

European eGovernment Award 2009

Supporting documentation N1:
Evidences offered by the Basque Government.

Name of the case:
Basque Governments eProcurement System
(Spain, 2005-2009).

Acronym of the case: BGEPS.

Public Electronic Procurement System
Technical Secretariat.

Basque Government.
16 June 2009



Purpose of the document

The purpose of this document is to provide support documentation and evidence on the activity of the Basque Government's eProcurement system during the period 2005-2009. Accordingly, the following materials are offered:

- Evidence and links that can be queried over the Internet
- Explanation of the association of the project with the strategies of the European Union.
- Association of the project with the main objectives set by the European Union in relation to the information society.
- Assessment of the potential our case offers for others to learn.
- Mechanisms that could be explored for exchange, transfer and replication.
- Communication and dissemination actions for sharing good practices.
- The handling of institutional and legal differences, different policies, priorities and visions.
- Partnership strategy.
- Implementation and change management strategy.
- Multi-channel strategy and management of resources.
- Knowledge management.
- Human resource management, risk management, maintenance and evolution.
- Collaboration with other administrations.

Evidence on the activity of the Basque Government's eProcurement System (Spain, 2005-2009)

The following evidence is offered as information material additional to the case of the Basque Government's eProcurement System (Spain 2005-2009):

- Access to the texts in English offered as a means of cooperation in the exchange of knowledge.
- Evidence of the training offered to enterprise.
- Evidence of the recording of a complete in-class training course and video offer through YouTube.
- Evidence of the presentation of the Basque Government's contributions to the discussion in the Spanish Parliament on the new Public Sector Procurement Act.
- Evidence associated with the participation in the one-day event titled "Social Consideration and Social Clauses in Public Procurement".
- Evidence of the participation in the 3rd Technological Forum of the External Control Bodies (public prosecutor's, auditors) organised by their Basque Court of Auditors.
- Evidence of the organisation by the Basque Government of 3 seminars on Public eProcurement in the period 2004-2008.
- Evidence of participation in ePractice.eu.

Access to texts in English offered as a means of cooperation in the exchange of knowledge.

Since the year 2005, with a view to enabling access to the Basque Government's experience, the objective has been to create materials in English, which include the following:

- **Full version of the Public eProcurement System website** (see URL <http://www.ogasun.ejgv.euskadi.net/r51-3712/en/>)
- **Annual reports in English:**
 - **Annual report in English for the year 2006** (see URL http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/resumen_memoria_2008_EN.pdf).
 - **Summary of the annual report in English for the year 2006** (see URL http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/memoria/memoria2006_resumen.pdf).
 - **Annual report in English for the year 2007** (see URL http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/memoria/memoria2007_resumen.pdf).

- [3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/resumen_memoria_2008_EN.pdf](http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/resumen_memoria_2008_EN.pdf)).
- **Summary of the annual report in English for the year 2007** (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/memoria/resumen_memoria_2007_EN.pdf).
 - **Summary of the annual report in English for the year 2008** (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/resumen_memoria_2008_EN.pdf).
- **4 catalogues in English on different aspects of eProcurement:**
 - **It is now possible to tender over the Internet using a simple, accessible and secure system** (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/resumen.pdf).
 - **Advantage offered by Electronic Public Procurement** (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/06_ventajas.pdf).
 - **Best Practice for Digital Bid Submission** (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/08_buenas_practicas.pdf).
 - **User Support Call Centre** (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/12_documentacion/en_doc/adjuntos/resumen_memoria_2008_EN.pdf).
 - **Complete materials corresponding to the second and third seminars on public eProcurement held in Bilbao and San Sebastián, respectively:**
 - 2nd International Congress for Electronic Public Procurement (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/es/contenidos/informacion/10_congresos/es_15541/resultados.html).
 - 3rd International Congress for Electronic Public Procurement (see URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/es/contenidos/informacion/20_seminario_internacional/es_3seminar/informacion.html).

Evidence of the training offered to enterprise.

- **In-class training:** Directed at individuals responsible for preparing and signing bids and their IT support technicians. (URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/05_acciones_formativas/en_15132/agenda.html).
- **Assisted demonstrations:** Different multimedia materials made available to companies interested in the Basque Government's Electronic Procurement System. (URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/05_acciones_formativas/en_15133/formacion_on_line.htm).
- **Training videos:** Training videos about Government's Electronic Procurement System. (URL: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/05_acciones_formativas/en_videos/curso_multimedia.html)

Evidence of the recording of a complete in-class training course and video offer through YouTube.

In conjunction with the start-up of the Public Electronic Procurement System, the Basque Government offers training to create awareness and prepare the various collectives that interact with the Public Electronic Procurement System.

A complete in-class training course has been recorded and is available on YouTube (www.youtube.com) through 28 short videos.

In order to access the videos, the following keywords should be entered into the search menu:

- Electronic Procurement.
- Or, Basque Government's Electronic Procurement.
- Or, see URL:
http://www.youtube.com/results?search_type=&search_query=Contrataci%C3%B3n+Electr%C3%B3nica+del+Gobierno+Vasco&aq=f

Evidence of the presentation of the Basque Government's contributions to the discussion in the Spanish Parliament on the new Public Sector Procurement Act.

The evidence of the presentation of the Basque Government's contributions to the discussion in the Spanish Parliament on the new Public Sector Procurement Act can be obtained at the following link:
URL

http://www.congreso.es/public_oficiales/L8/CONG/DS/CO/CO_748.PDF#page=37

Evidence associated with the participation in the one-day event titled "Social Consideration and Social Clauses in Public Procurement".

In June 2008, the Basque Government agreed the incorporation of social, environmental criteria and other public policies in the procurement of the autonomous community's administration and its public sector. Accordingly, it became the first Spanish public administration to incorporate environmental and sustainability criteria as a general rule in its human processes.

Among other concepts, the procurement criteria define the following:

- The instructions for the incorporation of social and environmental criteria, as well as other public policies in the procurement.
- The contractual purpose that is compliant with the environment and ecological variants.
- Environmental management measures in contracts whose performance may damage the environment.
- Accreditation of the technical or professional solvency in environmental issues in contracts subject to the classification requirement.
- The causes for the exclusion of enterprises that are prohibited from contracting due to social or environmental issues.
- Environmental protection.

Accordingly, the Basque Government is regularly invited to share its experience in the area. By way of example, the Manager of Heritage and Procurement of the Basque Government took part in the one-day event titled "Social Consideration and Social Clauses in Public Procurement" organised by the VATES Foundation and arranged in cooperation with Workability Europe/Service Development Group, a thematic workshop about Social Consideration and Social Clauses in Public Procurement (Helsinki, 07/04/2009).

Materials offered as evidence:

- **Presentation of the One-Day Event** (see URL: <http://www.vates.fi/we>).
- **Social Clauses Law linked to the General Spanish Public Procurement System of the Basque Government. Jaime Dominguez-Macaya, Director of Public Procurement of the Basque Government.** (see URL: <http://www.vates.fi/service.cntum?serviceType=document&documentName=135487/SOCIAL+CLAUSES+IN+BASQUE+GOVERNMENT+PUBLIC+PROCUREMENT.pdf>).

Evidence of the participation in the 3rd Technological Forum of the External Control Bodies (public prosecutor's, auditors) organised by their Basque Court of Auditors.

In the area of the development of technology as a support for the legal framework, the Basque Government's eProcurement system has functionalities that enable access to the documents of the procurement project by public prosecutors, auditors and public accounts tribunals, etc.

Accordingly, it was invited to take part in the 3rd Technological Forum of the External Control Bodies (public prosecutors, auditors). Organised by the Basque Court of Auditors. (see URL: http://www.tvcp.org/foro_tecnologico.htm)

Evidence of the organisation by the Basque Government of 3 seminars on Public eProcurement in the period 2004-2008.

Since the year 2004, the Basque Government and the European Institute of Public Administration - European Centre of Regions (in Spanish, IEAP-CER) have collaborated on the organisation of 3

(three) international seminars on International Public eProcurement, which were held in Bilbao and San Sebastián in 2004, 2006 and 2007.

- 2nd International Congress for Electronic Public Procurement: http://www.ogasun.ejgv.euskadi.net/r51-3752/es/contenidos/informacion/10_congresos/es_15541/resultados.html
- 3. International Public eProcurement Seminar: http://www.ogasun.ejgv.euskadi.net/r51-3752/en/contenidos/informacion/20_seminario_internacional/en_3seminar/informacion.html

Evidence of participation in ePractice.eu.

The Basque Government's Electronic Procurement System is included in ePractice.eu as case 2159 under the name of Public Electronic Tendering Model of the Basque Country (eProcurement, Spain). (see URL: www.epractice.eu/cases/2159).

Explanation of the association of the project with the strategies of the European Union.

The Basque Government's Electronic Procurement System is in line with the following policies of the European Union:

- The strategic framework "i2010 - A European information society for growth and employment" focused on the **development of the digital economy** in Europe and on the importance of the **security** of networks and information.
- The communiqué of the Commission, dated 25 April 2006, "Action plan on electronic administration i2010: accelerating electronic administration in Europe for the benefit of all".
- European Parliament legislative resolution of 22 April 2009 on the proposal for a decision of the European Parliament and of the Council on interoperability solutions for European public administrations (ISA) Which refers to the relevance of **interoperability and accessibility** for achieving the objectives of Article 154 of the Treaty to help achieve the objectives referred to in Articles 14 and 158 thereof and to enable citizens of the European Union, economic players and regional and local communities to gain full benefit from the setting-up of an area without internal frontiers.
- **The indications provided in the IDABC Programme (2005-2009)**. The IDABC Programme (Interoperable Delivery of Pan-European eGovernment Services to Public Administrations, Business and Citizens - provides that "Public procurement by electronic means can improve and simplify the way government procurement operates".
- The commission's communiqué of 11 May 1999 on the "Application of the action framework for financial services".

Association of the project with the main objectives established by the European Union in relation to the information society.

The Basque Government Electronic Procurement System deserves the prize since it has made notable efforts in the following areas:

- **The European Union recognises that electronic procurement is an electronic administration service of great impact.** Public contracts represent an annual figure in Europe of between 15 and 20% of the GDP, i.e. approximately €1.5 billion. Electronic public procurement could mean an annual saving of tens of thousands of millions of euros, which underlines the importance of achieving a high level of this type of procurement.
- **Promotion of an open digital economy.** In line with Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on the interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC), the Basque Government has worked in the following areas:
 - To enable the fulfilment of the administrative requirements for electronic tenders through the creation of a "provisional enablement of eProcurement" to allow the companies not filed with the Official Contractors Register to present electronic bids in tenders. The "provisional enablement" is based on a digital system similar to that desired by IDABC for the digital dossier of the enterprise.
 - Support for the bidirectional electronic exchange of data with the Official Contractors Register.
 - The issuing of the different types of recognised and accepted electronic signature certificates, having incorporated the electronic certificate of the national ID card (eDNI (Spanish ID card)), to enable access by Spanish companies taking part in tenders.
- **Improvement of public services.** The i2010 initiative recognises this fact by trying to improve public services and make them more accessible at the same time as establishing the appropriateness of "making administrations more efficient and effective at reducing the administrative burden".
- **Electronic data exchange and interoperability among administrations:** The European Commission indicates that digital convergence requires the interoperability of the devices, platforms and services and the possibility of the services being taken from one platform to another. The Basque Government has taken the following actions in this area:
 - in accordance with the web services that have enabled the electronic exchange of data between the Official Contractors Register and the Social Security Classification Service, as well as the tax authorities of the Central Spanish Government and provincial governments of the Basque Country.
 - The possibility of developing automatic queries from external computer systems with regard to the Official Contractors Register and the Classification Service.
 - The issuing of the different types of recognised and accepted electronic signature certificates, having incorporated the electronic certificate of the national ID card (eDNI (Spanish ID card)), to enable access by Spanish companies taking part in tenders.

- **Providing common and shared solutions:** the Basque Government enables the use of its system by any interested administration. Similarly, all applications, information and educational materials are considered “open source” and available to all interested administrations.
- **Accessibility.** In the new version of its electronic tender system, the Basque Government has abandoned the Microsoft technologies with which it developed its initial version and has adopted Java as a reference architecture. Similarly, the global accessibility of the electronic tendering system is AA.
- **Access for all, digital inclusion and training.** Objective 3 of the i2010 initiative indicates that the “information society should include and offer high-quality public services with a view to making public services better and more accessible”.

In keeping with this concept and exclusively in Spain, the Basque Government has made great efforts in the area of diffusion and training in the period between 2005 and 2008, since very few companies were aware of the scope, benefits and conditions of using electronic procurement. The basic purpose has been to guarantee the companies taking part in the tenders the acquisition of digital competencies associated with the recognised electronic signature and electronic tender and notification. Accordingly, during the last 3 years, there have been 27 information days, which have been attended by 1324 individuals representing 1100 enterprises.

Similarly, the adoption of e-Procurement is not something that the companies are having to face alone and at the last minute. Indeed, the Basque Government has prepared the following training elements:

- In-class training: With an average frequency of 5 courses/month and an estimated duration of 3 hours, the training is given at the three Basque capitals:
- On-line training.
- Recording of an entire training course and provision of videos on YouTube.
- Free tenders.
- The training figures for the period 2005-2008 are as follows:
- A total of 110 courses have been given.
- The number of individuals that have been trained totals 1019, representing 529 companies.
- The number of training videos downloaded from YouTube is in excess of 14,000.
- More than 600 free tenders have been created.

Furthermore, through its training, the Basque Government is promoting access to specialised training for developing the corresponding knowledge and skills for the deployment of other digital issues:

- Security.
- Cryptography and encryption.
- The use of digital notification mechanisms.

- **The development of modern and interoperable public services based on ICT, the use of their considerable purchasing power as a driving force for innovation in ICT and the promotion of a proactive political focus to stimulate the favourable evolution of the markets and the promotion of the information society.**

This has been recognised by the Basque Government, which, in the year 2008, established the following general objectives for its Public Electronic Procurement System.

- To develop higher service levels for enterprise and the services of the administration involved in public purchasing and procurement.
 - To make use of the administration's purchasing potential to promote electronic procurement and the recognised electronic signature as two basic components of the Euskadi Plan in the information society.
 - The generation of a business channel of high value regarding performance/cost, resulting from the creation of a unique, simple and convenient access road for the possibility of carrying out business with the General Administration of the Autonomous Community of Euskadi.
 - The implementation of the plan will make it possible to reduce access barriers for SMEs, which, in certain cases, may encounter difficulties when trying to approach the public administration.
- **Security, trust and reliability.** Accordingly, the following elements have been particularly enlightening:
 - Objective No. 1 of the "i2010 - A European information society for growth and employment" strategic framework refers to the need for achieving security, trust and reliability regarding the networks and information so that the converging digital services are widely accepted.
 - The Commission's communiqué of 31 May 2006 refers to the need for "a strategy for a secure information society, as well as the framework for regulating electronic communications".
 - Directive 2002/58/CE of the European Parliament and of the Council, dated 12 July 2002, on the processing of personal data and the protection of privacy in the sector of electronic communications (Directive on privacy and electronic Communications).

In keeping with this concept, in the context of electronic procurement, the Basque Government has created a system characterised by levels of security that are probably unique in Europe in accordance with the following:

- All relevant interventions are guaranteed by the requirement for recognised electronic signatures, highlighting the fact that electronic tenders are encrypted with the recognised electronic signatures of the members of each procurement desk, in such manner that they can only be opened by such members if they form a quorum and present their electronic signature cards at tender opening desks. The encryption technique used is based on asymmetric codes.
- A surplus of security and confidentiality arises from the fact that all processes are run on a bidder's own computer, so that nobody can gain access in any way to a Company's tender.

- In order to ensure the unbreachable nature of the bids, a signed applet is downloaded and executed to fragment, encrypt and send the bids ready for their subsequent deciphering and defragmentation.
- The electronic tender application only allows access to the economic and technical bids on the date and time scheduled for the public opening of the proposals. The deciphering and defragmentation of the bids is carried out in the presence of the attendees.
- Furthermore, through its training, the Basque Government is promoting access to specialised training for developing the corresponding knowledge and skills for the deployment of other digital issues:
 - Security.
 - Cryptography and encryption.
 - The use of digital notification mechanisms.
- **Open Standards.** In line with Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on the interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC), in its new version of its electronic tender system, the Basque Government has abandoned the Microsoft technologies with which it delivered its initial version and has adopted Java as a reference architecture.
- **Solutions for electronic businesses and the development of a legal framework for electronic procurement.** Further to progress in technology, it is necessary to move forward in the development of legislation governing electronic procurement. The basic reference is Directive 2004/18/EC of the European Parliament and of the Council, dated 31 March 2004, on the coordination of the procedures for awarding public contracts for civil engineering work, supplies and services.

Accordingly, Order No. 4673, dated 16 August 2004, on the "Telematic processing of certain procedures and actions provided in legislation on public administrations and procurement", which was probably the first legislative reference to the operative regulation of public electronic procurement in Spain. Accordingly, the Basque Government was invited to present to the Spanish parliament its contributions to the corresponding improvements in the discussion on the new Public Sector Contracts Act.

Similarly, there is a bill which would regulate new issues, such as the following:

- Extension of pool of interested parties via provisional enablement.
- The regulation of complementary documents provided with electronic tenders.
- The treatment of errors and the unavailability of e-procurement systems.
- The processing of the provisional and final guarantees in digital format.
- Launch of exclusively electronic dossiers.

Furthermore, in the area of the development of technology as a support for the legal framework, the Basque Government's eProcurement system has functionalities that enable access to the documents of the procurement project by public prosecutors, auditors and public accounts tribunals, etc.

- **i2010 action plan on electronic government..** The Commission's Communiqué, dated 25 April 2006, on an "Action plan on electronic Administration i2010: accelerating electronic administration in Europe in benefit of all" focuses on making public services more effective, modernising them and adapting them to the population's requirements. Accordingly, a number of priorities are proposed, as well as a roadmap aimed at speeding up the implementation of electronic administration in Europe in order to allow private individuals and enterprises to obtain specific advantages in the area of electronic administration more quickly. Unavoidably, e-commerce and eProcurement form part of the said action plan as "high-impact administration services".
- **Action plan for financial services (in Spanish, PASF):** In keeping with the commission's communiqué of 11 May 1999 on the "Application of the action framework for financial services": action plan" and the initiative titled "Innovation 2000" of the European Investments Bank, since 2007, the Basque Government has accepted the presentation of digital guarantees as a means for presenting provisional and final guarantees in electronic procurement.
- **Exchanges of good practice.** As appropriately indicated by the European Commission, good practice, which includes elements related to technology, organisation and training, requires a long-term commitment from the main stakeholders, savings in the process for generalising services.

The Basque Government fosters collaboration within the framework of public eProcurement and, accordingly, wishes to provide the following stable instruments for collaborating with the administrations that are interested: To date, the specific forms of collaboration have been as follows:

- Knowledge exchange.
- Training.
- Development of the model agreement to enable the transfer of the applications.

Finally, all applications, information and educational materials are considered "open source" and available to all interested administrations.

- **IDABC Programme (2005-2009)** The IDABC Programme (Interoperable Delivery of Pan-European eGovernment Services to Public Administrations, Business and Citizens - provides that "Public procurement by electronic means can improve and simplify the way government procurement operates".

Assessment of the potential our case offers for others to learn from.

The Basque Government considers that other public administrations could take advantage of the following methodological elements that support the deployment of electronic procurement:

- Legal and executive framework of the implementation of electronic procurement developed by the Basque Government.
- The support legislation for electronic procurement is directly transferable to the European public administrations. Similarly, the bill of the new legislation, which is more complete and advanced, may be used to inspire every administration wishing to implement electronic procurement.
- The offer of training for the Basque Government's procurement technicians.
- Training for the companies taking part in the tender in both in-class and on-line formats.
- "Pilot Tender Launch Protocol" as an operative management process element of electronic procurement.
- The extensive in-class documentation comprising the following:
 - Annual reports, abridged and in full, for 2006, 2007 and 2008.
 - 4 Manuals of Use.
 - The 21 catalogues, offered by the Basque Government on the various aspects of eProcurement, have become a mandatory reference for any Spanish public administration wishing to adopt eProcurement. Similarly, the annual reports of 2006, 2007 and 2008 have been used as a basis for several doctoral theses completed at Spanish universities.
- The experience acquired by the User Support Centre.

Mechanisms that could be explored for exchange, transfer and replication.

The Basque Government fosters collaboration within the framework of public eProcurement and, accordingly, wishes to provide the following stable instruments for collaborating with the administrations that are interested: To date, the specific forms of collaboration have been as follows:

- **Providing common and shared solutions:** the Basque Government enables the use of its system by any interested administration. Similarly, all applications, information and educational materials are considered “open source” and available to all interested administrations.
- **Knowledge exchange:**
 - The Basque Government takes an active part in the “eProcurement” working party promoted by the Ministry of Public Administration of the Government of Spain and the 17 Regions.
 - In addition, since the year 2005, various representatives from the Department of Heritage and Procurement of the Basque Government have taken part in working parties or knowledge exchange sessions with the following institutions.
 - o Ministry of Public Administration.
 - o The Autonomous Government of Catalonia.
 - o Department of Heritage and the General Department of Innovation and Public Administrations of the Autonomous Government of Andalusia.
 - o Department of the Economy, Taxes and Occupation of the Autonomous Government of Valencia.
 - o Department of the Economy of the Autonomous Government of Galicia.
 - o Xunta de Galicia:
 - o Autonomous Government of Extremadura
 - o European Institute of Public Administration.
- **Development of an agreement for the transfer of the eProcurement system technology to other interested administrations.** The convention includes the following options:
 - Use of the B.G. electronic procurement system to develop pilot tenders during the first learning phase.
 - Delivery of an electronic tendering product usage licence, free of charge for unlimited use.
 - Delivery of source code for the electronic tendering product software.
- **General offer of collaboration in the extension of the public eProcurement system to the entire Basque public administration.** The proposal has been presented to the following:
 - The Federation of Basque Municipalities.
 - The 3 Provincial Governments of the Basque Country.

Finally, all applications, information and educational materials are considered “open source” and available to all interested administrations.

Communication and dissemination actions for sharing good practices.

For the past 3 years, the Basque Government has presented its Public Electronic Procurement Model at the following events:

- Training courses on administrative procurement of the European Institute of Public Administration (EIPA) through its office in Barcelona, the European Centre of Regions (EIPA-CER).
- Participation in 15 conferences organised by public and private institutions across Spain.
- IANIS + conference (the Innovative Actions Network for the Information Society).
- Inaugural meeting of the EU e-Procurement Working Group.
- Presentation to the Burgundy Regional Council (France).
- III International Congress on Public Procurement, held in Amsterdam.
- Plenary meeting of the European OMC - PTP Project (Open Method of Coordination - Public technology procurement), aimed at promoting innovation through administrative procurement.
- Presentation to the United Nations Institute for Training and Research, UNITAR and the International Training Centre for Local Authorities (CIFAL).
- Presentation at a course organised by the United Nations Institute for Training and Research.
- Participation in the one-day event titled "Social Consideration and Social Clauses in Public Procurement" organised by the VATES Foundation and arranged in cooperation with Workability Europe/Service Development Group, a thematic workshop about Social Consideration and Social Clauses in Public Procurement (Helsinki, 07/04/2009).

epractice.eu.

The Basque Government's Electronic Procurement System is included in ePractice.eu as case 2159 under the name of Public Electronic Tendering Model of the Basque Country (eProcurement, Spain). (see URL: www.epractice.eu/cases/2159).

The information provided at epractice.eu indicates that all applications, and diffusion and training materials are considered "open source" and available to all interested administrations.

The organisation of 3 seminars on public eProcurement during the period 2004-2008.

Since the year 2004, the Basque Government and the European Institute of Public Administration - European Centre of Regions (in Spanish, IEAP-CER) have collaborated on the organisation of 3 (three) international seminars on International Public eProcurement, which were held in Bilbao and San Sebastián in 2004, 2006 and 2007.

The handling of institutional and legal differences, different policies, priorities and visions.

From the legal and legislative point of view, the main difficulties encountered have been as follows:

- Europe does not have any legislation on the operative implementation of electronic procurement. Obviously, the basic reference is Directive 2004/18/EC of the European Parliament and of the Council, dated 31 March 2004, but there are no lower-level laws that indicate the specific ways in which the electronic documents that support the procurement are to be developed. Order No. 4673, on the "Telematic processing of certain procedures and actions provided in legislation on public administrations and procurement", which was probably the first legislative reference to the operative regulation of public electronic procurement in Spain. Accordingly, the Basque Government was invited to present to the Spanish parliament its contributions to the corresponding improvements in the discussion on the new Public Sector Contracts Act.
- Our procurement activity is mainly devoted to mastermind services. Therefore, the offers we receive are complex and heavy. I mean, big files, mainly written, in Adobe Acrobat, Microsoft Office and Open Office. The electronic tendering system has demonstrated its reliability in the procurement of intellectual services (consultancy, computer applications, advertising, etc.), an area that is not particularly applicable in eProcurement. Consequently, the initiative of the Basque Government is particularly innovative. Indeed, the procurement of this type of service requires the presentation of high-volume bids (up to 40 Mb) and its reliability has been proven during transmission times of up to 2 hours. This is a very innovative area, since most of the administrations operate with eProcurement systems in which the bids are limited to 4 Mb and transmission times of less than 10 minutes.

Today, we face following limitations:

- The low bandwidth available. As you probably know, the European Commission estimates that, compared to other European countries, bandwidth is extremely expensive in Spain.
- In many cases, as a result of the low bandwidth, companies assume a risk when facing the maximum duration of the time window (2 hours) allocated to the digital bid signature and sending sessions.
- We also suffer from the limits of Java technology. In many cases, the Java Virtual Machine breaks down when trying to electronically sign heavy files.
- A similar problem arises with the electronic signature software, which tragically fails when trying to sign files over 40 Megabits.

In Europe, other public administrations are not aware of the limits imposed by:

- The connectivity contracted by enterprises with their telecommunications providers.
- The maximum uptime of the connectivity in opportune conditions for transport.
- The processing limits of virtual Java machines by Sun or Microsoft, which do not have sufficient levels of efficiency for processing large-volume bids.
- The limits of the signature capacity regarding the electronic signature algorithms, which have been designed for very light documents.
- The duration of the time window, which, for security reasons, is allocated to each session for preparing, signing and sending the digital bids.

These technical difficulties contrast openly with the rights that are awarded to citizens and enterprises by law 11/2007 on electronic access to public services by citizens, which provides for freedom in the presentation of digitalised documents. This has led the Basque Government to take the following decision:

- The adoption of two time-separated electronic tendering steps, within a 24-hour deadline, as provided in the new Spanish contracting law.
- System for providing additional documentation for the electronic bid. To date, the electronic procurement system operates within very narrow limits marked by the following:
 - The connectivity available to the companies taking part in the tenders.
 - The duration of the time window, which, for security reasons, is allocated to each session for preparing, signing and sending the bids.
 - The processing capacity of the virtual Java machine.
 - The practical limits to the signing, encryption and sending of the bids.

These factors lead to the very evident limitations of the size of the bids that are to be sent electronically. Accordingly, the Basque Government will offer a system for the provision of additional documentation, consisting of the creation of a digital storage service that can be accessed on-line. The businesses will be able to deposit the annexed documents that may be useful for the electronic procurement processes associated with one or more of the tenders in which the company wishes to take part.

In order to upload the digital annexes to the system for the provision of additional documentation, the company will select, electronically sign and transfer the file they wish to present as an annex to the bid to the system. As a final step in the contribution process, the system for the contribution of additional documentation will provide the company with the hash of the document the company has sent. After the hash has been obtained, the system for the contribution of additional documentation will automatically refresh to allow the company to continue with the process of providing other annexes as part of its bid.

We also would like to develop a new system (we call it "the Lift System") to provide a new tool for forwarding technical annexes. These annexes are needed by the bidding companies when they try to send very complex and heavy bids. "The Lift System" will allow companies to send and store brochures, general information and project references. These elements are by far the ones that create the main difficulties when signing and sending offers related to mastermind services.

Partnership strategy.

The Basque Government fosters collaboration within the framework of public eProcurement and, accordingly, wishes to provide the following stable instruments for collaborating with the administrations that are interested: To date, the specific forms of collaboration have been as follows:

- Knowledge exchange:
 - The Basque Government takes an active part in the "eProcurement" working party promoted by the Ministry of Public Administration of the Government of Spain and the 17 Regions.
 - In addition, since the year 2005, various representatives from the Department of Heritage and Procurement of the Basque Government have taken part in working parties or knowledge exchange sessions with the following institutions.
 - o Ministry of Public Administration.
 - o The Autonomous Government of Catalonia.
 - o Department of Heritage and the General Department of Innovation and Public Administrations of the Autonomous Government of Andalusia.
 - o Department of the Economy, Taxes and Occupation of the Autonomous Government of Valencia.
 - o Department of the Economy of the Autonomous Government of Galicia.
 - o Xunta de Galicia:
 - o Autonomous Government of Extremadura
 - o European Institute of Public Administration.
- Development of an agreement for the transfer of the eProcurement system technology to other interested administrations. The convention includes the following options:
 - Use of the B.G. electronic procurement system to develop pilot tenders during the first learning phase.
 - Delivery of an electronic tendering product usage licence, free of charge for unlimited use.
 - Delivery of source code for the electronic tendering product software.
- General offer of collaboration in the extension of the public eProcurement system to the entire Basque public administration. The proposal has been presented to the following:
 - The Federation of Basque Municipalities (Eudel).
 - The 3 Provincial Governments of the Basque Country.

Finally, all applications, information and educational materials are considered "open source" and available to all interested administrations.

- **Exchanges of good practice.** As appropriately indicated by the European Commission, good practice, which includes elements related to technology, organisation and training, requires a long-term commitment from the main stakeholders, savings in the process for generalising services.

In view of the delay in the adoption of electronic procurement in the other Spanish public administrations, the Basque Government promotes collaboration in the framework of Public electronic procurement and, accordingly, wishes to set up stable collaboration instruments with the interested administrations. To date, the specific forms of collaboration have been as follows:

- Knowledge exchange.

- Training.
- Development of the model agreement to enable the transfer of the applications.

Finally, all applications, information and educational materials are considered "open source" and available to all interested administrations.

The Basque Government considers that other public administrations could take advantage of the following methodological elements that support the deployment of electronic procurement:

- Legal and executive framework of the implementation of electronic procurement developed by the Basque Government.
- The support legislation for electronic procurement is directly transferable to the European public administrations. Similarly, the bill of the new legislation, which is more complete and advanced, may be used to inspire every administration wishing to implement electronic procurement.
- The offer of training for the Basque Government's procurement technicians.
- Training for the companies taking part in the tender in both in-class and on-line formats.
- "Pilot Tender Launch Protocol" as an operative management process element of electronic procurement.
- The extensive in-class documentation comprising the following:
 - Annual reports, abridged and in full, for 2006, 2007 and 2008.
 - 4 Manuals of Use.
 - The 21 catalogues, offered by the Basque Government on the various aspects of eProcurement, have become a mandatory reference for any Spanish public administration wishing to adopt eProcurement. Similarly, the annual reports of 2006, 2007 and 2008 have been used as a basis for several doctoral theses completed at Spanish universities.
- The experience acquired by the User Support Centre.

From the point of view of the technological partnership, the fundamental reference is the open standards. In line with Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on the interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC), in its new version of its electronic tender system, the Basque Government has abandoned the Microsoft technologies with which it delivered its initial version and has adopted Java as a reference architecture. Finally, we would like to point out that all the applications, diffusion and training materials are considered "open source" and are available to all the public administrations that are interested through a model agreement for the transfer of technology corresponding to the electronic procurement system to other administrations that may be interested. The convention includes the following options:

- Use of the Basque Government's eProcurement system to develop pilot tenders during the first phase.
- Delivery of an electronic tendering product usage licence, free of charge for unlimited use.
- Delivery of source code for the electronic tendering product software.

Implementation and change management strategy.

Given that today, electronic procurement is not compulsory in Spain, and with the aim of achieve its generalised introduction, the Basque Government has considered it necessary to drive its adoption by the Basque Government's 220 procurement technicians and the bidding companies, particularly the 3,800 companies that are currently registered with the Official Register of Contractors.

From the point of view of the procurement technicians, the organisational preparation and promotion of a culture of change for the adoption of electronic procurement has been fundamental:

- Legal and executive framework of the agreement of the Government Council, adopting the Master Plan for the Implementation of the Electronic Procurement Project.
- **Preparation work for roll-out and adoption of Electronic Procurement by Basque Government Departments.**
- Definition of the exact requirements associated with the incorporation of the departments of the Basque Government into the public electronic procurement system.
- **Accompaniment in the preparation of Basque Government Department Pilot Tenders A specific protocol is started up each time an electronic procurement application is launched.**
- **Preparation work for roll-out and adoption of Electronic Procurement by Basque Government Departments.**

From the point of view of the culture of change in the companies taking part in the tender, the Basque Government has considered the principles of "**Access for all, digital inclusion and training**" provided in Objective No. 3 of the i2010 initiative, which provides that the "information society must be inclusive and offer high-quality public services with a view to making public services better and more accessible".

In keeping with this concept and exclusively in Spain, the Basque Government has made great efforts in the area of diffusion and training in the period between 2005 and 2008, since very few companies were aware of the scope, benefits and conditions of using electronic procurement. The basic purpose has been to guarantee the companies taking part in the tenders the acquisition of digital competencies associated with the recognised electronic signature and electronic tender and notification. Accordingly, during the last 3 years, there have been 27 information days, which have been attended by 1324 individuals representing 1100 enterprises.

Similarly, the adoption of e-Procurement is not something that the companies are having to face alone and at the last minute. Indeed, the Basque Government has prepared the following training elements:

- In-class training: With an average frequency of 5 courses/month and an estimated duration of 3 hours, the training is given at the three Basque capitals:
- On-line training.
- Recording of an entire training course and provision of videos on YouTube.
- Free tenders.

- The training figures for the period 2005-2008 are as follows:
- A total of 110 courses have been given.
- The number of individuals that have been trained totals 1019, representing 529 companies.
- The number of training videos downloaded from YouTube is in excess of 14,000.
- More than 600 free tenders have been created.

Multi-channel strategy and management of resources.

Spanish Law 11/2007 on electronic access by citizens to public services provides the right of citizens and enterprises to select any channel for their relations with the administration. Accordingly, the multi-channel character is one of the fundamental elements of the Basque Government's activity in relation to its electronic procurement systems, as shown by the following elements:

- **The capacity for action and contact offered by the Technical Electronic Procurement Secretariat, comprising 6 individuals with very different profiles** (lawyers, engineers, computer experts, support technicians, advertisers), enables the use of personal contact, telephones, e-mail and paper regarding their activities in the following areas:
 - Training.
 - Marketing.
 - Daily operation of the platform.
 - User support.
- **Multi-channel information offer**, made up of the following channels:
 - Annual reports, abridged and in full, for 2006, 2007 and 2008.
 - 21 catalogues on different aspects of eProcurement.
 - 12 issues of the magazine *Prest*.
 - Development of postal mailings.
 - Development of Internet presence.
 - "Early Warning" launch and other messages to promote the use of e-procurement.
 - Information offered by the support centre to the companies taking part in the tender.
 - One-day information events at the 3 technology parks in the Basque Country.
- **Multi-channel training**: based on the concepts of "Access for all, digital inclusion and training", the Basque Government has developed an extensive offer through the following channels:
 - In-class training: With an average frequency of 5 courses/month and an estimated duration of 3 hours, the training is given at the three Basque capitals:
 - On-line training.
 - Recording of an entire training course and provision of videos on YouTube.
 - Free tenders.
- **Multi-channel user support**: Created at the beginning of 2006, it is responsible for user services by telephone and e-mail.

One of the most representative services of the Support Centre are its "remove collaboration" (WebControl) features. Such features are provided over the Internet whilst support technicians attend to users over the phone. If the user accepts the offer of support from the Support

Centre, both the user and the support technicians connect to certain web addresses that will enable them to simultaneously observe what is happening on the companies' screen.

- **Broadcasting of the opening ceremonies.** In the case of the tenders offered through electronic procurement, virtual access is provided to the public opening ceremonies through video broadcasts over the Internet.

Knowledge management.

Given the significant volume of people involved, 220 technicians and the need for transferring the knowledge to other administrations, continuous knowledge management processes have been carried out within the Basque Government by means of the following elements:

- A control panel that includes the procurement technicians that take part in the implementation of the electronic procurement system.
- The creation of a vade mecum on electronic procurement, with all the questions and answers of interest for the procurement technicians.
- The offer of training for the Basque Government's procurement technicians. With regard to the training of the procurement technicians, training has been given to 220 individuals in the area of electronic tenders and to 150 in the new version of the procurement manager, totalling an accumulated figure of 5500 hours of training given.
- The preparation of the annual reports, in their abridged and full versions, for the years 2006, 2007 and 2008, with all the detailed information about the operative activities.
- The creation of 21 catalogues, offered by the Basque Government on the various aspects of eProcurement, have become a mandatory reference for any Spanish public administration wishing to adopt eProcurement. Similarly, the annual reports of 2006, 2007 and 2008 have been used as a basis for several doctoral theses completed at Spanish universities.
- Meetings with the managers and procurement technicians of each department.
- On a regular basis, 2 or 3 messages per week are sent electronically to more than 220 people at the Basque Government who are involved in the procurement processes. The messages that are sent are associated with the following areas:
 - Encouragement for registering on the training courses.
 - Request for new tenders to be offered through the electronic procurement process.
 - Results of the various tenders that have been held.
- The transfer of knowledge on the best forms of management of the everyday operations is carried out through the "Pilot Tender Launch Protocol" as an element of the electronic procurement operative management process.
- The statistical monitoring of the results of the electronic tenders (number of projects, number of bids, type of projects) is carried out by means of direct queries through the electronic tendering application. The data are consolidated every 2 months and used for a "control panel" and the annual reports that have been published since the year 2006.
- At the support centre, all the incidents are processed by an application called MantisBT, a free popular web-based bug-tracking system.

With regard to the transfer of knowledge to other public administrations, the knowledge-diffusion activities are carried out through the following:

- Open training courses for all the administrations that are interested:
- Participation in national and international conferences.
- The organisation of 3 seminars on public eProcurement during the period 2004-2008.

Human resource management, risk management, maintenance and evolution.

Given the significant number of people involved (220 technicians), the Master Plan for the Implementation of electronic procurement in the Basque Government organizes the following human resources management activities:

- Organisational preparation and promotion of a culture of change for the adoption of electronic procurement by the procurement technicians.
- Every day communication activities with the procurement technicians.
- The offer of training for the Basque Government's procurement technicians.
- Development of information activities to encourage the adoption of the system by enterprise.

Through the said activities, the procurement technicians become aware of the collaboration possibilities offered by the Procurement Secretariat through be "Pilot Tender Protocol" for specific support and for extensive collaboration in the solving of incidents.

From the technological point of view, the electronic procurement system is based on a cluster of servers and on the duplicity of the applications manager in order to obtain higher levels of availability and physical and logical redundancy.

The processing of legal risks is guaranteed through proprietary regulations. These regulations constituted the first legal reference to the operative regulations on public electronic procurement in Spain and, among other concepts, refer to the existence of computer errors, which, after classification and clarification, will represent a move towards higher levels of guarantee for the administration and the companies taking part in the tenders.

The "Pilot Tender Launch Protocol" with which the electronic tenders are operatively processed considers specific processes for managing technical and legal events in accordance with the aforementioned legislation. In the event of any incident or any degraded system, the electronic procurement system has the following guarantees:

- The permanent presence of the technicians from the Technical Secretariat, who have a wide variety of complementary professional profiles (lawyers, engineers, computer experts, etc.).
- The user support centre, which, through its "remote collaboration" services over the Internet, which display the screen of the company taking part in the tender and monitor the activity of the electronic tender application, check that everything works correctly.

Collaboration with other administrations.

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Department of Finance and Public Administration.
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