

Country case: Web-based interactive guide for cooperation in procurements in Sweden

Description

The Swedish Competition Authority (SCA) is responsible for the enforcement and surveillance of both competition and public procurement rules. In addition to this task, the SCA is also in charge of providing guidance and support to the public in procurement matters.

The combination of enforcement, policy and support tasks within the fields of competition and procurement produces valuable synergy effects and gives the SCA a unique position and advantage in the work for efficient competition and public procurement. An example of an appreciated outcome is the web-based interactive guide for cooperation in procurements.

The SCA has developed a web-based interactive guide for cooperation in procurements. The purpose is to offer guidance to companies on when and in what form they can cooperate and submit joint bids in procurements. The SCA has through its surveillance activities noticed that companies find it difficult to draw the line between competitive and anticompetitive/illegal cooperation. In this context, the SCA saw an opportunity to couple the enforcement work with more preventive outreaching measures and assist companies in this matter at an earlier stage.

The guide, which can be used by both procurers and companies, is built up around frequently asked questions. The questions ranges from more specific questions “Can we cooperate in this particular tender” to more general questions “What forms of cooperation are permitted” or “When am I allowed to use a competitor as subcontractor”. The user is also informed of what the consequences of illegal cooperation might be. Throughout the guide “pop-ups” appear where the user can get more detailed information about specific questions or examples based on real cases. Eventually, the user gets an indicative answer on whether the situation in question is likely to be permitted or not. The guide underlines, however, that in case of any uncertainty the user should seek legal advice.

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, Capacity**

Procurement Stage:
Tendering

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