

Fact Sheet
Fact Sheet
Fact Sheet
Fact Sheet
Fact Sheet

**European Public
Procurement Landscape**
The case of Poland.



In the last years, there has been an increasing level of action aiming at fostering the public procurement for innovation in Poland. EU directives and Polish law have been at the center of this process leading to the advancement of the mechanisms and impact of the PPI as well as its capacities to deliver innovative solution and products in an evolving ecosystem.

Poland sees a growing conscience of the significant relevance of innovation in the procurement area, especially in terms of acknowledging its transformative power, enabling a further modernization and evolution of the state and its capacities to support a transition to a more cost-effective and competitive ecosystem. At the same time, it seems that **innovation procurement has not been yet comprehensively addressed** and exploited to trigger the transformational change on a cross-cutting and transversal dimension, positively contaminating different sectors, areas and policy domains. Although lots of discussions and reflections have been stimulated, there are not systemic plans, capacity building and assistance measures put in place, enabling a comprehensive and fully integrated approach operationalizing public procurement in innovation.



Poland does not have a stand-alone, encompassing and integrated action plan for procurement capable to streamline coherently and comprehensively innovation. The public procurement system in Poland is highly decentralized and contracting authorities, also at local level, are allowed to define the secondary policies and objectives. Several actors are playing different roles in this scattered landscape.





- . **The Public Procurement Office**¹ is responsible for the Public Procurement Law and its revisions. It also undertakes initiatives about awareness raising and supports the improvement of the capacity of public procurers in the field of innovation procurement;
- . **The Ministry of Entrepreneurship and Technology**² is responsible for the national innovation policy, including the innovation procurement policy;
- . **The Polish Agency for Entrepreneurship Development (PARP)**³ supports innovative entrepreneurs and contractors, under the supervision of the government;
- . **The Ministry of Science and Higher Education**⁴ is in charge of R&D policy and its executive agency;
- . **The National Centre for Research and Development**⁵ manages large innovation projects with the involvement of public, private and academic partners and is also involved in management and support of supply side R&D grant projects aimed at addressing public sector challenges;
- . Other significant players include the **Ministry of Investment and Development**⁶ focusing on financing innovations and the **Government Administration Service Centre** which is the main purchasing body for governmental level entities.

1. <https://www.uzp.gov.pl/>

2. <https://www.gov.pl/web/rozwoj>

3. <https://en.parp.gov.pl/>

4. <https://www.gov.pl/web/science>

5. <https://www.ncbr.gov.pl/en/>

6. <https://www.gov.pl/web/archiwum-inwestycje-rozwoj>

7. <https://centrum.gov.pl/>



It must be noted that in Poland a new **NATIONAL PURCHASING POLICY** - addressing also innovation procurement - is currently being elaborated. Another element of analysis is that the **Polish public procurement law does not provide official definitions for R&D, innovation and innovation procurement**. As a consequence of this scattered legislative landscape a certain degree of unclarity emerged among Polish public procurers, many times leading to the assumption that only purchasing innovative solutions are labelled as innovation procurement. In fact there is a crash between the way the two parties define the subject: the EU public procurement directives define innovation as the implementation of a new or significantly improved product, service... (innovation procurement also includes procurements that purchase only the activity of implementing/creating an innovative solution, without necessarily buying this solution) whereas **ART 73 OF THE POLISH PUBLIC PROCUREMENT LAW** defines innovation more narrowly as only the outcome of an innovation activity (the new or significantly improved product, service...).

www.pronto-ppi.eu



Poland uses the concept of innovation procurement as an instrument enabling the progress towards the development of the national economy and labour market. Following the objective of maximizing public purchases by giving procurers power to focus on innovation and sustainable products and service, a smart public procurement policy was adopted in the State Purchasing Policy.

The assumption is that the public sector is an entity creating demand for high-quality products and services with priorities in: preferring innovative and ecological solutions; facilitating access to the procurement market for the SME sector; avoiding dependence on one supplier, striking a balance marrying the quality and the efficiency goal. Considering also the

Strategy for innovation and efficiency of the economy "Dynamic Poland 2020, there is a direct reference to public procurement as a key driver for new, pro-innovation approaches allowing the adoption of new technologies and innovative goods and services.

LEGISLATIVE EVOLUTION



This project has received funding from the European Union's COSME programme under grant agreement No 857810





The year 2016 was particularly significant for functioning of the public procurement system in Poland. New provisions of an Act of 22nd June 2016 amending the provisions of the Public Procurement Law (PPL) (The Act of 29 January 2004) came into life on 28th July 2016. The most important law changes concern the description of the subject of the contract where innovative aspects could be best-described by the use of functional requirements, certificates or resulting from technical dialogue. Another important change is more precise conditions for selecting the best contractors. Other changes concern the criteria for the evaluation of the most advantageous offer, where the price weight cannot exceed 60%. However, the most important changes focus at the introduction of a new procedure - innovation partnership and the possibility of using variant offers.

Latest developments.

The new Public Procurement Law contains a number of solutions which have a material impact on the situation of contracting authorities, contractors, and subcontractors. Such solutions are to be a response to the current problems on the Polish public procurement market, including, among other things, low competitiveness, an imbalance between the parties to the public contract, and no flexibility at the stage of performing the contract.

The regulation will enter into force on **1 January 2021**, i.e. after a vacatio legis period of over one year.

Early results and outputs of the initial consultations and key stakeholders' interviews:

It seems that there is a deficit of knowledge of contractors and contracting entities in relation to the awareness and application of legal provisions fostering procuring innovative solution and products. On a systemic scale, Innovative solutions are rarely applied by contracting entities: some of the reasons seem to lie in the lack of needs/requests ("I am not aware of the solutions thus I do not request them"), in the knowledge/expertise capacities ("I am aware of the opportunity but I am not able to use them and manage the processes") and in the business profile which does not foster the demand of innovation.





Polish contracting agents and their intermediaries would feel more comfortable in having a higher degree of knowledge conducive to procuring innovative solutions, products and services. This is an element of concern that Poland should address and there is also **a significant discrepancy between the level of understanding of the concept and implementation of the term "innovation" - as expected by the contracting organizations and what offered by the contractors.** In general, the perception of the level and scale of innovation provided by the contractors seemed to be lowered by the definition/parameters requested by the contracting agents.

Another element that emerged was **the level of involvement of innovation experts and/or professional expertise from the contracting authorities: it was not deemed adequate by the contractors.** Also, the level of dialogue and exchange about the innovativeness dimension between the parties was deemed by the contractors as limited. Several criticalities were found in the responsiveness, willingness and openness of contracting authorities and contractors to respond and provide information on the topic.

Overall, public procurers agree in saying that they face complexities in developing innovative public procurement preparation and procedures.



The case of Poland.



This analysis is based on PRONTO partners' expertise and previous experience, the review of relevant documents (laws, guidelines, presentations, articles, studies, etc.) and interviews with key actors trying to cover all aspects of public procurement, namely representatives of:

. **The 'demand' side**, i.e. individual public entities (e.g. public hospitals, research institutions, universities, technical centres, regional development agencies, municipalities, etc.), central/regional purchasing bodies (e.g. ministries, regional development agencies, etc.).

. **The 'supply' side**, i.e. private companies that constitute potential suppliers of innovative solutions.

. **The 'support' side**, i.e. policy makers (e.g. ministries), national/regional entities supporting public entities, experts/advisors, etc.



Interviews conducted.

Country	Demand	Supply	Support	Total
Poland	2 Universities 1 Research organisations 1 Municipality 1 Regional organisations	2	1 Consultancy	8

Important note: The aim of PRONTO is not to perform an exhaustive and thorough analysis of the national PPI landscape but rather to collect the insights on the challenges for the design and implementation of PPI procedures to properly adjust the upcoming PRONTO services and address the actual support needs of the public buyers. Therefore, the foreseen number of interviews was not envisioned to be large.





Pronto

Boosting public procurement
for sustainable innovation

Did you find this interesting?

Have a look at the complete report

"Analysis of Public Procurement of Innovation in EU"

on PRONTO website!

[CLICK HERE](#)

www.pronto-ppi.eu



This project has received funding from
the European Union's COSME programme
under grant agreement No 857810

Boosting public procurement for sustainable innovation



This project has received funding from the European Union's COSME programme under grant agreement No 857810



Pronto

Boosting public procurement
for sustainable innovation

www.pronto-ppi.eu



info@pronto-ppi.eu