



## PUBLIC PROCUREMENT and SMES

### BASIC GUIDE FOR SMALL AND MEDIUM-SIZE ENTERPRISES AND SELF-EMPLOYED

#### PURPOSE OF THIS GUIDE

Inform in a simple and quick way about the advantages of contracting with the public sector for small and medium-sized enterprises (SMEs), including the self-employed and micro-enterprises, and to explain the basic requirements and actions for doing so.

#### WHY IT IS INTERESTING FOR AN SME TO CONTRACT WITH THE PUBLIC SECTOR

- **The public sector buys a lot on a regular basis.** Public administrations and entities dependent on them, manage close to 20% of the national GDP through contracts. They constantly go to the market to contract services, works and supplies.
- **Legal guarantee of prompt payment.** All public entities are required to pay their invoices within 60 days of submission. In no case does the public sector leave invoices unpaid.
- **Contract with regulated and transparent procedures.** The contracting procedures are strictly regulated by the Law and must guarantee in all cases the equal treatment of all those who attend these procedures.
- **Small companies can be directly awarded public contracts,** individually or in temporary association with others (TUE). And they can also be subcontractors.
- **It allows companies to be more competitive and visible.** Working for the public sector helps SMEs to be more efficient and gain prestige that opens them other markets.

#### WHAT A SME NEEDS TO PRESENT A PUBLIC BID

- To have legal and acting capacity.

- To have suitability to pursue the professional activity; economic and financial standing and technical and professional ability, adjusted to the amount and type of contract.
- Do not incur any exclusion grounds.

## PRIOR ACTIONS TO CONTRACT WITH THE PUBLIC SECTOR

Before starting to contract with the public sector, it is necessary:

- ✓ Collect documents to prove the economic and technical standing of the company, as yearly turnover and certificates of good execution of previous works, both for the public and private sectors.
- ✓ Identify the activities of the enterprise by reference to specific positions of the Common Procurement Vocabulary (CPV)
- ✓ Register in the OFFICIAL REGISTER OF BIDDERS (when required by national legislation)
- ✓ Create a generic EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD), a formal statement by the economic operator that the relevant ground for exclusion does not apply and/or that the relevant selection criterion is fulfilled and shall provide the relevant information as required by the contracting authority.  
[athttps://ec.europa.eu/isa2/solutions/european-single-procurement-document-espdoc\\_en](https://ec.europa.eu/isa2/solutions/european-single-procurement-document-espdoc_en)
- ✓ Learn how to present offers in electronic format through the electronic bidding platforms used by the regional and local public sector entities of each area of work.
- ✓ Receive basic training in public procurement.

## WHAT AN ENTERPRISE SHOULD FIRST ANALYZE WHEN DEALING WITH A PUBLIC CONTRACT

1. Purpose of the contract: benefits to be executed by the contract winner. They must be directly related to the corporate purpose of the company and its IAE registration.
2. Object of the contract: rape to be executed by the contract winner. They must be directly related to the corporate purpose of the company, economic and technical required to present an offer.
3. Price of the contract or of the lots in which each one is interested: to assess that there is a room for manoeuvre, which is adequate to the enterprise's costs.
4. Award criteria: aspects of the offers that are going to be evaluated, in a mathematical and technical way. Assess in which a good economic and technical offer can be made

5. Conditions for the execution of contracts: specific obligations and rights to be assumed by the winning bidder (assess the implications of all the execution requirements).
6. Deadline for consultations and DAY AND TIME OF TERMINATION OF THE DEADLINE TO SUBMIT THE OFFERS. Offers submitted after the deadline will be rejected.
7. Documentation to be included in each envelope (correct web site): including documentation that wrong place (envelope), may be cause for exclusion from the procedure.

### HOW TO KNOW ABOUT PUBLIC BIDDINGS

Simply register with the PUBLIC SECTOR CONTRACT PLATFORM (in Spain) and subscribe to the types of contracts that correspond to the activity of the company, receiving notices by email.

### THE COMMUNITY AND NATIONAL REGULATIONS MAKE THE PUBLIC SECTOR TO FACILITATE THE PARTICIPATION OF SMEs IN PUBLIC CONTRACTING

- The EU Directives and the Public Sector Contract Law require all contracting bodies to facilitate the participation of SMEs in public procurement. To this end, the law regulates specific measures.
- This is due to the potential that SMEs have for job creation, growth and innovation, since they constitute more than 99% of the companies in Spain, of which 95% are micro-SMEs, and generate 72% of total employment, more than 8 million people. However, SMEs only manage around 40% of public procurement, which is well below the percentage of the added value they generate, which is 62.2% of the total. An increase in contracting with SMEs will therefore have a very positive effect on the promotion of employment and sustained economic development.

### MORE INFORMATION

- [https://ec.europa.eu/growth/smes\\_en](https://ec.europa.eu/growth/smes_en)
- [https://ec.europa.eu/regional\\_policy/sources/conferences/state-aid/sme/smedefinitonguide\\_en.pdf](https://ec.europa.eu/regional_policy/sources/conferences/state-aid/sme/smedefinitonguide_en.pdf)