

AUDIT REPORT 6/2023

Pre-contractual audit of public service contracts: Substantial irregularities of period from 1.1.2022 to 30.6.2023

SUMMARY

During the period from 1.1.2022 to 30.6.2023, the Seventh Section of the Court of Audit conducted pre-contractual audit of the procedures for awarding public service contracts which fall under its jurisdiction. The substantial irregularities which were mainly identified through this audit are the following:

I. The recourse of contracting authorities to exceptional procurement procedures was deemed unjustified in cases of services, whereupon actual inability to conduct competitive procedures was not ascertained as well as in cases whereupon the actual object of the whole procedure was to cater for permanent and regular needs, which had not arisen due to unforeseen circumstances in the first place.

II. The economic and technical capacity criteria, established for the selection of contractors in certain award procedures, were deemed either unsuitable for serving the intended purposes of those contracts, or too strict and, consequently, dissuasive of the broadest possible participation in the pertinent procedures.

III. In several procedures whereupon reduced competition was noted, the obligation for the interested tenders to participate for the awarding of the entire subject matter – an obligation which was not attributed to certain reasons related to proper execution of the services - possibly prevented small and medium-sized enterprises to participate for distinct parts of the services.

IV. In procurement procedures with the award criterion being the most economically advantageous offer based on an optimal relationship between quality - price, some of the selection criteria for awarding the contract were not suitable to highlight qualitative characteristics of the tenders.

V. In cases of concession contracts, the legal requirements under which these contracts could be essentially modified, without initiating new award procedures, were not always fulfilled.