

## UNODC

### SLOVENIA – Contribution to the 13th meeting of the WG on the Prevention of Corruption

#### IT tools for transparency of public procurement

#### (a case of Slovenian Public procurement portal)

##### 1. E-public procurement increases transparency and efficiency

The United Nations Convention against Corruption calls upon the Member States to take appropriate actions to promote transparency and accountability regarding public procurement and management of public finances (Article 9, Para 1). It is said that »transparency is the best disinfectant«, and in Slovenia we are convinced that transparency is indeed indispensable for preventing corruption.

The level of transparency in public procurement is closely related to the quantity, quality and timeliness of published documentation related to individual procedures. In the EU, in accordance with the rules on e-procurement, tender opportunities must be published electronically, procurement documents must be accessible electronically, economic operators must submit tenders electronically and contracting authorities must accept electronic invoices. A system of e-Procurement not only increases transparency but also brings the simplification and rationalization of procedures, increases competitiveness as well as the economy in the use of public funds, saves time, reduces costs and administrative burden.

##### 2. The Slovenian public procurement portal

In Slovenia electronic submission of tenders in public procurement procedures has been mandatory since April 2018. The Information System of e-Public Procurement (e-JN)<sup>1</sup> was developed by the government and its use is free of charge. To ensure the highest possible level of transparency, the e-JN system operates in a way that immediately after the automatic public opening of a tender, main data from the tender (including tender price) are available to the public until the completion of the public procurement procedure. Anyone can access this data and no registration is needed.

The current version of e-JN system contains five modules (eSubmissions, eAuctions, eDossier, eCatalogue and eInternal procedures). The five modules are integrated into a comprehensive system on a single platform. The system fully supports the electronic execution of the public procurement procedure, as well as the implementation of the public procurement processes and is integrated into appropriate back-office systems.

Contracting authorities are also obliged by Public Procurement Act (hereinafter: PPA)<sup>2</sup> to publish all information regarding public procurement procedures on **the national public procurement portal**, i.e.: notices, award decisions and contracts (i.e. scans of signed contracts as well as metadata for further re-use). Public procurement portal is available at: <https://www.enarocanje.si/>.

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<sup>1</sup> More information: <https://ejn.gov.si/en/aktualno/vec-informacij-ponudniki.html>

<sup>2</sup> Official Gazette of the Republic of Slovenia (No. [91/15](#), 14/18, 121/21 in 10/22) <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7086>

All **notices regarding public contracts** whose value is equal to or greater than the values defined in the PPA must be published by the contracting authority on the public procurement portal<sup>3</sup> and in some cases also in the Official Journal of the European Union<sup>4</sup>.

The PPA prescribes compulsory electronic submission of **tenders** in public procurement procedures. After the expiration of the deadline for the submission of bids, an electronic public opening of tenders is carried out through the e-JN information system. The information on the tenderers who submitted the offer, and their calculation are publicly available from the beginning of the opening of tenders, thus providing a high degree of transparency within the ongoing public procurement procedure.

Contracting authority notifies tenderers and candidates of all decisions made by **publishing a signed decision** on the public procurement portal. The decision is deemed to be served on the date of its publication on the public procurement portal.

Finally, the contracting authority must, no later than 48 days after the award of a contract, **publish the signed contract**. The contracts are published without data that is deemed not to be “public information” according to the Access to Public Information Act (e.g. protected personal data, business secrets etc). It has to be taken into consideration however that the Act prescribes that all the information that relates to “public spending” is deemed to be “public information”. Apart from the contracts also amendments to the contracts need to be published on the public procurement portal. Almost 130,000 contracts and annexes were published on the public procurement portal between 2015 and end of September 2021). The metadata on contracts is available also in bulk for re-use, in machine-readable form, and updated every 3 months (Open Data).

**For publication of contracts see:** <https://www.enarocanje.si/objavaPogodb/> – »Pregled pogodb«

**For publication of metadata see:** <http://www.enarocanje.si/objavaPogodb/lzvozi.aspx>

On the public procurement portal, once the first notice for a specific procurement procedure is published, a tender dossier is automatically created enabling all information to be accessible at any time:

- notices relating to the procedure (i.e., contract notice, a notice for corrigendum, a contract award notice etc.),
- a decision on the award of a contract,
- a signed contract.

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<sup>3</sup> Article 21 of PPA (Thresholds for the application of this Act):

(1) This Act shall apply to procurements with a value net of value-added tax (hereinafter: VAT) estimated to be equal to or greater than the following thresholds:

a) in the general field:

- EUR 40,000 for public supply or service contracts or design contests;
- EUR 80,000 for public works contracts;
- EUR 750,000 for public service contracts for services listed in Annex XIV to Directive 2014/24/EU and Annex XVII to Directive 2014/25/EU (hereinafter: social and other specific services), with the exception of services which are covered by CPV codes 79713000-5, 79100000-5, 79110000-8, 79111000-5, 79112000-2, 79112100-3 and 79140000-7.

b) in the infrastructure field:

- EUR 50,000 for public supply or service contracts or design contests;
- EUR 100,000 for public works contracts;
- EUR 1,000,000 for public service contracts for social and other specific services, with the exception of services which are covered by CPV codes 79713000-5, 79100000-5, 79110000-8, 79111000-5, 79112000-2, 79112100-3 and 79140000-7.

<sup>4</sup> As appointed by the European Commission, [https://ec.europa.eu/growth/single-market/public-procurement/rules-implementation/thresholds\\_en](https://ec.europa.eu/growth/single-market/public-procurement/rules-implementation/thresholds_en)

### Dossier example from the public procurement portal:

**PORTAL JAVNIH NAROČIL** REPUBLIKA SLOVENIJA  
MINISTRSTVO ZA JAVNO UPRAVO

Pregled objav Pregled odločitev Pregled pogodb Oddana evidenčna naročila ESPD O portalu Aktualno Kontakt eRevizija

Nazaj na spisek Pripravi za tiskanje

Dosje javnega naročila 005582/2019 **Dossier No.**

Naročnik: **UNIVERZA V MARIBORU**, Slomškov trg 15, 2000 Maribor **contracting authority name and address**  
Blago: Dobava pisarniškega materiala, tonerjev in kartuš **subject-matter of the contract (supply of products): Supply of a office material...**  
ZJN-3: Odprti postopek **Law and a type of procedure**  
Vrednost naročila (pogodbe in dodatki z DDV): 1.298.573,24 EUR **Contract value** \* V kolikor gre za okvirni sporazum je lahko vrednost oddanega naročila drugačna  
Za več informacij glejte obvestilo o oddaji naročila (razdelek II.1.7).

JN005582/2019-B01 - Obvestilo o naročilu (EU 2 - SL), objavljeno dne 05.08.2019	<b>a contract notice</b>
JN005582/2019-K01 - Popravek (EU 14 - SL), objavljeno dne 23.08.2019	<b>a notice for additional information, information on incomplete procedure or corrigendum</b>
JN005582/2019-K02 - Popravek (EU 14 - SL), objavljeno dne 03.09.2019	<b>a notice for additional information, information on incomplete procedure or corrigendum</b>
JN005582/2019-K03 - Popravek (EU 14 - SL), objavljeno dne 05.09.2019	<b>a notice for additional information, information on incomplete procedure or corrigendum</b>
JN005582/2019-ODL01 - Odločitev o oddaji oz. neoddaji naročila, objavljeno dne 14.10.2019	<b>a decision on the award of a contract</b>
JN005582/2019-C01 - Obvestilo o oddaji naročila (EU 3 - SL), objavljeno dne 12.03.2020	<b>a contract award notice</b>
JN005582/2019-Pog01 - Pogodba, objavljeno dne 13.03.2020	<b>a contract</b>

### 3. Further improvements in 2022

**OECD Government at a Glance Report**, published in 2020, listed Slovenia in the group of the OECD member countries with one of the highest transparency of public procurement processes and publicly available information.<sup>5</sup>

With the **UNGASS Political Declaration**, adopted in June 2021 by the UN General Assembly, we committed to (further) increasing transparency and accountability in the management of public finances and in government procurements, funding and contracting services to ensure transparency in government actions in the use of public funds and during the whole public procurement cycle and to strengthen data-collection systems by digital tools and open data to make public information accessible and web portals more user-friendly (Para 10).

Therefore, Slovenia has recently taken some additional measures to achieve even greater level of transparency. The recent amendments to the PPA which came into force **on 1<sup>st</sup> of January 2022**, further strengthened the provisions on mandatory publications on Public procurement portal:

- According to the previous legal provisions, contracting authorities had an obligation to publish the procurement documents (tender documentation) on the public procurement portal or "via" the public procurement portal. In the latter case, the documentation was still published on the web (although not on the PP portal) and only the web link was published on the public procurement portal. According to the amendments after 1<sup>st</sup> January 2022, this is no longer possible, meaning that the tender documentation has to be published on the national public procurement portal (as before, free of charge and with unlimited access).
- Furthermore, previous legal provisions included an exception from publication of decisions in cases of procurement awarded in the negotiated procedures without prior publication. According to the new amendments, such decisions must also be published on the public procurement portal and once published they are deemed served to tenderers and/or candidates.

<sup>5</sup> <https://www.gov.si/en/news/2019-11-19-slovenia-among-top-oecd-countries-in-public-procurement-transparency/>

### **Published decision on the public procurement portal:**

The screenshot shows the 'Portal Javnih Naročil' (Public Procurement Portal) interface. The header includes the logo and name of the portal, the Republic of Slovenia Ministry of Public Administration, and the 'URADNI LIST' logo. The navigation menu contains: Pregled objav, Pregled odločitev, Pregled pogodb, Oddana evidenčna naročila, ESPD, O portalu, Aktualno, Kontakt, eRevizija, and Aplikacija PJN. The main content area is titled 'Pregled vnosa' and displays details for a 'JAVNO NAROČILO'. It includes the following information: 'Št. objave na portalu javnih naročil: JN005521/2021-W01' with a link to 'Dossier number'; 'Datum objave javnega naročila: 12.08.2021' with a link to 'Date of publication a conraxt notice'; 'Št. objave na TED: [redacted]' with a link to 'TED number'; 'Naročnik: AGENCIJA ZA TRG VREDNOSTNIH PAPIRJEV, Poljanski nasip 6, 1000 Ljubljana' with a link to 'Contract authority'; 'Odločitev o oddaji naročila prenos datoteke' with a link to 'File'; and 'Datum objave odločitve: 04.10.2021' with a link to 'Date of publiaton a decision on the award of a contract'. On the right side, there is a 'Prijava za registrirane uporabnike' (Login for registered users) section with a text input field containing 'matjaz.uhan@gov.si', a password field, and a 'Prijava' button. Below this is a 'POGOSTA VPRAŠANJA' (Frequently Asked Questions) section.

- c) Finally, in relation to contracts with a value estimated to be less than the national threshold that applies to public procurement procedures, contracting authorities have an obligation to annually publish a list of public contracts awarded in the previous year with a value equal to or greater than 10,000 EUR without VAT and lower than national threshold; before 1<sup>st</sup> January 2022 contracting authorities could publish these lists either on the public procurement portal or on their website. According to the amendments of the legislation contracting authorities have to publish these lists only on the public procurement portal, therefore making the public procurement portal a one stop shop for publication of such lists. For each awarded contract the list must include: the subject-matter, type of subject-matter (supplies, services or works), the value of the awarded contract and the name of the economic operator which was awarded the contract. The data from each published list can be exported in an open format (.csv format), which enables its further re-use by any interested party.

### **Published lists of contracts with a value estimated to be less than the national threshold:**

The screenshot shows the 'Portal Javnih Naročil' interface for viewing published lists of contracts. The header is identical to the previous screenshot. The navigation menu includes: Pregled objav, Pregled odločitev, Pregled pogodb, Oddana evidenčna naročila, ESPD, O portalu, Aktualno, Kontakt, and eRevizija. The main content area is titled 'SEZNAMI EVIDENČNIH NAROČIL, ODDANIH V LETU 2020'. Below this is a text box explaining that according to paragraph 21 of Article 21 of the ZJN-3, contracting authorities must publish a list of awarded contracts with a value of at least 10,000 EUR on their website or the portal. Below this is a search section titled 'ISKANJE' with a dropdown menu for 'Iskalni niz:' set to '2020'. A search input field contains the text 'Iščete lahko po nazivu naročnika, matični številki ali davčni številki'. A 'Prikaži rezultate' button is visible. Below the search section is a table titled 'PREGLED ZADNJIH 25 OBJAV' (View last 25 publications) with the following data:

Matična številka	Davčna številka	Naziv naročnika	
1700669000	22085076	LOKALNA TURISTIČNA ORGANIZACIJA LAUFAR CERKNO	CSV
5888093002	26731622	MINISTRSTVO ZA PRAVOSODJE UPRAVA RS ZA IZVRŠEVANJE KAZENSKIH SANKCIJ	CSV
6284949000	73044296	JAVNO VZGOJNO-IZOBRAŽEVALNI ZAVOD VRTEC ŠKOFLJICA	CSV
5811406000	96741619	KLUB PREKMURSKIH ŠTUDENTOV	CSV

#### 4. Visualization of data from public procurement procedures

An important project to increase transparency in public procurement is **the IT solution STATIST** which is connected to the public procurement portal. Users can examine the data using different filters with corresponding visualisations. IT solution STATIST is available at <https://ejn.gov.si/statist>.

Home page displays, inter alia, the following data for the pre-set period:

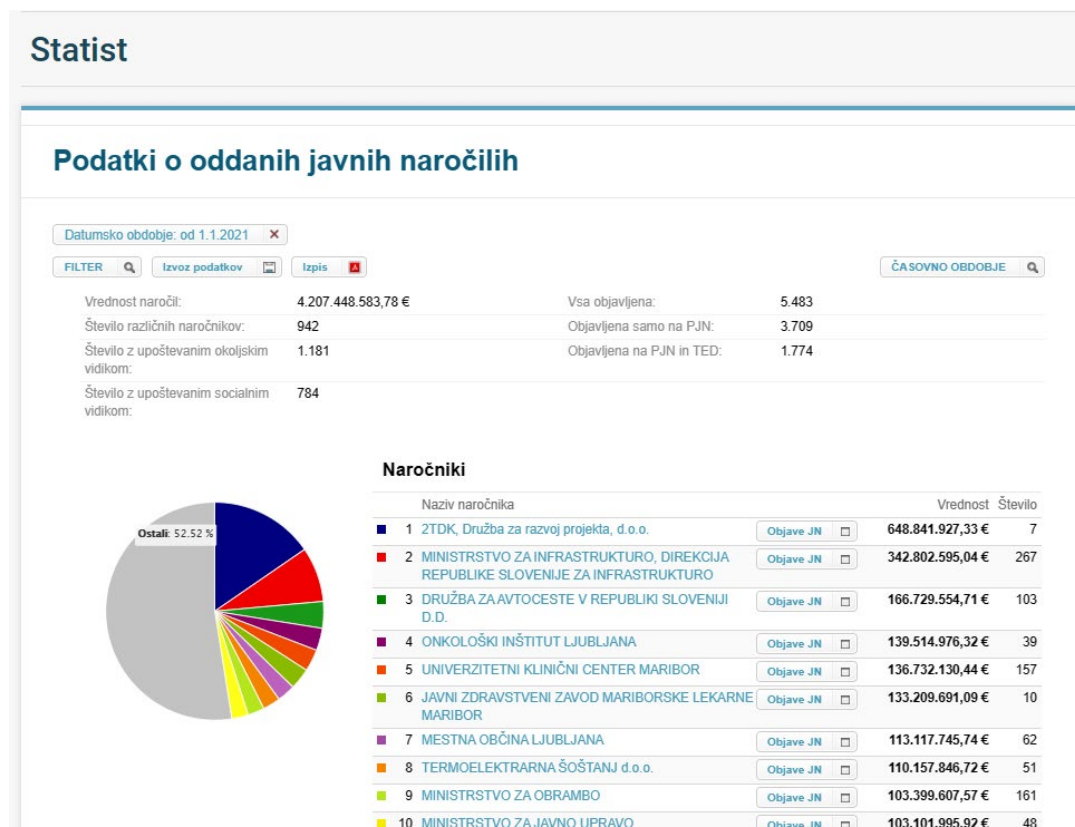
- awarded contract value,
- number of different contracting authorities,
- number of awarded contracts with an environmental aspect,
- number of awarded contracts with a social aspect,
- number of all published awarded contracts,
- number of published awarded contracts just on Public Procurement Portal,
- number of published awarded contracts on Public Procurement Portal and TED (Tenders Electronic Daily- the online version of the 'Supplement to the Official Journal' of the EU).

Home page also displays few basics charts and data about:

- ten largest contracting authorities,
- ten largest tenderers by the contract award value,
- value and number of awarding contracts by the origin of the tenderer (Slovenia, EU or third countries)
- ten largest groups of public procurements by the CPV (Common Procurement Vocabulary) codes,
- value and number of awarding contracts by the subject-matter of the contract (supplies, services or works),
- value and number of awarding contract by the law (The Public Procurement A or Public Procurement in the Defence and Security Sector Act).

STATIST is updated once a day. It includes information on public contracts awarded since 1<sup>st</sup> of January 2013. The users may export data in an open format (.csv format), which enables its further re-use and analysis. Anyone can access this data and no registration is needed.

#### Home page of IT solution Statist:



## **5. Enabling re-use and analysis of data – a use case of ERAR**

The above-mentioned obligatory use of public procurement portal, e-procurement solutions, public publication of documents and contracts made during the public procurement procedure, the technical solutions made to monitor public spending, are all vital in providing the necessary data. This data is available to the public procurement bidders, other public institutions, civil society, media, journalists, and the wider public which are encouraged to use and analyse the data in order to further scrutinize the public procurement procedures.

One of the examples of the re-use of public procurement data within the public sector is ERAR, which is an online application that provides information to users on all financial transactions of the public sector bodies. (bodies of the legislative, judicial and executive branch, autonomous and independent state bodies, local communities, public institutes, public agencies etc). The application indicates contracting parties, the largest recipients of funds, related legal entities, date and amount of transactions and also purpose of money transfers. It includes data from public procurement procedures. It also enables presentation of data using graphs as well as printouts for specified periods of time.

ERAR was conceptually designed and prepared by the Commission for Prevention of Corruption in cooperation with other institutions which provided the relevant data (the Ministry of finance, the Public Payments Administration of the Republic of Slovenia, the Agency of the Republic of Slovenia for Public Legal Records and Related Services).

ERAR enables insight into the financial flows between the public and the private sector not only to the public, the media and the profession, but also to other regulatory and supervisory bodies. Transparency of financial flows among the public and the private sector increases the level of responsibilities of public office holders for effective and efficient use of public finance, facilitates debate on adopted and planned investments and projects as well as decreases risks for illicit management, abuse of functions, limits systemic corruption and unfair competitiveness in public procurement.