addition to several changes in the legal regime of classification in order to increase the thresholds requiring pre-classification, Act 14/2013 added a new paragraph to article 146 of Royal Legislative Decree 3/2011, of Contracts of the Public Sectors in which allows contracting entities to receive from potential suppliers a self declaration instead of several documents certifying legal, social and fiscal situation of the SME willing to participate in public procurement procedures. This self declaration will always be enough in contracts of works under 1,000,000 euro and in provision and services contracts under 90,000 euro.

The tenderer to which it has been decided to award the contract should, however, be required to provide the relevant evidence and contracting authorities should not conclude contracts with tenderers unable to do so. Contracting authorities should also be entitled to request all or part of the supporting documents at any moment where they consider this to be necessary in view of the proper conduct of the procedure.

Although these measures embody targets from National authorities in Spain and they comply with the recent new Directives on Public Procurement from the European Union: "Many economic operators, and not least SMEs, find that a major obstacle to their participation in public procurement consists in administrative burdens deriving from the need to produce a substantial number of certificates or other documents related to exclusion and selection criteria. Limiting such requirements, for example through use of a European Single Procurement Document (ESPD) consisting of an updated self-declaration, could result in considerable simplification for the benefit of both contracting authorities and economic operators."

Source: OECD (2014), ["Compendium of Good Practices for Integrity in Public Procurement: Meeting of the Leading Practitioners in Procurement"](#), OECD, Paris.

Public Procurement
Principle: **Access, Balance**

Procurement Stage:
Tendering

Audience: **Policy Maker,
Procuring Entity, Private
Sector**