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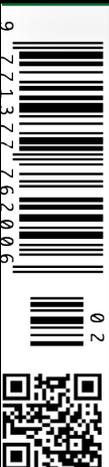
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Professionalisation in Public Health Procurement: A Way to Go

Public procurement accounts for about 14% of EU GDP yet processes and documents are often hard for citizens and suppliers to understand. With the 2014 directives under review, procurement must be in the hands of trained, motivated professionals. EU and OECD initiatives such as ProcurCompEU define competencies, identify gaps and support certification. Simplification needs clearer tenders, functional specifications, stronger award criteria and digitisation, backed by political leadership in health.



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key points

- Public procurement represents about 14% of EU GDP.
- Procurement processes and documents are often poorly understood.
- Professionalisation requires trained, motivated procurement staff.
- Competency frameworks can identify gaps and guide certification.
- Simplification needs clearer tenders, criteria and digitisation.

Introduction

No one doubts the importance of public procurement and its impact on the GDP of European countries. We cannot ignore the fact that, with annual expenditure of approximately 14% of the European Union's (EU) GDP, public procurement contributes to sustainable growth and job creation (European Commission 2020a). The question we should ask is whether public procurement is in the hands of professionals who are adequately prepared, trained and motivated to meet the expectations created around it.

At this time, the 2014 European Directives are being revised, once it has been verified that their implementation and development in European Union countries have not yielded the expected results. Therefore, it is necessary to rethink how to obtain and retain professionals in public procurement (European Court of Auditors 2023).

Background to Professionalisation Promotion in Public Procurement

Directive 2014/24/EU (26 February 2014), repealing Directive 2004/18/EC, frames procurement as a policy lever in the context of the Europe 2020 strategy. Recital 2 states that "Public procurement plays a key role in the Europe 2020 strategy" and presents it as a market-based instrument to support "smart, sustainable and inclusive growth" while "ensuring the most efficient use of public funds".

Recital 121 further emphasises that "better guidance, information and support to contracting authorities and economic operators" can improve efficiency through better knowledge and "*increased legal certainty and professionalisation of procurement practices*". It adds that such guidance may cover "*acquisition planning, procedures, choice of techniques and*

instruments and good practices”, while clarifying that legal guidance does not necessarily need to amount to a complete legal analysis and can instead point to relevant sources such as case-law and guidance notes.

There is no doubt that this Directive highlighted the need for public procurement to be in the hands of well-trained professionals who would contribute to better practices in all phases of public procurement, as well as greater legal certainty for authorities, purchasers and economic operators alike.

“Professionalisation should be understood as a journey, not an end in itself, and approached as a continuous process of improvement.”

The importance of professionalising public procurement is also highlighted in the OECD Recommendation on Public Procurement (OECD 2023). It proposes developing a model of well-defined competencies, including the critical skills and levels of ability required for the strategic management of an organisation. Alongside this model, a certification framework should be implemented to verify the skills and competencies acquired by civil servants involved in public procurement.

What are the benefits of ProcurComp^{EU}?

ProcurComp^{EU} enables procurement professionals to play a pivotal role in facing current and future challenges in delivering high value investment and services for the citizens. It helps individual public procurement professionals to valorise their competences, facilitates training and professional development. It helps organisations to build the teams of professionals they need to reach their strategic investment goals and to encourage careers in procurement. It also helps training providers to build the appropriate training programmes.

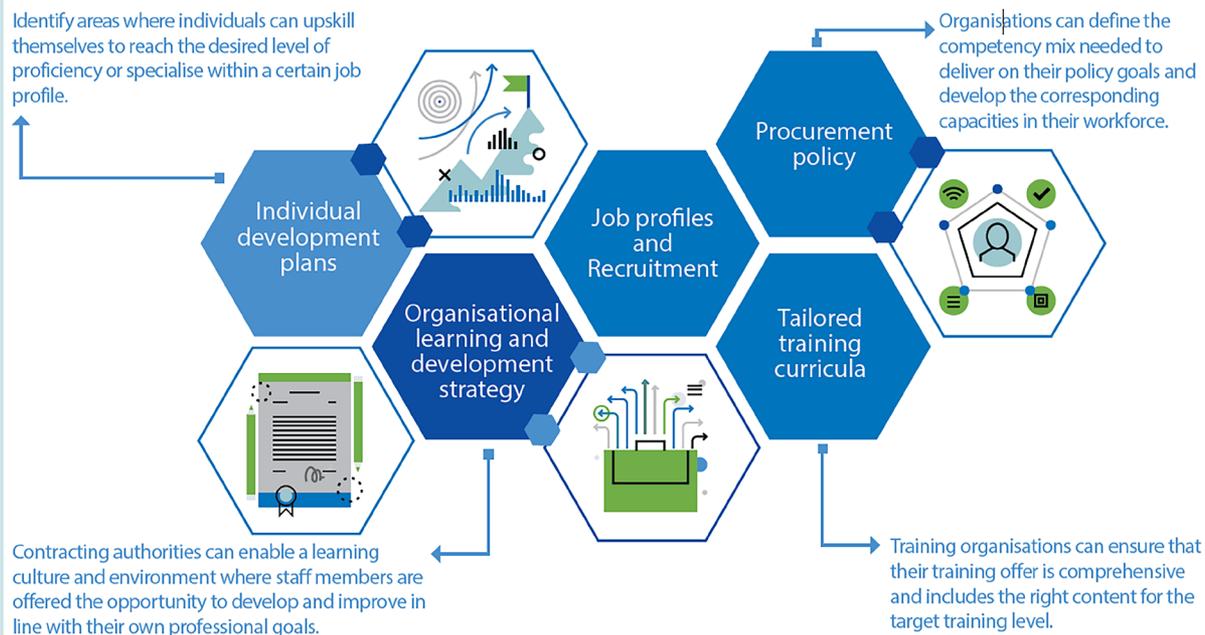


Figure 1. Benefits of ProcurCompEU – European Competency Framework for Public Procurement Professionals. Source: European Union

More specifically, the European Commission initiated a process to improve the professionalisation of those involved in the public procurement market, notably Recommendation (EU) 2017/1805 of 3 October 2017 on the professionalisation of public procurement (European Commission 2017). The proposal is: “Member States should develop and implement long term professionalisation strategies for public procurement, tailored to their needs,

resources and administrative structure, standalone or as part of wider professionalisation policies of public administration. The aim is to attract, develop and retain skills, focus on performance and strategic outcomes and make the most out of the available tools and techniques”. It also urges Member States to define the responsibilities of those involved in public procurement and to design training programmes.

This is how ProcurCompEU was developed, a tool to support the professionalisation of public procurement (European Commission 2020b). ProcurCompEU makes it possible to assess public procurement skills and knowledge, identify skills gaps and design specific learning and development tools. It is an extremely useful framework, defining 30 competencies grouped into two broad categories (procurement-specific and generic) and four levels of knowledge and skills for each competency (basic, intermediate, advanced and expert). ProcurCompEU recognises and supports public procurement as a strategic function that enables public investment for sustainable growth.

In this regard, I agree with De Guerrero Manso (2021a; 2021b) that this tool should be used by public administrations to design the required job profiles and promote self-assessment of staff skills. It should also be used by professionals involved in public procurement, who can self-assess and design a training strategy to strengthen their knowledge. Finally, training providers can adapt their programmes to meet the needs identified by organisations and/or individuals.

In fact, several countries neighbouring Spain have designed their own professionalisation plans based on this tool. Croatia is a notable example, having established a mandatory certification system for public procurement, whereby all public procurement procedures must be carried out by a team in which at least one member is certified. Certification is granted after comprehensive training is offered to civil servants, with participation also open to other public sector professionals.

In Spain, the National Public Procurement Strategy 2023–2026 (ENCP) includes as one of its objectives “increasing the professionalisation of public agents involved in procurement processes”. It also sets out actions to support this objective, including increased public procurement training as part of access to public employment, ongoing training for civil servants and measures to promote an appropriate professional career pathway for public employees with procurement skills.

“The use of specialised technical language and an emphasis on contract risk with all kinds of precautions create a complex web of self-protective clauses.”

In this regard, there are several relevant articles on professionalisation, such as Guerrero Manso (2021a). I agree with this author that public procurement requires a combination of skills, abilities and competencies, not only for preparing tender documents, evaluating tenders and monitoring contract execution, but also for communication, negotiation and project management.

Professionalisation should be understood as a journey, not an end in itself, and approached as a continuous process of improvement. However,

it should not be limited to public administrations; economic operators should also receive specific training and education.

Economic operators need training in public procurement because it helps ensure participation on equal terms, supports compliance with legal requirements and reduces the risk of penalties. They also increase competition, encouraging administrations to select the best proposals in terms of quality and price. In addition, they bring innovation, including technical solutions and know-how that can enrich public projects and improve efficiency in the tendering process, for example by designing bids that meet energy efficiency, sustainability or social responsibility criteria. Overall, this strengthens public procurement.

If this were not enough, it should be remembered that “Good Governance” in public administration requires a certain level of professional competence among public employees in order to meet the challenges of public procurement, respond to needs in the most efficient and effective manner and thus generate trust among citizens.

The question is: why is professionalisation necessary in public procurement? One answer lies in the complexity of public procurement. Let us analyse what is meant by complexity.

Some Features of the Complexity of Public Procurement

We start from the fact that, in general, public procurement is poorly understood by citizens. It is even more problematic when economic operators, the intended users, do not fully understand either the procedure itself or the documents involved.

However, this situation does not only affect Spain; it is also common across the European Union. In this context, the European Court of Auditors' Special Report No. 28, which analyses the period 2011–2021, includes recommendations to: reduce unnecessary administrative burdens; promote more efficient procedures, particularly in the choice of selection and award criteria; and make public contracts more attractive to businesses, especially small and medium-sized enterprises (European Court of Auditors 2023).

The use of specialised technical language and an emphasis on contract risk with all kinds of precautions create a complex web of self-protective clauses. As a result, the contract may focus on breaches, disputes and remedies, based on a presumption of contractor breach. This can make mistrust the defining feature of the relationship between the parties, rather than the contract's content and the needs it is meant to address.

This latter issue is particularly evident in technical specifications, which can leave little room for innovative and efficient solutions proposed by bidders. In such cases, there may be limited interest in engaging bidders beyond purely economic considerations, in helping them understand the rationale for the tender, or in enabling them to respond to the underlying needs by maximising added value in delivery. By contrast, functional specifications can create opportunities to meet needs more effectively and allows market knowledge and innovative potential to be exploited. Establishing technical specifications as functional requirements also shifts responsibility for achieving better results towards the market.

In other words, moving towards value-based purchasing that addresses specific patient needs requires assessment criteria that support the objective of the 2014 directives, namely awarding contracts on the basis of the most economically advantageous tender (MEAT).

Simplification in Public Procurement

Of course, public procurement can be streamlined through the rationalisation methods set out in law, including framework agreements, dynamic purchasing systems and centralised purchasing. Even so, procurement is likely to remain complex. One factor that may help explain persistent bureaucracy and inefficiency is the lack of an adequate level of professionalisation.

“Tender documents also serve as a communication channel between the contracting authority and companies.”

In this regard, the European Parliament has issued recommendations to the European Commission through its Resolution of 22 November 2023. These recommendations relate to the Committee on Digitalisation and Administrative Law (2021/2161(INL), published on 24 July 2024) and call for the digitisation of administrative procedures, including public procurement files, to be properly

regulated. The Resolution mentions, in particular, information security and cybersecurity, the right to rectify an error, universal accessibility and interoperability of digital services and the application of the “once only” principle for information submitted to the administration.

In this regard, and within the framework of their national recovery and resilience plans, several Member States (Croatia, Hungary, Italy, Romania, Slovakia and Greece) plan to use the Recovery and Resilience Facility to improve public procurement procedures, for example through digitisation. Sharing best practices could help simplify and strengthen these procedures, with a corresponding increase in competition in public procurement across the EU.

Another factor influencing simplification is the way the tendering process is designed. From a purely procedural perspective, tools such as checklists, decision trees, flowcharts and tasks can simplify the workflow by helping to identify steps that are unnecessary or suitable for automation, making the process more logical. Standardised templates and documentation can also streamline tender preparation and speed up the recruitment process.

Tender documents also serve as a communication channel between the contracting authority and companies. Although much of the information is legally required, tender documents are often drafted in a way that does not make participation easier for companies, even though they also serve a communication function for the contracting authority.

Without wishing to delve too deeply, the documents, the process design and the way procurement is communicated, together with other “ancillary” aspects of the procedure, reveal a great deal about

an organisation's values and culture. They indicate how participatory it is, whether procurement is treated as a collaborative process, and the extent of its consideration for businesses and citizens.

In this regard, the Council Conclusions on the report Improving fair and effective competition for EU public procurement contracts awarded for works, goods and services emphasise *“the need to avoid unnecessary administrative burdens for public purchasers and economic operators, including SMEs and micro-enterprises”*. It considers that the complexity of public procurement legislation may constitute *“an obstacle to the participation of certain economic operators in public procurement”* (Council Conclusions on the European Court of Auditors 2024).

From an economic perspective, public procurement can facilitate the entry of new economic operators into the market. It can also set expectations for companies to act in line with integrity principles, while

incentivising innovation, environmental responsibility and efforts to reduce social inequalities.

Professionalising public procurement managers means moving from a purely administrative approach to a strategic one, where each contract becomes a tool for generating economic, social and environmental value.

Conclusion

What we cannot forget is that many of today's decisions in the field of health are related to purchasing processes. In an environment where resources are limited and the sustainability of the system is constantly being questioned, not only in the long term but even in the medium term, it is clear that decisions on where and how to allocate financial resources are key.

On the other hand, innovation opens up therapeutic and care pathways and possibilities for patients and professionals that were unthinkable a few decades ago; but often this innovation comes at a high cost, at least in the short term.

All of this leads us to the conclusion that we must be able to incorporate technological innovations into the system that improve the service patients receive and their quality of life; but, at the same time, we need to be able to measure how relevant these improvements are for patients and for the system itself, from a sustainability perspective.

It is through professionalisation that we can most efficiently support efforts to streamline recruitment procedures, but this requires political leadership.

Conflict of interest

None.

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