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



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Overall, the Spanish public procurement system is decentralised:

The system is based on more than **8,000 contracting authorities at national, regional, and local level**, including the central administration and its agencies, public-funded bodies, universities, and healthcare services.

Since 2014, Spain has been promoting innovation procurement projects for a global amount of **€ 300 million**

(for the EU current budget period 2014-20) to be co-financed with this **FEDER Technological Fund of ESIF**, through the Spanish Programme **(LÍNEA FID - CPI1)** for 2014-2020. **THE CENTRE FOR DEVELOPMENT OF INDUSTRIAL TECHNOLOGY (CDTI)** – a public business entity depending on the MICINN – has been appointed by MICINN as the national competence centre for innovation procurement in Spain together with **ISCIH (INSTITUTE OF HEALTH CARLOS III)** and **INTA (NATIONAL INSTITUTE OF AEROSPACE TECHNOLOGY)**, acting all three entities as a concerted network under the guidance of MICINN.

Finally, Regional Governments of the seventeen Autonomous Communities and two Autonomous Cities also have competencies in the field of innovation procurement and are progressively devoting greater budget amounts to this aim.

1. <https://www.ciencia.gob.es/portal/site/MICINN/menuitem.7eeac5cd345b4f34f09dfd1001432ea0/?vgnextoid=9caa777e0abe5610VgnVCM1000001d04140aRCRD>






The Spanish legislative framework for public procurement consists of three main laws:

1. **Royal Decree-law 3/2020²**, of 4 February, on urgent measures transposing into Spanish law various European Union directives in the field of public procurement in certain sectors: **Private Insurance, Pension Schemes and Funds, Taxation and Tax Litigation;**
3. **Law 14/2011³**, of 1 June, on Science, Technology and Innovation;
4. **Law 9/2017⁴**, of 8 November, on Public Sector Contracts.

2. <https://www.boe.es/eli/es/rdl/2020/02/04/3/con>

3. <https://www.boe.es/buscar/pdf/2011/BOE-A-2011-9617-consolidado.pdf>

4. <https://www.boe.es/eli/es/l/2017/11/08/9/con>



This national legislation is further developed at the regional level through either regional implementation laws or implementation guidelines.

In the particular case of Andalusia it's important to mention the Law 12/2007, of 26 November, for the promotion of gender equality in Andalusia⁵ and the Agreement of 18 October 2016 of the Governing Council, encouraging the incorporation of social and environmental clauses in contracts in the Autonomous Community of Andalusia⁶.

Furthermore, Andalusia counts with **The Strategy for the Impulse and Consolidation of Innovation Procurement (IP) in the Public Administration of Andalusia⁷**, which is a

combination of economic measures and other actions (such as IP awareness, training and the creation of a regional structure for the provision of support services and governance) with the main aim of producing a change in the Andalusian Public system towards innovation, promoting innovation in the long term by requiring companies to innovate and to promote research via the acquisition of Innovation.

Overall, Innovation Procurement (IP) in Spain, and in particular Andalusia, is an instrument that has been promoted at national and regional level in a more effective way since 2016. Therefore, all the interviewed public bodies, and we could also say that in general, **public bodies in Andalusia have a certain level of awareness on Innovation Procurement.** They have all attended to some extent trainings on this issue, either internal or external, and some of them have already experience on IP projects.

5. <https://www.boe.es/eli/es/l/2017/11/08/9/con>

6. <https://www.juntadeandalucia.es/boja/2016/203/2>

7. https://www.juntadeandalucia.es/export/drupaljda/planes/18/09/ECPI_vdef.pdf



**However,
there is a need
for additional
training on
the subject
(general and specific).**





Although the majority of public bodies have not considered to allocate some resources on their annual budgets for innovation procurement, they are all working on different IP projects and initiatives to be financed via **European Regional Development Funds (ERDF)** (as part of the activities foreseen on the Strategy for the Impulse and Consolidation of Innovation Procurement (IP) in the Public Administration of Andalusia). Therefore, we could say that the use of Innovation Procurement is gradually becoming more extended, not only in Andalusia, but also in Spain.



When referring to the perception that public bodies have of Innovation Procurement, **the latter varies depending on their previous experience.** Those with more experience do not face any major troubles except for the **lack of technical knowledge in public administration**, but those with less experience generally perceived IP as a great challenge for the departments managing and controlling the procurement (**this procedure is more flexible and less structured than the traditional public procurement**), for those involved in the definition and description of the need (**who in the majority of cases lack technical expertise**) and they also thought that purchasing innovation is sometimes not positive in terms of cost-benefit analysis (**the profitability of the project result sometimes takes too long**).

The main common concerns of public bodies when facing an IP project are time (on average an **Innovation Procurement project takes around 20 – 24 months to be initiated**) and the uncertainty of the solution.





The main motivation to be involved in Innovation Procurement is in all cases financial, but it is also about the implementation of innovative processes, the reduction of costs and the improvement of existing public products/services that will have a positive impact on the citizens.

On the supply side, providers of technological solutions have in general a positive perception of innovation procurement.

They think that the process is transparent and benefits and motivates the industry towards innovation.



The case of Spain.



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
Spain	3 Ministries 1 Public Institute	2	-	6

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.



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