

## PRESS RELEASE

### **The CNMC publishes the first update to its Guide to Procurement and Competition, focused on planning**

- The Guide to Public Procurement and Competition provides guidelines for improving the design of public tenders and identifying collusion between companies.
- The CNMC has decided to update and expand the Guide, which dates from 2011, following the phases that any public purchase should include.
- Proper planning favours competition between companies and promotes the more efficient management of public resources.
- The lack of proper planning has been highlighted as one of the main shortcomings of our system.

**Madrid, 29 January 2021** - The CNMC has published the first part of the update to the [Guide to Public Procurement and Competition](#), from 2011, which already offered guidelines to improve the design of public tenders and identify cases of collusion between companies taking part in tenders.

In 2019, the CNMC began its update and focused its attention on analysing the phases that should make up any public sector procurement process: planning, preparation, adjudication, execution and evaluation. All this was done in an effort to be able to offer recommendations on the problems that affect competition and that arise in each of these stages.

Specifically, this first document focuses on the importance of planning when managing the purchases of public entities. Not surprisingly, a lack of planning is one of our public system's traditional shortcomings.

### **Public consultation and conference on public procurement**

In addition, in December 2019, the CNMC organised a conference on "[Planning as an essential requirement to promote competition and efficiency in public procurement](#)", which featured experts and representatives from the OECD, the European Commission, national public agencies (Ministry of Revenue, AiREF, OiResCon, IGAE) and private agencies, as well as from academia. In parallel, the CNMC launched a [public consultation](#) on planning in public procurement, which received a total of 63 contributions.

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The final document includes the findings and recommendations of the CNMC on the planning phase of public procurement:

- The lack of adequate planning and programming in public procurement has been highlighted as one of the main shortcomings of public procurement in Spain.
- Proper planning allows improving the design of tenders, promotes transparency and the access of operators to tenders (especially SMEs), allows for the use of open and competitive award procedures that favour competition; increases efficiency and savings in the management of procurement and global contract execution, and provides for a true strategic approach to public procurement.
- Despite its usefulness, planning has had little practical significance in public procurement regulation in Spain. The CNMC recommends adopting a true public procurement planning culture that permeates all technical-regulatory, organisational and collaborative levels.
- It recommends an integrated and strategic approach to planning that considers the activity of each public entity and involves all of its departments. It also recommends improving the openness and transparency of planning.

The CNMC is the independent market regulatory body that guarantees and promotes effective competition. Pursuant to the provisions of Article 5 of Law 3/2013 of 4 June, creating the CNMC, its functions include promoting effective competition in the markets by, among others, conducting studies and research on competition matters.