

# The ACA's experiences in the field of Public Procurement

# Part I

# ACA and public procurement

# ACA and public procurement (1)

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- 4778 units audited by the ACA (federation; federal states; 24 municipalities; government controlled enterprises etc.)
- More than 95 % have to tender according to the Bundesvergabegesetz 2006 (Federal Procurement Act 2006)

- Public procurement is very important for the work of ACA
- Concerns all of ACA's 28 audit departments
- Establishment of a centre of excellence for public procurement in 2010

# Part II

## Case studies

## Case studies

- Bundes-Beschaffung GmbH - BBG  
(Federal Procurement Agency)
- Vienna – Supply of energy

# Case studies (1)

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## BBG (data: 2006)

- Established 2001
- Shareholder (Ltd., 100%): Federation
- Central purchasing body: awards public contracts for contracting authorities
- Procurement of 27 services and supplies

## BBG (continued)

- Award procedures, assessments of demand
- Total expenditure: 5,8 Mill. EUR
- Total revenue: 2,3 Mill. EUR
- Procurement volume 720,3 Mill. EUR (=2% of all public procurement in Austria; 0,28% of Austrias GDP)



## BBG (continued)

- 72% procured for the federation
- 10 – 14% savings compared with „decentralized procurement“
- Fees for *certain* award procedures and for the federal states, municipalities etc. (not for the federation)

## BBG (continued)

- 582 procurement procedures (2001 – 2006)
- 28 appeals, thereof 5 decisions against the BBG
- Limits of the contracted volumes were exceeded up to 300%
- 73% of all tenderers are micro, small & medium-sized enterprises

## BBG (continued)

### Problems:

- Fees not adjusted for several years
- Limits of the contracted volumes were exceeded
- Calculation of savings debateable

## Vienna – Supply of energy

- Part of an audit concerning the costs of waste management, disposal of waste water and energy
- Electric energy consumption (2007): 547,31 gigawatt hours
- Gas consumption (2007): 185,73 gigawatt hours

## Vienna – Supply of energy (continued)

- Contracts without a fixed term awarded before the liberalization of energy markets in Austria (2001/02) were amended and changed by the contract partners
- Need for a new award procedure (Court 19th June 2008, C-454/06)?

## Vienna – Supply of energy (continued)

ACA: new award procedure not necessary

- Main points of the contracts (supply of energy) weren't changed by the partners
- Market prices were agreed (including a discount)

- „Bundesbeschaffung GmbH“: Reihe Bund 2009/1, 93 - 123
- „Stadt Wien; Wasser-, Kanal- und Müllgebühren sowie Energiepreise“: Reihe Wien 2010/2, 44 - 48

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