

Comparative Analysis of the Characteristics of Public Procurement Systems in Germany, France and Romania

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Abstract

In public procurement, an important role is played by the analysis of the way public procurement takes place in other European Union (EU) countries.

Although public procurement in EU Member States are governed by the same general rules established by a series of Directives that Member States have to transpose into national law, there are a number of significant differences and characteristics between public procurement systems.

These differences are very important as they can lead to the identification and adoption of measures that can generate a number of effects, such as: increasing the efficiency of the use of budget funds, reducing the time of a procurement procedure, reducing the number of complaints, increasing the number of tenderers that participate in procurement procedures, encouraging the participation in procedures of small and medium enterprises, etc.

The article describes an analysis of the main features of public procurement in the two most important EU member states, namely Germany and France, which are analysed in comparison with the public procurement system in Romania.

Keywords: *public procurement, procurement procedure, principles of public procurement, value threshold, award criterion, assessment factor.*

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1. Introduction

From an economic point of view, the public procurement system in the European Union is very high, because its total annual amount (around 2 trillion Euro) is of approx. 14% of the GDP of the whole region, while at EU level there are over 250,000 contracting authorities. Considering the total value of EU procurement, an increase in efficiency of only 1% can lead to savings of approx. 20 billion Euro per year (EC, 2019).

In the European Union (EU), the main target of the procurement system was to open public procurement to trade between Member States. Trade regime in the EU is now recognized as one of the oldest, most valuable and comprehensive in the world. Public procurement field in the EU is regulated centrally to achieve a free market. This is based on the theory of competitive advantage, according to which a state has a competitive advantage in producing products and services if it

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produces them relatively efficiently compared to other states. The main disadvantage of the EU procurement system consists in limiting the freedom of governments to implement national procurement policies (to obtain the highest value for the funds spent) in a manner that best suits the particularities of the Member States, making it difficult to adapt supranational rules to specific circumstances of each region / state (Thai, K., V. et al., 2009).

2. The public procurement system in Germany

The Federal Office for Technology and Defence (BWB - Bundesamt für Wehrtechnik und Beschaffung) is the largest federal purchaser (BWB, 2006). BWB acquires all the necessary equipment and supplies for Germany's Federal Army, such as: complex weapons systems, armoured vehicles, airplanes, ships, soldiers' equipment and uniforms.

The second largest federal purchasing authority is the Procurement Agency of the Federal Ministry of the Interior (BeschA - Beschaffungsamt des Bundesministeriums des Inneren). It purchases products / services for a number of 26 federal organizations (federal police, federal offices and federations). Among the products / services purchased are: office equipment, consulting, research and development for vehicles, boats, police helicopters, medicines for humanitarian activities (Procurement Agency of the Federal Ministry of the Interior, 2005).

According to Solbach, T. (2018), the main features of the procurement system in Germany in the year 2018 are:

- the number of contracting authorities: approximately 30,000;
- the annual number of procedures performed: approximately 2.4 million;
- estimated annual procurement value: between 280 and 360 billion Euro;
- the annual percentage of the value of procurements in GDP: approx. 10-15% (Solbach, T. 2018).

According to the same author, the procurement system is decentralized on three levels: federal, regional and local / municipal, the weight of the number of contracting authorities being of approx. 12% at federal level, approx. 30% at regional level and approx. 58% at local / municipal level. Interestingly, procurement procedures below EU value thresholds represent approximately 90% of the total number of procedures and 75% of the total value of procurements whereas the procedures under the EU thresholds represent approx. 10% of the total number of procedures and 25% of the total procurements (Table 1).

Structure of the German procurement system

Table 1

No.	Indicator / Type of procedures	Procedures below EU thresholds		Procedures above EU thresholds	
		Germany	Romania	Germany	Romania
1	Weight of the number of procedures from the total number of procedures	90%	68%	10%	32%
2	Weight of the value of procedures in the total value of procurements	75%	17%	25%	83%

Source: Solbach, T. (2018)

Given that 90% of the total number of procedures (namely a weight of 75% of the total value) are procedures below EU thresholds, Germany has a fast, flexible, efficient and low-bureaucratic procurement system.

Comparative situation of types of procedures in Germany and Romania

Table 2

No.	Indicator / Type of procedures	Procedures below EU thresholds		Procedures above EU thresholds	
		Germany	Romania	Germany	Romania
1	Weight of the number of procedures from the total number of procedures	90%	68%	10%	32%
2	Weight of the value of procedures in the total value of procurements	75%	17%	25%	83%

Sources: Solbach, T. (2018); National Agency for Public Procurement (ANAP) - Indicators to monitor the effectiveness of procurement procedures completed by contract / framework agreement in 2017

By comparison, it should be noted that in 2017, in Romania the weight of the number of procedures under the EU threshold was of 68% (compared to 90% in Germany), but the weight of the threshold value was only 17% (compared to 75% in Germany) (Table 2).

The graphical representation of the weights of the number of procedures and of the values of the procedures below / above the value threshold at EU level is presented in Figure 1.

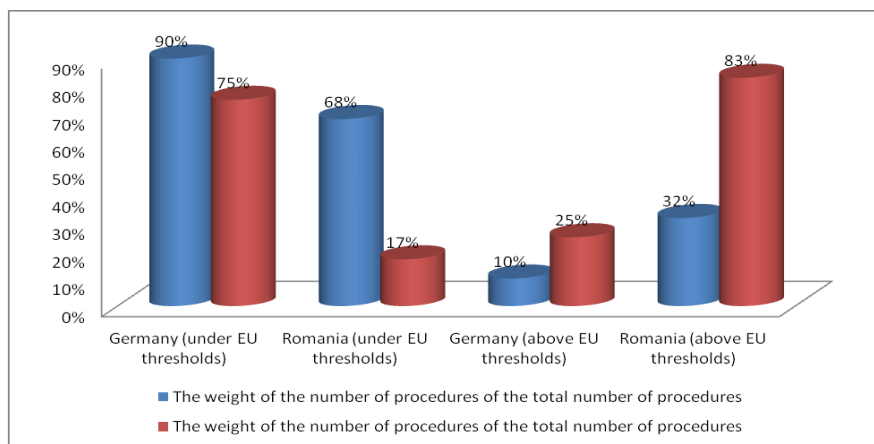


Figure 1: Graphical representation of the weights of the number of procedures and of the values of the procedures below / above the EU threshold

Source: Based on the data in Table 2

According to BMWi (2018), as of January 1, 2018, the EU thresholds values (without VAT) for the procurement procedures in Germany are the following:

- 5,548,000 Euro for works;
- 443,000 Euro for sectoral or defence procurement;
- 144,000 Euro for products and services purchased by central or federal authorities;
- 221,000 Euro for other product and service contracts (BmWi, 2018).

The comparative situation of value thresholds for procedures in Germany and Romania is presented in Table 3.

Comparative situation of value thresholds in Germany and Romania

Table 3

No.	Object of procurement procedure	Value thresholds	
		Germany	Romania
1	Works	5,548,000 euro	24,977,096 lei 5,236,288 euro
2	Sectoral procurement	443,000 euro	1,858,177 lei 389,554 euro
3	Defence	443,000 euro	428,000 euro
4	Products or services purchased by central / federal authorities	144,000 euro	648,288 lei 139,909 euro
5	Social services	750,000 euro	3,376,500 lei 707,861 euro
6	Local / County / Municipal Councils, institutions subordinated to them	-	994,942 lei
7	Other product and service contracts	221,000 euro	-

Note: The Romanian thresholds in Euro were calculated at an exchange rate of 1 Euro = 4.77 lei.

Sources: BMWi, (2018); Romanian Law no 98/2016

As it can be seen, the value thresholds for procedures with a common object of procurement are approximately equal, which is normal, given that both countries comply with EU directives.

Comparative situation of the procurement principles in Romania and Germany

Table 4

No.	Public Procurement Principles	
	Romania	Germany
1	equal treatment	equal treatment
2	non-discrimination	non-discrimination
3	transparency	transparency
4	proportionality	interest for small and medium-sized enterprises
5	mutual recognition	sustainability
6	assuming responsibility	competition
7	-	eProcurement

Sources: Solbach, T. (2018); Romanian Law no 98/2016

According to Solbach, T. (2018), the principles of public procurement in Germany are: transparency, competition (more than one tenderer), non-discrimination, equal treatment (for European and international tenderers), interest for small and medium enterprises (the division of the object of procedure in batches being mandatory, applying the principle of proportionality), sustainability and eProcurement. Table 4 presents a comparative situation regarding the procurement principles in Romania and Germany.

The comparative analysis of procurement principles in Romania and Germany reveals that three principles are common to both countries and four of the German principles make public procurement more effective, namely:

- favouring small and medium-sized enterprises that are the engine of any national economy;
- ensuring the durability of procurement (sustainability) results, through the purchase of quality products;
- promoting competition that leads to lower prices and higher procurement efficiency;
- encouraging e-procurement which is faster, more transparent and more efficient.

The German public procurement award criterion is the “most economically advantageous tender” (MEAT- most economically advantageous tender) which must be identified by the purchasers at least on the basis of the lowest price or the lowest cost (including the lowest life cycle cost). Other assessment factors can be quality, social aspects, environmental aspects, innovation, etc. Sustainability in public procurement in Germany can mainly refer to environmental and social issues. Sustainability can be transposed into procurement procedures by requiring specific technical specifications, award criteria and dedicated contractual clauses. It should be noted that sustainability is treated only as a principle, and there is no

general obligation on contracting authorities to include issues related to it (Solbach, T., 2018).

Comparison of the award criteria and the assessment factors in Germany and Romania

Table 5

Germany		Romania	
Award criteria	Assessment factors	Award criteria	Assessment factors
the most economically advantageous tender, which may be the lowest price or the lowest cost	quality, sustainability, social aspects, environmental aspects, innovation, functional features, aesthetic features, operating costs, delivery chart (time), cost-effectiveness ratio	1. the lowest price	-
-	-	2. the lowest cost	-
-	-	3. best quality-price ratio	quality, functional and aesthetic, social, environmental characteristics, technical advantages, sales conditions, experience, qualification and organization of staff, sales conditions, post-sale services, combating unemployment, production process, marketing, specific processes
-	-	4. best quality-cost ratio	

Sources: Solbach, T. (2018); Romanian Law no 98/2016

The comparative situation of the award criteria and the assessment factors used in Germany and Romania are presented in Table 5.

Centralized procurements are carried out at the federal level by the Federal Procurement Office of the Ministry of Interior (BeschA - Beschaffungsamt des Bundesministeriums des Inneren) and by the Federal Office of Bundeswehr Equipment, Information, Technology and In- Service Support (BAAINB).

Particular attention is paid to professionalisation of purchasers, taking steps to improve their training, some universities having master programs dedicated to the University of Munich, the Federal Academy of Public Administration and some academies at the regional level (Solbach, T., 2018).

**Similarities in initiating procedures, evaluating tenders, awarding tenders
and filing complaints in Germany and Romania**

Table 6

No.	Similarities
1	the initiation of procedures above EU thresholds is published in Official Journal of the EU (OJEU)
2	the contract award rule is open procedures (open bid) or restricted procedures where the minimum number of tenderers is five (restricted bid)
3	the framework contract may be concluded with one or more tenderers, in the second case the competition shall be resumed prior to the award of the subsequent contracts
4	the contracting authority is obliged to divide the object of the procedure into batches and may limit the number of batches attributable to the same contractor
5	the contracting authority has the right to choose whether or not to accept alternative tenders
6	award criteria and assessment factors should be mentioned in the awarding documentation and cannot be changed during the course of the procedure or later
7	the contracting authority through the members of the tender evaluation committee must be independent, neutral and impartial
8	the conflict of interest applies in both countries and has the same cases of exclusion from the award procedure of a member of the evaluation committee or of a tenderer
9	two tenderers with links between themselves belonging to the same parent company or belonging to one another cannot submit two separate tenders or a separate tender and a tender in association because these are considered to be non-competitive behaviour
10	the tenderer whose tender has been declared unsuccessful must be informed by the contracting authority of the name of the successful tenderer, the reasons why the tender was selected (the advantages of the winning tender against the unsuccessful tender). Contracts cannot be concluded until a 10-calendar day waiting period (in both countries) has passed since the date of receipt of the above-mentioned notification
11	for tenders which have an unusually low price, contracting authorities must seek clarification from tenderers, but in Germany such a tender is considered to be a tender which has a price 10-20% lower than the second tender while in Romania the value of the unusually low price is left to the discretion of the contracting authority
12	In both states, complaints are filed in a two-tier system: at the first level there are institutions with administrative-jurisdictional powers such as the Federal Review Chamber for procurement procedures (FRC) in Germany and National Council for Settlement of Appeals (NCSA) in Romania, and the courts of appeal are at the second level. In Germany, the appeals filed with FRC shall be settled within a period of 2 to 4 months (in Romania the average time for settling appeals at NCSA in 2017 was of 29 calendar days) and at the courts of appeal within a period of 2 to 6 months
13	for lodging appeals at both levels, the claimant is required a guarantee (bail in Romania) the amount of which is directly proportional to the estimated / awarded value of the contract, guarantee which is forfeited if the appeal is rejected

No.	Similarities
14	a new procedure is not required to be initiated if the successful tenderer is taken over or merged with another company, if the nature of the contract is not changed, if the additional products that are deemed to be purchased make the value of the contract to be above EU thresholds
15	In Germany, additional products / services / works can be purchased by drawing up an addendum for up to 10% for products / services of the initial value of the contract and no more than 15% for works, in Romania both percentages being 50%

Sources: Solbach, T. (2018); Romanian Law no 98/2016

Given that both Germany and Romania comply with the EU Directives, as regards initiating procedures, evaluating tenders, awarding tenders and filing complaints, there are a number of similarities that are presented in Table 6.

3. The public procurement system in France

The relevant legislation in France is made up of Ordinance no. 2015-899 of 23.07.2015 which contains the overall legal framework for public procurement in France, Decree no. 2016-360 of 25.03.2016, which contains the details and rules for the application of the Ordinance and Decree no.2017-516 of 10.04.2017 which amended Decree 2016-360 of 25.03.2016. As the rest of the countries in the EU, French procurement legislation transposes rules at European level. These legal provisions refer to EU and to international agreements where EU is part (Holterbach, K., Dubrulle, J., B., 2018).

Also, according to the same authors, the principles of public procurement in France are:

- transparency by which contracting authorities must communicate in advance all important elements of the procurement;
- equal treatment by which contracting authorities will make available the same information to potential tenderers;
- open, unrestricted access to the procurement procedure: public announcement and competition are mandatory to allow potential tenderers to compete;
- the efficiency of using public funds (Holterbach, K. and Dubrulle, J., B., 2018).

Comparison between the principles of public procurement in Romania and France

Table 7

No.	Public Procurement Principles	
	Romania	France
1	equal treatment	equal treatment
2	non-discrimination	open access
3	transparency	transparency

No.	Public Procurement Principles	
	Romania	France
4	proportionality	-
5	mutual recognition	-
6	assuming responsibility	-
7	economic and social efficiency (purpose)	efficiency of public funds use

Sources: Holterbach, K., Dubrulle, J., B., (2018); Romanian Law no 98/2016

Table 7 presents a comparative situation regarding the procurement principles in Romania and France. It should be mentioned that the economic and social efficiency of the procurement of goods, services or works is the purpose of the public procurement legislation in Romania (the efficiency of the use of public funds was a principle in the 2006-2016 legislation, namely in GEO 34/2006).

The comparative analysis of the procurement principles in Romania and France reveals that two principles are common to both countries (equal treatment and transparency) and efficiency which is a principle in France, in Romania is the purpose of procurement. This aspect is important because when a particular situation / problem occurs (which is not regulated), it must be resolved in accordance with the principles in each country. In other words, the principles must always be respected, in the conditions in which the purpose can be reached or not, as the case may be. From this point of view, the legislation in France is superior to that in Romania, aiming to obtain the maximum effects for consumed resources (budgetary funds).

In France, that ordinance and decree mentioned apply where a contracting authority wishes to purchase services, works or products the value of which exceeds 25,000 Euro. The value thresholds (VAT excluded) for the procurement procedures in France are the following:

- 135,000 Euro for products and services purchased by state authorities and administrative institutions;
- 209,000 Euro for products or services purchased by local authorities and their administrative institutions;
- 418,000 Euro for sectoral or defence purchases
- 5,225,000 Euro for works (Holterbach, K., Dubrulle, J., B., 2018).

The comparative situation of value thresholds for procedures in France and Romania is presented in Table 8.

Comparative situation of value thresholds in France and Romania

Table 8

No.	Object of procurement procedure	Value thresholds	
		France	Romania
1	Works	5,225,000 euro	24,977,096 lei 5,236,288 euro
2	Sectoral procurement	418,000 euro	1,858,177 lei 389,554 euro
3	Defence	418,000 euro	428,000 euro
4	Products and services purchased by state authorities and their administrative institutions	135,000 euro	648,288 lei 139,909 euro

No.	Object of procurement procedure	Value thresholds	
		France	Romania
5	Products or services purchased by local authorities and their administrative institutions	209,000 euro	994,942 lei 208,583 euro
6	Social services	-	3,376,500 lei 707,861 euro
7	Direct procurement (not procedure)	25,000 euro	135,060 lei 28,314 euro

Sources: Holterbach, K., Dubrulle, J., B., (2018); Romanian Law no 98/2016

Note: The Romanian thresholds in Euro were calculated at an exchange rate of 1 Euro = 4.77 lei.

As it can be seen, the value thresholds for procedures with a common procurement object are roughly equal, which is normal, given that both countries comply with EU directives.

When the estimated value does not exceed 25,000 Euro it is not necessary to conduct a procedure (the equivalent of direct procurements in Romania). If the estimated value is between 25,000 Euro and the thresholds mentioned, the contracting authority may conduct a procedure in compliance with the principles of equal treatment, open access and transparency (without this requirement being an obligation), provided that the simplified procedure is applied in Romania. When the estimated value exceeds the thresholds in lines 1-5 of the table above, an award procedure should be applied (Holterbach, K., Dubrulle, J., B., 2018).

According to Holterbach, K. and Dubrulle, J., B., (2018), as in Romania, in France, award procedures can take the following forms:

- a call to tender ("appel d'offre") - the equivalent of the invitation notice in Romania - a procedure that can be open or restricted;
- a competitive procedure with negotiation;
- competitive dialogue (Holterbach, K. and Dubrulle, J., B., (2018)).

The comparative situation of the types of procedures in France and Romania is shown in Table 9.

Comparative situation of the types of proceedings in France and Romania

Table 9

Procedure type	
France	Romania
Open procedure	Open bid
Restricted procedure	Restricted bid
Competitive procedure with negotiation	Competitive negotiation
-	Negotiation without prior publication
Competitive dialogue	Competitive dialogue
One procedure can be applied or not	Simplified procedure
-	Solution bid
-	The procedure applicable to social services and other specific services
-	The partnership for innovation

Sources: Holterbach, K., Dubrulle, J., B., (2018); Romanian Law no 98/2016

As it can be seen, the types of procedures in Romania are more numerous than those in France and are more suited to specific areas (social services, innovative products, etc.).

Also, as in our country, in France, award criteria, assessment factors, their weights, or calculation algorithm are published in the award documentation and cannot be changed during the procedure. The award criteria in French law are:

- the "lowest price" traditional criterion where the tenderer which presents the lowest price is declared the winner;
- "the best quality-price ratio";
- the "lowest cost", the cost being set on the life cycle of the product and consisting of the manufacturing cost, the operating (use) cost, the maintenance cost and the end-of-life cycle cost (Holterbach, K., Dubrulle, J., B., 2018).

Comparative situation of the award criteria in France and Romania

Table 10

Award criteria	
France	Romania
the lowest price	the lowest price
the lowest cost	the lowest cost
the best quality - price ratio	the best quality - price ratio
-	the best quality – cost ratio

Sources: Holterbach, K., Dubrulle, J., B., (2018); Romanian Law no 98/2016

In France, tenders are often analysed using assessment factors such as quality, delivery term, the quality of the tenderer's team performing the contract, sustainable development aspects, environmental protection, social protection, social inclusion, biodiversity. (Holterbach, K., Dubrulle, J., B., 2018).

The comparative situation of the award criteria used in France and Romania is presented in Table 10.

As it can be seen, in France there is no criterion of the best quality-cost ratio. This is not a major disadvantage of French law, because in Romania this criterion was very little used in 2017, that is, it was used to award 25 procedures (weight 0.13% of the total). The lowest cost criterion was used in Romania in 2017 to award 8 procedures (weight of only 0.04%).

A difference between the two legislations is the way of interpreting tenders with an unusually low price. While in Romania the value of the unusually low price is left to the discretion of the contracting authority, in France it is calculated as follows:

- first, the contracting authority calculates an average of the values of the received tenders excluding the highest tender received and the lowest tender received;
- then, after the contracting authority has excluded all tenders exceeding the first average by 20%, it makes a second average with the remaining tenders. Tenders that are 15% lower than the second average are

considered to present a tender with an unusually low price (Holterbach, K., Dubrulle, J., B., 2018).

From what it can be seen, the way of calculating the unusually low price in France is very precise without being left to the arbitrary appreciation of the contracting authority as in Romania. In Romania, a contracting authority can become "more friendly" with the lower tender of a tenderer so as not to ask the tenderer to clarify the low tendered price. From this point of view, with regard to the unusually low price, the French legislation is superior to the Romanian one because it eliminates arbitrariness and duly applies the principle of equal treatment of tenderers.

**Comparative situation of the main characteristics
of public procurement systems in France and Romania**

Table 11

No.	Characteristic	France (2013)	Romania (2017)
1	Procurement weight from GDP	15%	7%
2	Number of contracting authorities	132,652	20,773 (in 2018)
3	Number of procedures	40,516 (published in JOUE)	19,923 (total)
4	Open procedures	76%	99%
5	Restricted procedures	3%	0.22%
6	Negotiations	12%	0.41%
7	Procurement value	306.98 billion euro	12.75 billion euro
8	Service contracts weight	52%	13%
9	Works contracts weight	17%	6%
10	Product contracts weight	31%	81%
11	Lowest price criterion weight	4%	92%
12	Other award criteria	96%	8%
13	Average duration of procurement processes	91.5 days	91 days (Ex-Ante unverified procedures) 114 days (Ex-Ante verified procedures)
14	Weight of procedures with a single tenderer	14%	27%
15	Procedures won by foreign companies	2%	0.0008%
16	Centralized procurement	YES, U.G.A.P.	YES, the National Office for Centralized Procurement (ONAC), inoperative
17	Number of purchasers	approx. 200,000	unknown
18	Central Training Institutions	YES, ENA, INET, CNFPT, EHESP	NO

Sources: SACEU - France, (2014) - Public procurement - Study on administrative capacity in the EU - France Country Profile; National Agency for Public Procurement (ANAP) - Indicators to monitor the effectiveness of procurement procedures completed by contract / framework contract in 2017

The system of public procurement in France is under the responsibility of the Ministry of Economy and Finance (MINEFI - Ministère de l'Économie des Finances et de l'Industrie), with a centralized procurement agency, Union for Grouping Procurement (UGAP - Union des Groupements d'Achats Publics) at national level.

In France, procurement procedures are carried out by approximately 200,000 workers from the central government, regional governments, municipal departments, structures, inter-municipal structures, and health institutions. The public procurement staff is trained in four main public service schools: at central level, the National Administration School (ENA– Ecole Nationale d'Administration), and at the territorial level, the National Institute for Territorial Studies (INET– Institut National de Etudes Territoriales), The National Center for Territorial Public Service (CNFPT– Centre National de la Fonction Publique Territoriale) and for health services (hospitals) the National School of Public Health (EHESP – Ecole des Hautes Etudes en Sante Publique (SACEU - France, 2014).

The comparative situation of the main characteristics of the public procurement systems in France and Romania is presented in Table 11.

From the analysis of the above situation it can be noticed that the procurement system in France is much bigger than the one in Romania, in terms of the value of the procurements, the number of contracting authorities and the number of purchasers. The weight of procurements of GDP is twice as high and the number of contracting authorities is approximately six times higher in France than in Romania.

Significant differences between the two systems are found in terms of:

- the weight of open procedures (76% in France and 99% in Romania) and the weight of negotiations (12% in France and 0.41% in Romania). From this point of view, the Romanian procurement system is more suited to open procedures, characterized by superior competitiveness;

- In France, service contracts have a weight over 3 times higher than in Romania, which may indicate an opportunity to develop service procurements in Romania, to the detriment of those for products (which in Romania are three times more numerous than in France, 81% vs. 31%);

- the weight of the procedures awarded with a single tender is twice higher in Romania (27%) than in France (14%), which shows the need to introduce measures to increase the number of tenders received in the Romanian procedures in order to get the most competitive prices;

- in France there is a centralized procurement agency UGAP founded in 1968, while in Romania the National Office for Centralized Procurement (ONAC) was set up in 2018 and is currently inoperable, which shows a missed opportunity in Romania to carry out centralized procurement which, due to the aggregate demand, would be able to lead to lower prices and higher efficiency;

- the number of purchasers in France is of approx. 200,000, this number being unknown in Romania, which shows deficiencies in Romania in terms of their preparation and reformation (introduction of centralized procurement, in conjunction with the reduction in the number of purchasers);

- In France, there are four central state institutions that provide instruction and training to purchasers, provided that there is no such institution in Romania, with all the consequences arising from this factual situation (lack of specialized training of purchasers, adapted to the needs of the contracting authorities and problems in the field, low attractiveness of the procurement field for young graduates, etc.).

The average duration of a procedure is equal in both countries, 91 days, and the weight of procedures won by foreign companies is very small.

4. Conclusions

The article describes an analysis of the main characteristics of the public procurement systems in Germany and France, compared to the public procurement system in Romania.

The study found that, in comparison with the public procurement system in Romania, due to the much larger share of procedures below the EU thresholds, the German public procurement system is faster, more flexible, efficient and less bureaucratic.

Also, the German system favours participation in procurement procedures for small and medium-sized enterprises, ensures the sustainability of procurement results by buying quality products, promotes competition, and encourages e-procurement.

In Germany centralized procurements are carried out by two federal agencies, while in Romania, the National Office for Centralized Procurement (ONAC), which was set up in 2018, is currently inoperable. The instruction and training of purchasers in Germany is carried out through state universities or academies, while in Romania there are no such training programs.

Compared to the Romanian system, the public procurement system in France is more inclined to the efficient use of public funds, with fewer procedures, being able to apply or not (at the choice of the French contracting authority) a procedure such as the simplified procedure in Romania, as the tender assessment factors may contain aspects related to sustainable development, environmental protection, social protection, social inclusion and even biodiversity.

The study also shows that in the French system, service contracts have a weight over 3 times higher than in Romania, which may indicate an opportunity to develop service procurement in Romania, and the weight of procedures awarded with a single tender received is twice higher in Romania than in France, which shows the need to introduce measures to increase competition and, implicitly, the

number of tenders received in the Romanian procedures in order to obtain the most competitive prices.

In France there is a centralized procurement agency UGAP (set up since 1968), while in Romania, the National Office for Centralized Procurement (ONAC) is not functional. In addition, there are four central state institutions in France that provide instruction and training to purchasers, while there is no such institution in Romania.

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