

# enterprise europe



*Business Support on Your Doorstep*

## Preparatory study

Public Procurement needs  
and existing initiatives in  
Denmark



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# 1. Current access of SMEs to Public Procurement

***In this section you will find a description of the current access to public procurement among SMEs in Denmark. Focus will be on Sustainable Building and E-Health, as these sectors are identified in the Lead Markets Initiatives. The needs of SMEs in one sector can be radically different from those in another, where there are different company structures, resources, finances, access to information as well as the more prosaic, number of tenders available.***

## 1.1. Sustainable Construction

There is no reason to believe that the sustainable construction's company structure, general resources, finances and access to information differs significantly from the rest of the construction sector. Furthermore, it is difficult to separate the sustainable sector from the conventional, since most companies with sustainable expertise, products and services also offer conventional products and expertise. On this basis, the figures and analyses that exist on the construction sector as a whole will be used for this report wherever there are no specific figures or information solely focusing on the sustainable construction.

### 1.1.1. COMPANY STRUCTURE

The construction sector as a whole is one of the most important sectors in the Danish business life. Its tasks involves maintenance, upgrading and expansion of the existing Danish building stock and infrastructure, which together makes up 80% of the Danish national assets. The sector employs around 160,000 persons and the average turnover is around 240 billion DKK (these figures do not include the construction material producers). The construction sector is also a surprisingly important export trade. In 2008, construction materials worth 47 billion DKK was exported and Danish contractors made projects and consultancy work worth 10 billion DKK in foreign countries. These numbers exclude the value of export of architectural services and consulting engineers.

The sector represents tradesmen within construction (carpenters, stonemasons, construction workers, etc.), contractors and construction material producers. Related sectors are the engineering sector, architects and the transportation sector.

The company structure in the sector is dominated by small and medium sized businesses, especially within the tradesmen business and construction companies, while there are some major building contractors and manufacturers of construction materials. 10% of construction professionals become self-employed at some point in their career and 7% of the sector's companies are one-man businesses.

The public sector is also an important part of the sector, with most municipalities having their own technical department and appertaining machinery. These departments take care of most minor construction and development tasks and projects below the EU and Danish Tender Law thresholds and hereby limit the opportunities for private companies to win relevant sized public contracts. At the same time, the size of public procurement in this sector is so big, that the public authorities as a whole constitute the biggest customer in the construction sector.

### 1.1.2. RESOURCES AND FINANCES

The dominant structure of the sector with so many small companies does pose a challenge for the sector in terms of tendering for public procurement. A possibility for SMEs is to go together in a consortium to fulfil the procurement criteria on volume and economic resources,

but the many companies with less than 5-10 employees do not even have the administrative and legal resources the making of a consortium requires.

The limited amount of resources also means that the degree of innovation within the sector is limited to the few larger players, which again can result in less competition and less inducement for introducing new technologies or products.

The construction sector is very sensitive to changes in the economic developments and is often harder hit than most other sectors in times of financial recession. The current economical crisis have made it more difficult to achieve financing, bank guarantees and venture capital, hence making it even harder for companies to tender for public procurement offers, especially large international public procurement.

#### 1.1.3. TRENDS AND DEVELOPMENT WITHIN THE SECTOR

Although the sector has some challenges, the importance of the sector for the national economy and the society at a large, means that in times of recession, the state and municipalities have made employment-creating initiatives, such as construction of council housing and governmental grants for private house owners' renovation projects to boost the employment. In this recent recession the focus has been on sustainable construction.

The Danish building regulations are very well defined and the strict rules for isolation degree and other environmental related regulations combined with the harsh Danish climate, means that the Danish construction sector was and still is at the forefront with innovative solutions for and experience with sustainable construction and construction materials.

Recently, the Danish government has decided that the energy consumption in new buildings has to be reduced with a minimum of 25% in 2010, 2015 and 2020 compared to the former level. This has sparked an evaluation of the present education system in order to update it to the future demands within low-energy housing construction and energy renovation.

This gives the Danish construction sector a competitive advantage on international public procurements in a time where energy, climate and environment are the hottest topics. New EU regulations on energy efficiency in houses mean that many EU countries are investing in energy renovations to live up to the new rules. UN's climate panel acknowledgement of isolation as the cheapest and simplest climate solution is also good promotion for the sustainable construction sector.

A search on public procurement within construction shows a majority of projects where expertise on sustainable construction is required and this seems to be a continuing and growing trend.

#### 1.1.4. ACCESS TO INFORMATION

In order to become better at public procurement it is vital for the companies to have access to information. This includes information on where to find new announcements of public procurement, how to and who can apply. To be internationally competitive enough to also winning the contracts, access to information on new research and technologies is just as vital.

Within the construction sector, there is a wide variety of interest groups such as trade organisations, trade unions and sector specific employers' organisations. In addition, public/private initiatives and joint projects also exist within the construction sector. They all provide some kind of help to the sector's companies in relation to public procurement, either through procurement listings, courses, knowledge sharing, funding opportunities, legal

assistance, consultancy, project participation, or lobbying work. Below is a brief survey of the most important providers of access to information that exist within the trade.

- **Erhvervs- og Byggestyrelsen - The Danish Enterprise and Construction Authority**

- is an institution under the Ministry of Economic and Business Affairs. It is broadly responsible for enterprise and construction policy and developing a competitive, market-based growth environment for companies. This is done in cooperation with the corporate sector, business associations and other public sector authorities. The Danish Enterprise and Construction Authority looks after Danish interests in research and development by participating in international networks. The Danish Enterprise and Construction Authority participates in Nordic and European networks and monitor the development of the Nordic and European technology platform in construction. On the homepage you can find information on national and European / international rules and regulations, supply, offers and tenders via the internet, public private partnerships and much more related to public procurement within construction work. A good part of the homepage is in English: <http://www.deaca.dk/byggeri/0/3>

- **Det Digitale Byggeri – Digital Construction**

Digital Construction is a Danish government initiative meaning that governmental owners should make a number of demands related to Information and Communication Technology (ICT). On governmental construction projects, the construction industry is required to use ICT for electronic tendering, project web, building information model and electronic hand-over. More information on the digital construction initiative is available at the homepage of the implementation network Digital Construction, comprised of the main interest- and trade organisations in the construction industry and economically supported by the EU and the regional development fund – Vækstforum Hovedstaden. [www.detdigitalebyggeri.dk](http://www.detdigitalebyggeri.dk).

- **Statens Byggeinstitut - The Danish Building Research Institute (SBI), Aalborg University**

- is the Danish national building research institute and develops research-based knowledge to improve buildings and the built environment. Through SBI construction companies can get access to the newest knowledge and thereby become more competitive. SBI makes research publications on subjects that are important for professionals and decision-makers involved with building and the built environment. Abstracts of the publications can be downloaded for free and you can buy the entire publications. In English you can find the guidelines for the Danish Building Regulations, publications with English summaries, articles on energy and environment, and information on different computer programs and 3D models and how to buy them. [www.sbi.dk](http://www.sbi.dk)


Other research institutions within construction and sustainable materials are the Technical University of Denmark (DTU), Dep. of civil engineering <http://www.byg.dtu.dk/English.aspx>, Aalborg University (AAU), Dep. of civil engineering <http://www.civil.aau.dk/> & [Strategic Research Centre on Zero Energy Buildings \(ZEB\)](http://www.zeb.aau.dk/), and the Danish Technological Institute [www.dti.dk](http://www.dti.dk). They are all involved in several of the knowledge-sharing and project-based initiatives mentioned below.

- **InnoBYG**

- is the new innovation network of the construction industry in Denmark with focus on energy efficient and sustainable construction. The Danish Agency for Science, Technology and Innovation has granted a co-financing of 20 million DKK to the new network. Partners in the

network include among others: The Danish Construction Association, Trade unions, Institutes of Civil Engineering at DTU and AAU, SBI and Danish Technological Institute.

The network has focus on knowledge sharing, networking and development of the industry among its members and across professional competencies, both domestically and internationally. InnoBYG can also assist in helping companies making bids on new and large tenders and public procurement. In the years 2010-2014, InnoBYG will facilitate the development of the construction industry by addressing a number of societal and technical challenges, all of which are related to energy efficiency and sustainability in the construction industry.

As part of their knowledge sharing and networking policy, InnoBYG has a profile on LinkedIn and Facebook to reach as many members and potential members as possible. 

InnoBYG is already cooperating with Enterprise Europe Network and other EU-offices and you can find information on call for proposals and international partner search as well as news from all the players in the industry on funding opportunities, project participation and new regulations all related to the sustainable construction. InnoBYG runs several projects within sustainable construction, some of them with a focus on procurement. It is possible for companies to become part of the projects.

On InnoBYG's homepage you can also find a link to a map where related local and national activities, initiatives, projects and networks are marked geographically with links to their respective homepages. Link to map (if the information doesn't show on the map, press the back arrow once). Currently, there are 27 initiatives mapped. The homepage of InnoBYG is in Danish with a short description in English and a flyer in English available for download. [www.innobyg.dk](http://www.innobyg.dk)

- **Dansk Byggeri – Danish Construction Association**

- is the trade- and employers' organisation for the Danish construction industry with more than 6000 members. The association provides counselling, courses and other services to their members as well as political lobbying and participation in the political debate trying to improve the framework conditions for the construction industry.

In the area of public procurement, the association provides information and international and legal counselling for its member companies as well as offers courses on legal, economical and IT matters (especially in regards to the requirements on digital tendering for public procurement and other digital requirements made by the public (and private) procurers). They also provide market intelligence and market influence (e.g. lobbying for better infrastructure).

- **Tekniq - Danish Mechanical and Electrical Contractors' Association**

- is the trade- and employers' organisation for the technical installation trade. They offer similar services to their members as the Danish Construction Association described above. [www.tekniq.dk](http://www.tekniq.dk)

- **Håndværksrådet - The Danish Federation of Small and Medium-Sized Enterprises**

- is the main trade organisation for small and medium-sized enterprises in Denmark, representing more than 20,000 companies within sectors such as construction, manufacturing, crafts, retail and services. The main objective of DFSME is to improve the business conditions of Danish small and medium-sized enterprises by advising and taking part in formulation of political and commercial initiatives, including public procurement. DFSME is in daily contact with companies, organisations, public administration, political



advocacy groups and the media. Just as the two trade organisations mentioned above, DFSME offers their members legal and economical counselling. The federation also has an international department which provides services regarding export and other international business cooperation opportunities. [www.hvr.dk](http://www.hvr.dk)

- **DI Byggematerialer – DI Construction Materials**

- Forms part of the Confederation of Danish Industry (DI) which is the premier lobbying organisation for Danish businesses on national and international issues. DI Construction Materials is the trade-specific department of DI for producers, suppliers, contractors and distributors within the construction industry. It provides DI's services with a special focus on matters relating to the industry. You can read more about the Confederation of Danish Industry in section 2 of this report. [www.bm.di.dk](http://www.bm.di.dk) (only in Danish)

- **Byggesocietetet**

- is a major nationwide interest and networking society with around 1300 members from the construction and property industry. The society has good contacts with the political decision-makers on both national and local levels. The society also publishes a magazine 10 times a year with news, analysis and information from the construction and property industry. It is first and foremost a lobbying and networking association. Their homepage is in Danish only. [www.byggesocietetet.dk](http://www.byggesocietetet.dk)

- **Green Building Council Denmark**

Green Building Council Denmark, DK-GBC, is working on establishing a Danish certification on sustainability for new and existing construction by following the guidelines of the World Green Building Council. In many countries such a certification is already required and a Danish equivalent will make Danish companies within sustainable construction more competitive internationally. DK-GBC is an independent non-profit organisation and serves as an independent overall council for sustainable and eco-friendly construction. The organization is non-profit and funded through memberships and sponsorships. DK-GBC's work includes networking activities, knowledge sharing on innovation in sustainable construction and cooperation with other providers such as InnoBYG. [www.dk-gbc.dk](http://www.dk-gbc.dk)

- **Big Science Secretariat**

The aim of the Big Science Secretariat – Denmark (BSS) is to build a bridge between Danish companies, research institutions and large international research infrastructure projects ("Big Science"), such that Denmark through the Danish companies can reap the benefits of the major Danish contribution to these big science projects. BSS will provide an intense and coordinated effort to help the Danish companies get a share of the innovation, contracts and the skill enhancement that participation in building such large projects will generate.

The BSS is staffed with professionals able to communicate knowledge about the projects to Danish companies, give the project partners knowledge of the Danish companies, and facilitate knowledge transfer and development of relevant skills among the Danish companies in relation to the specific projects. BSS will pave the way for Danish companies into international high-tech research infrastructures, and ensure that they get one point of entry and maximum benefit from these often very complex international projects. The projects are at different stages, and BSS will differentiate its effort towards the various projects to ensure early involvement, preparation and optimal benefits. [www.bigscience.dk](http://www.bigscience.dk)

- **Industry Supply**

- is a private company with eight internet-based commercial professional networks including [www.energy-supply.dk](http://www.energy-supply.dk) and [www.building-supply.dk](http://www.building-supply.dk). The networks create a forum where buyers, suppliers and sub-suppliers easily can get in touch with each other. Business contacts, information sharing and internationalisation are areas that the networks cover. Industry Supply publishes daily electronic newsletters from all eight networks which include national public procurement announcements, articles, information on conferences and events and more. The information is in Danish.

- **IndustriNetvaerk.dk**

- IndustriNetvaerk.dk widely approaches players of the construction industry (architects, manufacturers, engineers etc.). The overall objects of IndustriNetvaerk are to be an open forum for communication of knowledge, develop ideas; initiate reports, recommendations and R&D initiatives and to create the framework for establishment of new business alliances and consortia. This also includes a network forum for the Danish and foreign construction sector about industrialised construction and sustainability. [www.industrinetvaerk.dk](http://www.industrinetvaerk.dk)

- **Licitationen**

Licitationen, "the Tender", is both the name of a magazine and a website for the Danish construction sector. The website version contains access to both EU procurements, national and to some extent also private procurements. Access to procurements is restricted to those being subscribers to the magazine and/or the website.

Link: <http://www.licitationen.dk/Default.aspx>

- **CRM Byggefakta**

CRM Byggefakta is a private information source focusing on projects within construction in Denmark. The service offers information about construction projects based on information from EU and national (including municipal) procurements, but also information on upcoming projects including private projects not subject to normal procurement rules.

Link: <http://www.byggefakta.dk/>

Besides the organisations and networks described in this section, there is a variety of private counsellors and networks, as well as public and semi-public organisations which all in some way provide information or services related to public procurement in general. These will be described in section 2 of this report.



## 1.2. E-health

### 1.2.1. COMPANY STRUCTURE

The Danish health care sector offers a vast potential of business opportunities for private companies. The Danish health care system is almost fully financed, operated and/or regulated by public authorities and therefore a large proportion of spending within the health care sector on goods, services etc. is subject to public procurement and open competition, either following the rules and procedures of EU procurement or the Danish tender law. The range of products and services requested and procured includes almost every kind of product and therefore almost every kind of business have potentials for being or becoming a supplier.

The Danish state, represented by the Danish Ministry of Interior and Health and the National Board of Health, is responsible for the overall management of the healthcare system. The healthcare system is almost fully financed through taxation on local (municipal) and national (state) level. The health care system provides free access to the vast majority of services offered by the healthcare system, which also includes hospital services. The central government plays a relatively limited role in health care in Denmark. Its main functions are to regulate, coordinate and provide advice and its main responsibilities are to establishing goals for national health policy, determining national health legislation, formulating regulation, promoting cooperation between different health care actors, providing guidelines for the health sector, providing health and health care-related information, promoting quality and tackling patient complaints.

The operation of healthcare services is performed (within the regulations set by the national authorities) by the local/municipal authorities (98 of these) and the five regional authorities. The Danish health care system is divided into primary care, which is largely the responsibility of the municipal level and secondary care (hospitals), which is the responsibility of the regions.

The primary care includes general practitioners, who have the primary patient contact, pharmacies, providing medicine, health, home and elderly care including health visits, home nurses and school care, prevention and rehabilitation and medical specialists in private practice.

The secondary care is provided at hospitals, operated by the regional authorities.

There are few private hospital providers which account for less than 1% of hospital beds. The private hospitals are also used by the public health care system – as patients in some cases can choose (have the right) to get treated or get surgery at the private hospitals, but paid by the public hospitals/regional authorities.

#### Facts and Figures

In 2008 the total public expenditure amounted to approximately 124 billion Danish kroner (approx. 17 billion euro). Of the total public expenditure the regional expenditure is by far the greatest accounting for 95 billion Danish kroner. The total expenditures on health as percentage of GDP is just below 10 %.

#### Public procurements within the health care sector and companies/suppliers

The Danish health care sector makes public procurements within almost every possible product category and therefore of potential interest of almost all kinds of companies (able to meet the requirements set up in the procurements). A simple search shows procurements

within very different product categories such as: food supply, chemicals, transportation, construction and maintenance, measuring and testing equipment, medical supplies, installations, communication and IT equipment, security, cleaning, clothing, research, training, administration etc.

The extreme wide variety of products and services procured also 'results' in a wide variety of companies tendering and supplying the Danish Health care sector. Companies include everything from and between the local SME providing cleaning service at the local nursing home and the large (foreign) company providing highly specialized scanning equipment.

In this report we will first and foremost focus on the companies within the e-health sector.

#### 1.2.2. ACCESS TO HEALTH SECTOR PUBLIC PROCUREMENTS

According to the EU procurement rules and the Danish Tender law all contracts above the prescribed amounts shall be procured and published either through the official journal and/or through the various national/regional channels. Furthermore the procurements are published and disseminated through the various private initiatives (see elsewhere) and through trade associations in those cases where the latter has information about public procurement.

All health care contracts *above* EU threshold values are published both through the TED/Official Journal and the various national channels, such as <http://www.udbudsavisen.dk/> and [www.regionsudbud.dk](http://www.regionsudbud.dk) and furthermore the various private initiative channels.

All procurements (both above and below EU thresholds) published by regional authorities are also available on [www.regionsudbud.dk](http://www.regionsudbud.dk), the respective website of the regional authority and through the various private initiative channels.

All procurements, below EU thresholds, but subject to the Danish Tender law, published by local authorities are available through the national channels and private initiatives and the website of the local authority's website and their communication channels as such (e.g. newspapers)

#### Resources, including trade associations

The actual access to public procurement, and even more the ability to transform the potential business opportunity of becoming a supplier, depends on two factors: access to the information and the capacity of the individual company. The latter includes both the ability to provide the procured goods or services and the ability to submit a valid and competitive tender.

As the public procurements within the health care sector are very wide in products requested and scale (amount) it is difficult to determine that certain (sizes of) companies should not have the ability to access health care sector procurements.

A number of trade associations and/or other types of organizations serving specific sectors have information about public procurements available within or closely related to their respective sector. Sometimes the information is backed with individual guidance or counselling for the members, the companies. As the access to public procurement information and the services offered is very often restricted to members/subscribers it is difficult to determine the actual level of information and guidance made available and on what conditions. A few selected examples of trade associations providing procurement information are listed below:

**Medico Industrien:** branch organization for companies developing, selling, producing or in other ways dealing with medical equipment: <http://www.medicoindustrien.dk/>

**DADIF:** a branch organization for suppliers of laboratory equipment:  
<http://www.dadif.dk/index.php?id=3>

**ITB:** an organization for all types of IT related companies: <http://www.itb.dk/site.aspx?p=31>

**Medicobranschen:** an organization with companies supplying products to the health care sector: <http://www.danskerhverv.dk/MinBranche/handel/Medico/Sider/Medico.aspx>

### 1.2.3. TRENDS AND OPPORTUNITIES IN THE DANISH HEALTH CARE SECTOR

The Danish health care sector offers a vast potential of business opportunities for private companies. Although the current political and economic debate in Denmark concerning the health care sector is focused on downsizing and cutbacks on public spending, the business potentials in the Danish health care sector will increase and to some extent change in the coming years for several reasons:

- a) New super hospitals. Huge investments will be made in the next 10 years in new so-called super hospitals. The investments in these are reasoned in both the need to optimize 'production', implement new technologies, gather critical mass of specialists and give better treatment (for less or same resources). The new super hospitals are also an effect of a huge administrative reform in Denmark with the establishment of five regional authorities being responsible for the management of hospitals in Denmark. The new super hospitals will besides the normal request and procurements for traditional health goods and services also entail business opportunities within construction.
- b) Demographic change. Like many other countries Denmark has a demographic challenge with the elderly becoming greater in numbers and proportion of both the population and workforce. This will give a natural, huge, increase in the direct need and demand for care, treatment, medicine, technology etc. in both the primary and secondary health sector. The demographic development will also in itself push for more and new technologies able to assist in solving the challenge of an aging population with fewer hands available. Additionally, a radical change in the proportion of elderly can result in a political demand for greater focus and expenditure on health care.
- c) New technology. It is also expected that short and medium term (but also long term) investments will be made in the development and implementation of new technologies that can lead to long term increase in health care efficiency, better care and greater quality of life. From an economic viewpoint the technology has to contribute to greater efficiency in broad terms. From a patient/client perspective the quality of life is dominating. As the life expectancy is also increasing the demand/need for 'welfare technologies' is also increasing. New technologies also include 'eHealth' initiatives – more on that in the section below.

#### eHealth and public procurement

eHealth has in recent years caught special attention within the health care sector, also in Denmark. eHealth can be defined as 'healthcare practice, in the broad sense, supported by electronic processes and communication'. eHealth activities and projects encompass a range of services or systems that are at the edge of medicine/healthcare and information

technology, such as; electronic health records, telemedicine, virtual healthcare, health knowledge management, work schedule management, use of mobile technology etc.

eHealth, as defined above, contains the potential of meeting some of the current and future challenges within and for the health care system in Denmark (and beyond). Since the public sector plays a crucial role in the Danish health care sector eHealth projects and developments in Denmark are very often either directly initiated and/or has the participation of public authorities (very often hospitals). eHealth projects also contains obvious potentials for private businesses, especially IT and IT related companies and these are also involved in Danish eHealth projects.

Becoming part of eHealth projects are not normally subject to public procurement. Projects are most often developed in public private partnerships, involving universities and semi-public research institutions and private companies, and funded/co-funded by various Danish R&D funds. Applying for these funds happen in open competition and are based on calls (like EU Framework Programme projects, FP7). Some projects are part of international projects, e.g. FP7.

Once eHealth projects turn into new technologies which are requested by the public health care sector, such demands do and will comply with the various procurement rules, being EU or national.

#### 1.2.4. IMPLICATIONS FOR SMES

Besides being aware of current every-day published public procurements, companies, including SMEs should pay attention to the non-exhaustive list of trends shortly described above as these trends point to both current and future business opportunities:

- In general an increase of demand for health related goods and services can be expected in all areas.
- Businesses not currently focused on health care or welfare technologies should pay attention to the new/coming opportunities.
- Businesses already engaged in the health sector should be ready for new and increasing demand, including a readiness for updating their products with new technology and/or the ability for interaction with new (IT) technologies.
- In medium term a demand for construction and building supply in general can be expected, including construction with the newest (sustainable) features.
- The need for new technologies will increase and therefore business potentials might be realised if companies themselves invest in development of new eHealth technologies.
- The development of new technologies can sometimes only be done in close co-operation with universities, research centres and other knowledge intensive co-operation partners.
- Current technologies and health care products (and producers/suppliers) may not follow the general trend of an increase in demand when new technologies and products are developed and introduced on the market.

In short, besides focusing on current public procurement opportunities, companies shall focus on their future market position and opportunities. These opportunities are not necessarily reflected in the current public procurements.

## 2. Existing Public Procurement Initiatives and Networks available at Regional Level

***In this part you'll find information on existing both public and private initiatives already available and tools provided for SMEs. There are widely varying support services available for SMEs within the field of public procurement, which many businesses are either unaware of, or unable to access.***

### 2.1. European Initiatives

At European Union Level procurement has seen very important development in the last few years. From the introduction of consolidated legal texts to make the procurement process more comprehensive, to the growing importance of themes such as green procurement, e-procurement and innovation procurement.

Public procurement in the EU represents 16% of the GDP.

First thing to understand is that a few texts govern how public procurement has to be carried out in the EU. These texts have been adapted into national legislation and might have received some alterations but the main ideas are to be found within them.

#### 2.1.1. THE RULES GOVERNING PUBLIC PROCUREMENT IN THE EU

The main texts are as follows:

##### **The EU Treaties**

EU Treaties principles of freedom of movement of goods, transparency, fairness, equal treatment are applied to public organisations in the various Member States when they engage in the procurement process. This is a requirement below and above the EU threshold.

##### **The EU Directives**

###### Directive 2004/18/EC

This is the main text dealing with public procurement setting up the rules for the running of a procurement process. It sets criteria on what should be procured using these specific rules, as well as giving a range of procedures that can be used with provisions related to advertisement and timings to run a competitive procurement exercise as well as awarding contracts.

Directive 2004/17/EC

This directive mirrors the previous ones and adapts some of the rules to the Utilities sector (water, energy, transport, postal services)

Directive 2007/66/EC

Otherwise known as the Remedies Directive.

Directive 2009/81/EC

Community rules apply to specific contracts in the fields of security and defence (military equipment and security equipment with a sensitive angle to it)

Full texts to be found:

[http://ec.europa.eu/internal\\_market/publicprocurement/legislation\\_en.htm](http://ec.europa.eu/internal_market/publicprocurement/legislation_en.htm)

### **Other important documents**

The Small Business Act

The Small Business Act has the general guidelines on how Member states should help small businesses, some of the guidelines cover the procurement aspect:

Principle number 5 of the 10 in the Small Business Act stand like this:

*“Adapt public policy tools to SMEs’ needs: facilitate SMEs’ participation in public procurement and better use State Aid possibilities for SMEs”*

It also offers suggestions to the Member States on what they can do to make life of SMEs easier when dealing with tenders:

- Set up electronic portals
- Subdivide contracts into lots
- proportionality of the requirements
- exchange of good practice

Full text to be found:

[http://ec.europa.eu/internal\\_market/publicprocurement/docs/sme\\_code\\_of\\_best\\_practices\\_en.pdf](http://ec.europa.eu/internal_market/publicprocurement/docs/sme_code_of_best_practices_en.pdf)



### 2.1.1. FINDING TENDER OPPORTUNITIES IN THE EU

In Europe all the tender opportunities above a certain level have to be advertised on the Official journal of the European Union.

The levels are decided by the European Commission and published updated every 2 years.

The Member States whose currency is not the Euro then adopt the amount transformed into their national currency.

These values do correspond to estimated contract values without VAT.

	Supplies / Services <sup>1</sup>	Works <sup>2</sup>
Entities listed in schedule 1 <sup>3</sup>	€ 125,000 <sup>4</sup>	€ 4,845,000
Other public sector	€ 193,000	€ 4,845,000
Utilities	€ 387,000	€ 4,845,000

1: As defined in Art. 1 Directive 2004/18/EC

2: Building / construction activities

3: Schedule 1 of the Public Contracts Regulations 2006 lists central government bodies subject to the World Trade Organisation - Government Procurement Act

4: Part B, R&D, Subsidised, certain telecommunication services will have a threshold at €193,000

Above EU Thresholds, the tenders must be published on the Official Journal of the European Union and can be seen on <http://ted.europa.eu>

### 2.1.1. EU INITIATIVES AND PROJECTS

#### 3 Pilot projects: from 2009 to 2012

Three Public Procurement Networks became operational in September 2009. This is the first time that the Commission funds specialised procurement networks dedicated to innovation. Each receives about €1 million in funding. Their objectives are described below and their contact details can also be found in part 3 of this guide.

### **“ENPROTEX”**

Partners: Firebuy, the National Procurement Agency for the fire and rescue service in England (UK), Belgian Ministry of the Interior IBZ (BE), Dutch national Disaster Response Agency LFR (NL)

Objective: ENPROTEX seeks to spark innovation of protective textiles through public procurement to meet the future needs of fire and rescue services using a number of methodologies including; establishing and sustaining a specialised platform of European Network of Public Procurement Organisations; developing cooperation among public procurers; providing an interface with both end-users and manufacturers. In particular, the project will aim to provide industry with forward commitments for the procurement of protective textiles products so as to encourage innovation in the sector.

### **“SCI-NETWORK”**

Partners: ICLEI – Local Governments for Sustainability (Europe), Transport for London TFL (UK), City of Torino (IT), Department for Environment, Food and Rural Affairs (UK), Dutch National Procurers Association PIANOo (NL), Culminatum, Helsinki Region Centre of Expertise (FI), University of Klagenfurt (AT), Motiva, National Agency for Energy Efficiency and Renewable Energy (FI)

Objective: The Sustainable Construction and Innovation Network (SCI-NETWORK) will bring together a strong group of public authorities and other key stakeholders wishing to drive sustainable innovations in public construction and regeneration projects across Europe. The network hopes to help combat the cross-border fragmentation of the sector and ensure the spread of good ideas. Specific working groups will focus on 3 topics: renovation of existing building stock, innovative building materials, and the use of life-cycle analysis (LCA) and life-cycle costing (LCC).

### **“LCB-HEALTHCARE”**

Partners: Department for Business, Innovation and Skills BIS (UK), Netherlands Organisation for Applied Scientific Research TNO (NL), Norwegian Directorate for Health Affairs (NO), Cracow Rydygier Hospital (PL), Department of Health DH (UK), European Health Property Network EuHPN (NL)

Objective: The Low Carbon Building (LCB) - Healthcare network seeks to stimulate innovative low-carbon building solutions for the healthcare sector. A platform for a network of public procurement stakeholders that wish to be proactive in stimulating innovative low-carbon building solutions for the healthcare sector will be created. Demonstration pilots will be done in all consortium countries aiming at collating, testing and developing further the tools created and enabling the spread of best practices.

## **3 Pilot projects: Specific Actions on Procurement – Enterprise Europe Network activities**

### **“T4SME”**

Partners: North Denmark EU Office (DK), Europa Institutet (SE), ALMI (SE), EISC Ltd (UK), Trade Council Iceland (IS), Internationalisation Centre Styria (AT), Investment & Trade Department Hungary (HU), Malta Enterprise (MT), Estonian Chamber of Commerce (EE)

Objective: The project will collect best practice solutions from other regions which have increased SME participation in public purchasing and will integrate them into training and dissemination actions. The T4SME project will identify concrete problems faced by SMEs and provide a series of training and information events to ensure that SMEs can take part more actively and more successfully in tenders. At least 18 Awareness raising events and 50 workshops will integrate with stakeholders at European, national and regional level, including other (non-participating) members of the enterprise Europe Network. The T4SME project will include three decentralised training programmes to ensure that members of the EEN are fully able to inform, advise and assist SMEs with public tendering and related services.

T4SME partners will provide information to public authorities on appropriate and successful methods of ensuring that SMEs are integrated into contracts. Focus in the project is on sustainable construction and public tendering and the partnership will market project actions at two major SC trade fairs as well as one of the very large UK forums for public purchasers. Integrating with the SMART SPP organisation, working with Public Procurement in the construction sector, the partnership will promote innovative sustainable construction SMEs to buyers, giving them the opportunity to integrate new SME developed products into tenders. At all times, the T4SME project will co-ordinate actions with the Lead Market initiative.

The partnership will take an inclusive approach to public tenders and include material on European, national and regional as well as external international funding organisations such as the United Nations, World bank etc. where SME participation is also underrepresented.

#### **“PRISME – Procurement of Innovation from Small and Medium Size Enterprises”**

Partners: Grex, Grenoble (FR), ABZ (DE), Acc1o (ES), BSK (UK), CCI Lyon (FR), CCI Torino (IT), EISC Ltd (UK), Promofirenze (IT).

Objective: The aim of PRISME (PRocurement of Innovation from SMEs) is to improve SMEs' access – and more particularly innovative SMEs' access – to public procurement by bridging the gap between them and public buyers. To achieve this goal, the activities carried out by PRISME will target SMEs on one side, public procurers on the other side, and public procurers and SMEs altogether. Innovation and public procurement will be the cornerstones of the actions implemented throughout the project.

Project length: from September 2010 to August 2012.

Activities targeting SMEs:

- Individual diagnostics will be carried out in order to raise awareness about public procurement opportunities among SMEs. These diagnostics will lead to personalised recommendations.
- Training sessions will be proposed on public procurement topic, and more particularly on transnational bidding.

Activities targeting Public procurers:

- Workshops dedicated to public buyers will be organised to raise awareness about the characteristics of SMEs and more particularly of innovative ones, and to facilitate the access of these SMEs to public procurement.
- Eight issues of an electronic newsletter will be disseminated to a wide range of public entities in order to provide them with guidance on how to think “SME” and innovative when drafting their tenders.

Activities bringing together public authorities and SMEs:

- Transnational face to face meetings will be organised to stimulate in a very interactive way the mutual awareness of SMEs and public procurers. Public buyers will specify their needs

and SMEs will have the opportunity to display their innovative solutions/technologies towards public buyers.

- Webinars will also be organised between SMEs and public buyers.

Prisme is a specific action on public procurement, co-financed by the European Commission in the framework of the CIP programme, in partnership with the Enterprise Europe Network.

### **“PPP – SPS - Public Procurement programme – Strengthening the Potential of SMEs”**

Partners: Dublin Chamber of Commerce (IE), Galway Chamber of Commerce (IE), Sligo Chamber of Commerce (IE), Waterford Chamber of Commerce (IE), EISC Ltd (UK).

Objective: The European Code of Best Practices highlights that increased involvement of SMEs into public purchasing leads to better value for money for public authorities thereby allowing SMEs to unlock their growth and innovation potential with a positive impact on the European economy.

A number of strategies are presently being implemented both at European and National level to help ease the administrative burden and make procurement systems easier for SMEs to access.

In Ireland the National Public Procurement Policy Framework now requires public bodies to adopt a more innovative approach to the purchasing of goods, supplies and services so as to ease SMEs' access to their tender. In the UK the Central Procurement Directorate has published a booklet that contains measures that purchasers might take to reduce or eliminate these barriers and was launched to accompany the guidance above.

Despite this both SMEs and Public Authorities face a number of often perceived restrictions throughout the procurement process. Within this proposal we will assess and address the issues faced by both groups and will conclude with a report outlining a number of recommendations to facilitate both groups in public procurement processes.

#### Group 1: SMEs

Real or Perceived Barriers include:

- SMEs perceive the procurement process as being long and complex
- Lack of awareness of government opportunities
- Those new to the public sector market often do not know what is involved and may have difficulty in understanding requirement documents and in constructing good quality tenders
- SMEs can find the cost of long tendering processes to be prohibitive

To address the issues raised above, we propose to run 20 or more training days for SMEs between October 2010 and October 2011. These training days will be organised in Dublin, Galway, Sligo, Southampton and Waterford and will highlight the opportunities presented by the public procurement market in the RoI, the UK and Europe. It is anticipated that these training days will compensate for the lack of technical capacities presently experienced by SMEs. They will have a specific focus on tendering both nationally and abroad specifically the UK, RoI and Europe and include the following:

- What is Public Procurement?
- Who are the players in Ireland, UK and Europe?
- Where to find them (Europe - TED/UK/Ireland)
- Assessing the viability of bidding

- How do the procurers assess bids?
- Filling in the forms, writing an effective response and pricing for the job
- Selling yourself
- Tips and tricks on winning – why companies fail
- EU Tenders – what's different?
- Q&A from a local procurer

Surveys' will be conducted among participants to assess and determine the needs, perceived stresses and requirements of SMEs when dealing public procurers and bids.

### Group 2: Public Authorities

A key obstacle identified by the Irish Procurement Innovation Group is risk aversion by public procurers which arises much more from a lack of practical experience and expertise on the part of the procurers rather than from any legal consideration.

In order to address this, two Procurement Days will be organised at transnational level (one RoI and one in the UK) between February and December 2011 that will be targeted to address this undesirable situation by bringing together SMEs and public procurers.

These "Procurement Days" will include presentations from Public authorities and SMEs, the event will also feature speakers from the associated transnational partners; so as to enable debates and better information flow between them. Topics will include:

- Promotion of the "European Code of Best Practices facilitating access by SMEs to public procurement contracts"
- Public buyers, local and transnational informing businesses on the steps that have been taken to improve SMEs access to public procurements. Representative examples include the National Public Procurement Policy Unit (NPPPU - RoI), the Office of Government Commerce (UK) or any other public bodies e.g. Enterprise Ireland active in public procurement.
- Strengths and innovation potential of SMEs
- Case studies from innovative SMEs that have successfully tendered in their own country and in the other jurisdiction.
- In depth Q&A session - Panel led
- Networking: These events will provide attendees with unique networking opportunities and enable them to learn from each other

In order to have a greater impact in both countries EEN Ireland and EISC websites will both include a section dedicated to tendering that will contain tools, case studies and factsheets. The website will also list guidance documents for contracting authorities specifically aimed at facilitating the access of SMEs to public procurement contract.

Results of the training day surveys and a summary of the procurement days will be captured together in a report that will assist in the production of a best practice manual. This report will be sent out to relevant public authorities and available online.

It is proposed that by facilitating SMEs' participation in public procurement procedures in Ireland, the UK and Europe this programme will contribute to implementing the "Small Business Act" (SBA) for Europe."

## 2.2. National Initiatives

### 2.2.1. THE DANISH PROCUREMENT STRUCTURE

If the public contract value (excl. VAT) is above the threshold set by EU, it has to comply with the EU directives on public procurement. Some of the new provisions in the new procurement directives are non-compulsory for Member States, e.g. the provisions on framework agreements, centralized purchasing, electronic auctions and competitive dialogue. Denmark has chosen to give access to all new procurement procedures and instruments with only one limitation. Electronic auctions cannot be used in the field of public works contracts – mainly to prevent a risk of fragmenting the building process.

The Danish Competition & Consumer Authority is the official Danish authority handling all rules, laws and EU directives concerning public procurement. On their homepage you can find information about the legislative framework of procurement rules in Denmark, including all existing EU rules and national legislation regarding contracts below EU threshold values. You can also find information on the procedure for complaints related to public procurement, both concerning Danish procurements and complaints concerning foreign procurements. <http://www.konkurrencestyrelsen.dk/en/procurement/>

If the value (excl. VAT) of the public contract is below the threshold stated in the EU directive on public contracts, the providers of public procurement has to comply with the Danish Act on Tender Procedures for Public Work Contracts, services and supplies, called Tilbudsloven (the Tender Law) .

Other things that can influence on the procurement procedures are procurement policies set by the local public authorities.

In all cases the providers are always required to follow the relevant rules and principles of the EC Treaty. This means that all public procurement has to follow the principles of equal treatment, non-discrimination, transparency, proportionality and mutual recognition. Basically, this implies that the public authority, when the procurement is valued below the thresholds of the EU directive and the Danish Tender Law, has to make a concrete evaluation of whether the procurement is of interest for the Single European Market. The evaluation should be based on the type of assignment, estimated value, size and structure of the market, commercial practice and place of delivery. If the procurement contract is deemed of interest for the Single European Market, it has to be made subject to competition, e.g. through announcements.



## THE DANISH TENDER LAW

The Danish Tender Law regulates the public works contracts, public supply contracts and public service contracts when the value of the contract is below the threshold set by the EU directive.

### Service and supply contracts

Procurement of services and supplies above 500,000 DKK is obliged to be announced. This means that the authority as a minimum publishes an announcement with the following information:

- A description of the task
- Criteria for assignment (weighting and prioritisation is not required)
- Requirements to the tenderer, if any.
- Contact person
- Deadline

### Public work contracts

The Tender Law also applies to all procurements of construction work and project engineering and planning below the threshold for EU tenders. According to the Tender Law, all public work contracts with a total value above 3 million DKK has to be subject to competitive tendering.

Assignments between 300,000 to 3 million DKK can be contracted on basis of tender retrievals, which is a less restrictive form of request for proposals. The providers have to invite at least two and no more than three tenderers and inform them of the criteria for assignment. There are no specific requirements to announcements of work contracts as opposed to the service and supply contracts.

### Water, energy, transport and postal service contracts

Contracts made by organisations included in the EU directive on procurement procedures of entities operating in the water, energy, transport and postal services sectors are not covered by the obligation of announcements in the Danish Tender Law.

## 2.2.2. INITIATIVES AND NETWORKS AVAILABLE IN DENMARK

In Denmark exists a great variety of institutions, organizations, web-based services and both public and private initiatives within the field of public procurement.

In the very recent years, and to some extend 'promoted' by the economic crises, the information and support available has been upgraded and furthermore much greater effort has been put into promoting awareness among SMEs about the services available. As most companies are very aware of how to invest their resources, especially in a time of economic challenges, the way of presenting opportunities and the related support measures within public procurement, is still developing.

Below is a list of public procurement initiatives in Denmark containing a short description of content, the provider(s), services available and target audience of the respective initiative. Unless clearly indicated, the initiatives for the most part are targeting Denmark as a whole

both in terms of geography and sectors. The overview list is divided between public and semi-public authorities, private initiatives and other related organizations/support.

## **PUBLIC AUTHORITIES AND SEMI-PUBLIC INITIATIVES**

A range of public or semi-public organizations offer information about public procurement.

### **Danish Competition & Consumer Authority / Konkurrencestyrelsen**

The Danish Competition & Consumer Authority is the official Danish authority handling all rules, laws and EU directives concerning public procurement. The Danish Competition Authority is an independent body of the Danish Ministry of Economic and Business Affairs. The Authority is responsible for matters related to competition, energy regulation, public procurement and state aid. The Danish Competition Authority performs a number of tasks in cooperation with the competition authority of the European Commission, the Directorate General for Competition, and the other national competition authorities in the EU.

The Authority provides web-based information, but also a public procurement (telephone/mail) hotline. The information made available is targeting both companies (within all sectors) and contracting authorities in Denmark.

The Authority is the responsible authority for a number of services/information concerning public procurement, and the website contains a lot of useful information for newcomers and more experienced companies, as well as contracting authorities:

- Information about the legislative framework of procurement rules in Denmark, including both all existing EU rules and national legislation regarding contracts below EU threshold values.
- Complaints related to public procurement, both concerning Danish procurements and complaints concerning foreign procurements.
- A very useful step-by-step guide explaining all main aspects concerning public procurement and what to be aware of both as a company and as a contracting authority.
- Guidelines for both authorities making purchases of supplies, services and works and for companies submitting tenders.
- How to submit a complaint.
- How to act when facing problems related to public procurement in other (outside Denmark) countries (in such cases The Danish Competition Authority offer efficient and free assistance).
- Guidelines and examples of complaints concerning public procurement.
- Standard forms for contracting authorities (using the SIMAP website)
- A list of Frequently Asked Questions and their answers.
- A lexicon explaining the most used terms and abbreviations.

The Danish Competition & Consumer Authority website does NOT include direct access to public procurement notices, but links to among other TED is included.

All information on the website of The Danish Competition & Consumer Authority is available in Danish, but the main introduction and short versions of the main features are also available in English.

English link: <http://www.konkurrencestyrelsen.dk/en/procurement/>

Danish link: <http://www.konkurrencestyrelsen.dk/>

### **The public procurement portal / Udbudsportalen**

The public procurement portal is created in a co-operation between The Danish Enterprise and Construction Authority and Local Government Denmark (LGDK), which is the interest group and member authority of Danish municipalities. LGDK is a private organization, although comprising of public authorities.

The web portal is created with the purpose of providing, both public contracting authorities and private companies, information, guidance and easy to use tools concerning public procurement. The portal also has the purpose to foster and assist in the process of creating Public Private Partnerships (PPP) and to contribute to the best and cheapest possible provision of services to the public sector.

The public procurement portal has a very wide range of information.

- The whole legislative framework of procurement rules in Denmark, including both all existing EU rules and national legislation regarding contracts below EU threshold values.
- Step by step guide for contracting authorities concerning public procurement.
- Step by step guide for companies on how to submit a tender
- In depth guides on specific areas, such as (un)employment services, administration services etc.
- A full list of all the areas in which the municipalities have the opportunity to make public procurement. The list can also serve as an inspiration for companies, to see market potentials.
- A list of described cases.
- A toolbox, including a planning scheme for public procurement.
- A library including news, articles, publications

Furthermore the organizations behind the public procurement portal offer, in co-operation with a number of other organizations and private consultants, a range of seminars/trainings focusing on public procurement. The training offered (not free of charge) is either one or two days of focused information, training, with headlines/titles such as 'How to write a successful bid', and 'How to optimize your sales to public authorities'.

The public procurement portal also offers a telephone and mail hotline concerning questions on public procurement. The portal links to Udbudsavisen.dk (see more below) for access to public procurement notices.

The information on the web portal is only available in Danish.

Link: <http://www.udbudsportalen.dk/>

### **The council for procurement / Udbudsrådet**

The council for procurement is established for the purpose of enhancing the competition for public projects and public services, including a special focus on public-private partnerships. The information and work of the council is not directly targeting companies – the main target audience is public authorities.

The work of and the website of the council contains contributions meant to:

- Enhance debates concerning competition for public service tasks.
- Analyses based on national and international experiences on PPP and competition and based on these make recommendations for new initiatives.

- To give advice on new initiatives or tools to be included on the public procurement portal (see above)
- To give ideas and advice on improvement on national rules

The information on the website is only available in Danish.

Link: <http://www.udbudsraadet.dk/>

### **SKI: National Procurement Ltd. - Denmark – SKI**

SKI is a joint-stock company owned by the Ministry of Finance and the National Association of Local Authorities (KL) in Denmark. SKI is a purchasing station without any products; instead SKI makes EU public procurements and offers framework agreements with a broad register of suppliers for the public and quasi-public authorities and organisations. This ensures volume discounts as well as makes it easy for the public institutions to buy the most common supplies and services without having to spend time themselves on making EU tender announcements. SKI has approximately 850 suppliers and 32,500 public and quasi-public customers.

SKI is a non-profit organisation which gets its revenue through a share of the sale the suppliers get through the framework agreements. The average size of the share is just below 1 per cent. Any profit will be used to develop even better framework agreements.

To become a SKI supplier, you have to make an offer on the EU tenders made by SKI on new framework agreements. To be chosen as a supplier, you will have to meet requirements on price, quality, environment and social responsibilities. The framework agreements typically run for 2-4 years and all new tenders will be announced on the homepage [www.ski.dk](http://www.ski.dk) , [www.ted.europa.eu](http://www.ted.europa.eu) , [www.udbudsavisen.dk](http://www.udbudsavisen.dk) and other tender alert services. You can keep yourself updated on dates of new public procurement notices in your area of expertise on: <http://www.ski.dk/Aktuelt/Udbud/Sider/default.aspx> (only Danish).

Only the best offers will become suppliers to the framework agreements. Small companies are just as welcome to make a bid as large companies as long as they can deliver one or more of the goods or services involved in the agreement in sufficient amounts and quality. It can be an advantage for small companies to go together in a consortium and make a collective bid on a tender.

### **State Procurement / Statens Indkøb**

State Procurement is based on the exact same principles as SKI. State Procurement follows the same procedures and is created for the same reason – to make framework agreements on supplies to ensure volume discounts for public authorities. The department of State Procurement makes procurement agreements through EU tenders. All state organisations, ministries, departments etc., are obliged to use the agreements when making procurements. Other public institutions, municipalities and regions are allowed to make use of the agreements.

State Procurement makes EU public procurements and offers framework agreements with a broad register of suppliers for the public and quasi-public authorities and organisations. This ensures volume discounts as well as makes it easy for the public institutions to buy the most

common supplies and services without having to spend time themselves on making EU tender announcements.

Procurements from State Procurement are made available as normal EU procurement and on the website of State Procurement.

Link: <http://www.statensindkob.dk/composite-1.htm>

#### **The online public procurement paper / Udbudsavisen**

The public procurement (online) paper is established by The Danish Enterprise and Construction Authority and Local Government Denmark (LGDK) in order to enhance competition and transparency concerning public procurement. The purpose is double: to create greater competition and by that lower prices and greater quality for resources spent and to give companies easy access to public procurement. The public procurement paper contains access to the following public procurement notices:

- All public procurement notices from the European Union, including those from Denmark (above EU thresholds)
- Public procurement notices published by Danish authorities concerning contracts below thresholds for EU procurement
- Procurement and tendering within construction work sector announced by Danish authorities, which are below thresholds for EU procurement
- Procurement of tasks which are not covered by the Public Procurement Directive, announced by the Danish public authorities

The portal can be accessed and used free of charge. Users can also choose to pay a fee in order to set up a personalized profile by which they get the procurement notices by e-mail according to defined areas of interest. The portal is only available in Danish

Link: <http://www.udbudsavisen.dk/>

#### **Danish Complaints Board / Klagenævnet for udbud**

Danish Complaints Board is an independent administrative appeals body - a so called 'quasi-judicial court', which is not subject to instructions from any authority. Decisions of the Board may, with few exceptions, be brought to court for full judicial procedure.

Danish Complaints Board's main role is to handle complaints about public providers' violations of EU community law by the provision of works, supplies and services. Danish Complaints Board is established to meet Denmark's obligations under the so-called control directives.

The website of the Complaint Board contains information existing rules within public procurement, legal rulings of the board and a guide for complaints. The Complaint Board is also open for inquiries by phone.

Information on the website is only available in Danish

Link: <http://www.klfu.dk/>

### **The Public Procurement Portal (DOIP) / Den Offentlige Indkøbsportal**

The Public Procurement Portal is an electronic market place accessible to all public buyers and suppliers in Denmark. The portal is created in co-operation with The Ministry of Science, Technology and Innovation and the Ministry of Finance. The portal is a place for all public buyers and their suppliers with the purpose also to make it easier for both parts to get an overview of supply, agreements, purchasing- and sales statistics. The portal's functionality, interface, security and transaction costs are regulated by the public sector.

For buyers (public authorities) the portal gives access to an electronic tool, which consists of e-catalogues, price lists, and net price lists of selected suppliers – meaning access to see all public framework agreements with updated goods and prices. The portal is open for all suppliers/companies – also non-Danish companies. Suppliers have to register and submit product information, including prices in e-catalogues.

Danish link: <http://www.gatetrade.net/doip/doip.asp>

English link: <http://www.gatetrade.net/uk/about.asp>

### **PRIVATE INITIATIVES**

A selection of the most important/relevant private initiatives within public procurement are listed and described below.

#### **The procurement guard / Udbudsvagten**

The procurement guard is a private initiative co-operating with Børsen (a leading Danish business newspaper) and a number of private companies. The procurement guard offers tailored procurement alert/watch service based on a detailed analysis of the company, procurements from the last two years, CPV codes and more resulting in a unique search profile.

The procurement guard includes both EU procurements, all Danish procurements below EU thresholds, websites, newspapers and additionally procurements from a number of companies. Private procurers can announce their procurements for free. Subscribers have to pay a fee.

The procurement guard also offers training and seminars for companies/suppliers and direct advice concerning all aspects of procurement targeting companies/suppliers.

Link: <http://udbudsvagten.dk/> (only available in Danish)

#### **TED Alert - Danish agents/contacts**

The TED Alert system was one of the very first to offer procurement surveillance services based on personalised search query profiles. The TED Alert offers personalised procurement searches based on specific requirements such as activity/CPV codes, level of information wanted, countries. The TED Alert service is based on all procurements published on the Tenders Electronic Daily (TED) online version of the 'Supplement to the Official Journal of the European Union' (OJ S):

In Denmark there are two private consultants being TED Alert agents plus the Danish Chamber of Commerce.

Link: [www.tenders.com](http://www.tenders.com)



## **Merzell**

Merzell is a private consultancy company offering access to procurements. Merzell has clients in Germany, the Nordic countries and Baltic countries, including almost 2000 clients in Denmark.

Merzell offers personalised procurement searches based on all EU procurements (from TED), procurements published in Scandinavian newspapers and journals and furthermore procurements from private buyers making use of Mercells' services.

Merzell also offers a range of training sessions for both public buyers on how to optimize their procurements and for private companies on how to optimize their tenders and the tender process.

Link: <http://dk.merzell.com/>

## **Private procurement consultants and advisors**

Besides the private initiatives mentioned above a vast number of private consultants including lawyers, consulting engineers and others offer advice, guidance and in depth assistance to either public authorities and/or private companies concerning all aspects of public procurements. These private consultants are either sector specific or covering all sectors.

## **OTHER RELATED ORGANISATIONS / SUPPORT**

In Denmark there is a range of business support organisations working on various levels and with different focus. Public procurement represents a potential business opportunity for many companies. Therefore information, guidance, seminars, training and general awareness raising activities concerning public procurement is part of the activities carried out by the various business support organisations. But the level of public procurement activities very often varies between the different organisations and the frequency of activities also varies. Below is a list of the most important Danish business support organisations which have activities within public procurement.

### **Confederation of Danish Industry / Dansk Industri**

The Confederation of Danish Industry is the premier lobbying organisation for Danish businesses on national and international issues. The organization has more than 10.000 members including all sizes of companies, predominately with the industry/production. Besides being an interest organisation it also conduct a wide range of business support activities and events within almost all business related topics – including public procurement.

The Confederation of Danish Industry has a light introduction (on their website) to public procurement including links to some of the organisations and websites described above. The confederation has a co-operation with the private consultancy company Merzell, which includes surveillance/alert system of public procurements, offered to a reduced price.

Danish link:

<http://di.dk/MARKED/DRIVVIRKSOMHEDIEU/DETINDREMARKEDIPRAKSIS/Pages/Udbud.aspx>

English link: <http://di.dk/English/Pages/English.aspx>

### **The Danish Chamber of Commerce / Dansk Erhverv**

The Danish Chamber of Commerce is one of the largest professional business organisations in Denmark with more than 200 employees, offices in the three major Danish cities, and an EU office in Brussels. The Chamber represents 20,000 Danish companies and 100 trade associations in service sectors such as trade, tourism, business services, IT, welfare services and transport. The Chamber offers in-depth legal advice on issues ranging from employment regulations and environmental issues to global expansion.

The Chamber offers electronic monitoring of public procurement through Tenders Electronic Daily (TED database) which contains all tenders that are published by the EU procurement directives. As a complement or substitute to TED Danish Chamber of Commerce also offers public tenders and awards from Denmark, Norway and Sweden in cooperation with Udbudsvagten / the tender guard (see description above).

Danish link:

<http://www.danskerhverv.dk/OmDanskErhverv/Udbudoghoeringer/Sider/default.aspx>

English link (short introduction to the Chamber):

<http://www.danskerhverv.dk/OmDanskErhverv/Profil/Danish-Chamber-Commerce/Sider/Danish-Chamber-Commerce.aspx>

### **Local Danish Business Support / DEF – Dansk ErhvervsFremme**

A very important part of the Danish business support system is constituted by the local business support and development centres. The local business support organisations offers general information, advice and activities within all kinds of business related areas. Included in these areas of information, guidance and activities are public procurement – but the level and frequency of activities varies. The activities mostly include: short introduction to public procurement opportunities, signposting to procurement resources – websites and private consultants and seminars and training giving insight on the business opportunities within public procurement, where to get information, how to do it etc.

DEF is a nationwide network organization which comprises most of the local Danish business support organisations. The website of DEF also includes a list of all members, so it's easy to find the local/nearest local business support.

Link: <http://www.danskerhvervsfremme.dk/> (in Danish only)

### **Regional Business Links / Væksthusene**

The regional Business Links provide guidance targeted at entrepreneurs and businesses having ambitious plans such as cultivating new markets, inventing new products or employing more people, etc. The Business Links cooperate with and provide contact to private advisers such as banks, accountants and lawyers and to a large number of public actors. The regional business links very often operate in close co-operation and in continuation of the local business support organisations. The regional business links does not have a specific focus on public procurement, but as they play a crucial role in the Danish business support system and furthermore are in daily contact with numerous companies, general information about and signposting to appropriate websites, private consultants etc. concerning public procurement opportunities is when relevant in this contact to companies. There are 5 regional business links in Denmark.

Common webportal for business links: <http://www.startvaekst.dk/>

### Enterprise Europe Network

The Europe-wide and beyond network, has public procurement as one of the focus areas in the support of SMEs. The support is in the format of information, awareness raising, seminars and direct advice on how to get access to public procurements.

Link to Enterprise Europe Network in Denmark: [www.enterprise-europe.dk](http://www.enterprise-europe.dk)

## 2.3. Regional Initiatives

The five Danish regions have a broad cooperation within procurement. They have a strategy to develop common standards for tenders before 2015 on criteria such as environment and ethics (social responsibilities). You can find all announcements of tenders from the regions on [www.regionsudbud.dk](http://www.regionsudbud.dk) and [www.udbudsavisen.dk](http://www.udbudsavisen.dk) (in Danish). EU tenders will also be published on [www.ted.europa.eu](http://www.ted.europa.eu).

All the regions have already extensive criteria on environmental and ethical matters and according to each of their procurement policies (which applies for all procurement in the region; above and below the different thresholds), all procurement has to be made with respect for national and international laws and regulations on human rights, employee rights, environment, anticorruption and social responsibilities in general. The procurement policies of the five regions can be found here: <http://www.regionsudbud.dk/Regionernes-indkøb/Indkøbspolitik.aspx> (in Danish)

The regions have also formulated strategies for public procurement. These strategies contain the plans, initiatives and objectives for how many tasks and services and in which areas procurement and outsourcing can be made. However, the strategies do not provide any conclusive or final decisions for the regions' procurement plans.

They can be found on the respective regions' own homepages:

<http://www.regioner.dk/In+English/Regional+Denmark.aspx>

The regions are first and foremost responsible for the public hospitals and as such, most of their procurement is within medical equipment. The regions and the pharmaceutical industry have developed mutual guidelines on good ethics and moral for suppliers and public buyers of medical equipment. This involves confidentiality, standards for communication and division of responsibility as well as transparency regarding e.g. potential benefits or activities paid by a company to a hospital's professional environments. The whole document can be downloaded from [www.regionsudbud.dk](http://www.regionsudbud.dk) (Danish only).

### Regional procurement portal / Regionsudbud.dk

Regionsudbud is a homepage which contains information on and announcements of tenders and purchasing in the five Regions in Denmark. It is possible to subscribe to specific areas and receive a mail whenever there is a new tender within the area. The homepage contains all the regions' tenders with a value above 500,000. It also has links to the regions' individual procurement policies and contains information on joint projects, policies and agreements within public procurement.

Link: [www.regionsudbud.dk](http://www.regionsudbud.dk) (only available in Danish).

## Amgros I/S

Amgros is a public company owned by the five Danish regions. The organization has the lead in tenders and procurement of publicly used pharmaceuticals and other medicinal products, as well as hearing aids in the Danish public health service.

Amgros is the holder of the marketing authorisation for all pharmaceuticals manufactured by the Danish public hospital pharmacies.

Amgros organizes, publishes tenders, and purchases pharmaceuticals for all the public hospitals in Denmark which approximately is 30 percent of all public acquisition of pharmaceuticals. In addition Amgros publishes tenders and purchases hearing aids on behalf of the 98 municipalities.

Amgros specializes in tender procedures, securing high quality in the handling of the process, complying with the complex legal requirements of public tenders.

All tender material and offers goes through a web-based system, which saves time for both tenderers and Amgros. Be sure to have a valid company digital signature before registering as user of the system. The tender material will only be published through this system and it is the responsibility of the suppliers to keep themselves updated on new materials.

Link: [www.amgros.dk](http://www.amgros.dk) (the homepage is in Danish with some information in English).

## Municipal Public Procurement

You can find all announcements of tenders from the municipalities at the respective municipality's homepage and on [www.udbudsavisen.dk](http://www.udbudsavisen.dk) (in Danish). EU tenders will also be published on [www.ted.europa.eu](http://www.ted.europa.eu).

Like the regions, the 98 municipalities in Denmark have policies which apply to all procurement within the municipality regardless of thresholds. As with the regions, all procurement has to be made with respect for national and international laws and regulations on human rights, employee rights, environment, anticorruption and social responsibilities in general. The procurement policies can be found on the respective municipalities' homepages.

The municipalities have also formulated strategies for public procurement according to an agreement with the government. These strategies contain the plans, initiatives and objectives for how many tasks and services and in which areas procurement and outsourcing can be made. However, the strategies do not provide any conclusive or final decisions for the municipalities' procurement plans. The strategies can be found on the respective municipalities' own homepages.

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