



Better Regulation: Eurocodes and Public Procurement



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Commission Recommendation 2003/887/EC of 11 December 2003 on the implementation and use of Eurocodes for construction works and structural construction products

published in OJ L 322 of 19 December 2003



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- The Eurocodes are a series of European standards which provide a common series of methods for calculating the mechanical strength of elements playing a structural role in construction works. Those methods make it possible to design construction works, to check the stability of construction works or parts thereof and to give the necessary dimensions of structural construction products.
- The disparities between the various calculation methods referred to in national building regulations hinder the free circulation of engineering and architectural services within the Community. The use of Eurocodes should facilitate the freedom to provide services in the field of construction engineering and architecture by creating the conditions for a harmonised system of general rules.



- The majority of structural construction products and construction works are the subject of public contracts. The Eurocodes are to be used by contracting authorities in technical specifications for the award of public service or works contracts.
- The technical specifications for the award of public services contracts and public works contracts are to be given in the general documents or the contractual documents relating to each contract and that, without prejudice to the legally binding national technical rules and in so far as they are compatible with Community law, such technical specifications are to be defined by the contracting authorities by reference to national standards implementing European standards.



➤ Recommendation 1:

Member States should adopt the Eurocodes as a suitable tool for designing construction works, checking the mechanical resistance of components, or checking the stability of structures.

Member States should recognise that, in the case of construction works designed using the calculation methods described in the Eurocodes, there is a presumption of conformity with essential requirement No 1 'Mechanical resistance and stability', including such aspects of essential requirement No 4 'Safety in use' as relate to mechanical resistance and stability, and with part of essential requirement No 2 'Safety in case of fire', as referred to in Annex I to Directive 89/106/EEC (now Regulation 2011/305/EU).



➤ Montenegro – Law on Public Procurement No. 42/2011 of 15 08 2011

Article 1 - Subject of the Law

This Law shall govern: the conditions, manner and procedure of procurement of goods and services and awarding work assignments (hereinafter: public procurement), protection of rights in the public procurement procedures and other issues of relevance for public procurement.



➤ Montenegro – Law on Public Procurement No. 42/2011 of 15 08 2011

Article 49 – Tender Documents

Tender documents, in accordance with the procedure type, or the subject of public procurement shall contain in particular:

1. name/title of the contracting authority;
2. description of subject of public procurement;
3.
6. technical characteristics (specifications), quantity and description of goods, services or works, manner of executing control and quality assurance, time limit for contract execution, place of execution or of goods delivery, and other characteristics depending on the subject of public procurement;



➤ Montenegro – Law on Public Procurement No. 42/2011 of 15 08 2011

Article 50 - Technical Characteristics or Specifications

Technical characteristics or specifications, in accordance with the subject of public procurement, constitute an obligatory part of the tender documents. A contracting authority shall define the technical characteristics or specifications:

1. with reference to technical regulations;
2. with a reference to the standards applied in Montenegro which are in compliance with the EU standards, and in case that such technical regulations and standards do not exist, the contracting authority shall refer to the EU standards or internationally recognized standards, technical regulations or rules;



➤ Montenegro – Law on Public Procurement No. 42/2011 of 15 08 2011

Article 50 cont.

3. in the form of desired functional characteristics or requirements for the contract execution, which must be precise and clear so that the bidders could prepare their bids accordingly.

When defining technical characteristics or specifications in tender documentation, contracting authority shall, in accordance with the Law, prescribe mandatory compliance to technical standards of accessibility for disabled persons.



➤ Montenegro – Law on Public Procurement No. 42/2011 of 15 08 2011

Article 50 cont.

The technical characteristics or specifications, in accordance with the technical regulations, shall determine the form of technical-technological advantages or functional characteristics that include or may include a program or degree of environmental protection, requirements related to energetic efficiency and social requirements.

With reference to the requirements of the technical characteristics or specifications established in tender documents, the bidders may offer solutions equivalent to those prescribed by the standards by providing adequate proof of equivalence.



➤ Montenegro – Law on Public Procurement No. 42/2011 of 15 08 2011

Article 52 - Content of Technical Characteristics or Specifications

Technical characteristics or specifications shall determine conditions and requirements related to the quality, performance, safety or dimensions of the material, product, good, or service, for the purpose of providing quality assurance, terminology, designations, testing and test methods, packing, marking and labeling.

In the case of public procurement of civil works, technical specifications may also include regulations concerning designs and cost calculation, test, inspection and takeover requirements, as well as techniques or method of construction.

