

Deadlines for Contracting Authorities in Public Procurement Procedure

According to Emergency Government Ordinance no. 35/2013 (“EGO 35/2013”), evaluation Committees within the contracting authorities that carry out public procurement procedures must abide by new time limits in which they have to issue decisions to finalize certain phases of the procedures. As of 30 April 2013 these obligations became effective.

New obligations apply only to the procurement of more complex contracts, namely contracts of concession of works and services as well as public private partnerships. Therefore, no supplementary timeframes were instituted for procedures to award works, services or supply contracts.

If the contracting authority fails to comply with the new deadlines it may be subject to a considerable fine varying from 20,000 to 40,000 lei. Moreover, failure to act within the timeframe represents serious administrative misconduct.

For the **open tender procedure, the two-phase restricted tender procedure and the competitive dialogue procedure** the evaluation committee will have to finalize the assessing of offers phase within a maximum time period of 35 days as of the opening of offers, with no possibility to extend this term.

For the **two-phase restricted tender procedure**, the legislation has established a new time period in which the contracting authority must decide which candidates qualify for the second round of the awarding procedure. This time period is 15 days from the application deadline.

For the **competitive dialogue** awarding procedure, the following time limitations are in place: 15 days for finalizing the selection of qualified candidates, and 120 days for reaching the suitable technical solution during the dialogue phase.

For the **two-phase negotiation procedure with prior publication** of a participation announcement, the evaluation committee must decide within 15 days which qualified candidates are invited to file their final bids. The evaluation committee must determine the successful offer within 50 days from the invitation to submit final offers.

It is likely that imposing such timeframes for contracting authorities will speed up the awarding procedure of complex contracts, enabling bidders to foresee the length of the whole process. At the same time, infringement of such time limits should lead to the annulment of the awarding procedure, which could pave the way for the participation of new bidders.