Poland*

Strategic framework, action plan and scope for procurement for innovation policy

Poland does not have a stand-alone procurement for innovation action plan nor is the procurement for innovation action plan part of the country’s general innovation or procurement strategy. The National Action Plan on Sustainable Public Procurement 2013-16 is a document in the process of implementation targeting strategic procurement, however its scope is limited to green and social procurements.

Procurement for innovation is regulated as part of the national procurement framework based on the Act of Public Procurement Law (PPL, 2004). The Public Procurement Law supports procurement of innovation based on the assumption that PPI requires some flexibility. Accordingly, the PPL includes provisions allowing the specification of functional and performance requirements in contract documents instead of recalling norms and standards; it provides possibility to conduct a technical dialog before launching the award procedure; for PPI projects it suggests to use PPI-friendly negotiated procedure or a procedure of competitive dialog; it provides for submitting variants or including innovative aspects in form of non-price award criteria.

Additionally, a 2014 amendment to the PPL provided for certain exclusions from the PPL scope to support research, experimentation, study or development which do not serve for mass production. Finally, the latest 2016 amendment implementing the new European directives introduced, among others, new procurement procedure of innovation partnership.

In addition to the PPL, the Strategy for innovation and efficiency of the economy “Dynamic Poland 2020” is relevant for procurement for innovation. The aim of the Dynamic Poland 2020 Strategy is to replace sectoral and administrative approaches to innovation policy with a horizontal and comprehensive perspective. Public procurement is one of the elements.

In line with the European legislation and with the aim of facilitation pre-commercial procurement is not covered by the PPL. The National Centre for Research and Development is involved in the organisational support and management of PCP projects. The Centre is an implementing agency performing tasks related to science, technology and innovation policies adopted by the Polish government. Its mission is to support the Polish research units and enterprises in developing their abilities to create and use solutions based on scientific research results in order to encourage economy development and to the benefit of society. The Centre manages the programmes and projects of scientific research and development in various sectors of the economy. In 2013 the Centre launched the project “Support for research and development through pre-commercial procurement”. However, currently the project is suspended due to limited interest from the side of contracting authorities.

National references to PPI/PPC are based on the definitions provided for in the European legislation and guidelines.

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Implementation

Poland undertakes the following specific actions to support procurement for innovation at the national level.

In 2008, the Council of Ministers adopted a document “The new approach to public procurement. Public Procurement and SMEs, Innovation and Sustainable Development”. On the basis of this document the Public Procurement Office and the Polish Agency for Enterprise Development launched and implemented the “New Approach” project (2010-13). Activities performed within the framework of the project aimed at advancing the level of green, social, electronic and innovative procurement, as well as enhancing participation of SMEs as contractors in procurement procedures. The project component addressing PPI has been focused on trainings, consultancy and other knowledge dissemination activities. The outcome of the “New Approach” project included: 48 two-day trainings for local, regional and central level administrations awarding public contracts with 1 013 participants representing 646 institutions and entities; 3 conferences targeting all kinds of procurement market players; 3 conferences targeting auditors of Regional Chambers of Accounts as well as the Supreme Chamber of Control; elaboration of 28 publications and 19 journal articles.

Actions designed under the “New Approach” project are to be continued under the umbrella of current strategies.

Some further actions of relevance to the PPI/PCP are performed by the Polish Agency for Enterprise Development (PARP). PARP’s general objective is to support sustainable economic growth in Poland. A more specific goal includes, among others, the creation of innovative eco-system across diverse innovation areas. The innovation ecosystem is supposed to involve companies, business support organisations, governmental units as well as academia and other education entities. To this end, the PARP Agency is planning to develop the “inno_LAB” project with the aim to design and test new tools supporting innovation and leading to the increase in the capacity of national innovation system. Under the “inno_LAB” project some specific procurement projects are to be rendered with the use of PPI and PCP approach. For the time being, the project is in its initial stage of development.

Another project supporting innovative procurement from a more international angle is a joint initiative by PARP, the Ministry of Foreign Affairs and the Ministry of Development. In line with this project the Information Point for International Public Procurement has been launched to provide an information and access to global market of public procurement, including procurement systems of the European Union, the United Nations, the World Bank and other international institutions as well as of other countries. Except for information and advice, the Point is providing the space for networking (including partner searching exercises) potentially also in innovative procurement projects.

Furthermore, the Ministry of Development is governing the Smart Growth Operational Programme with some innovation-relevant targets in the component of “Intensification of co-operation within the framework of the national innovation system.” Under this component, there is a space and funding to develop pilot projects building capacity of Polish enterprises in research, development and innovations. The PCP as well as PPI are indicated as forms of support expected to stimulate activity of national enterprises in R&D&I. Projects designed under this component are in their preparatory stages.
The PPI/PCP-related projects and programmes are generally financed from the National Strategies and Operational Programmes managing financial sources granted to Poland within the framework of the European New Financial Perspective. Specifically, the Operational Programme for Smart Growth supports PCP/PPI in public sector and Knowledge, Education and Development Operational Programme provides sources for social innovations as well as for trainings and workshops dedicated to awarding authorities/entities and audit institutions in respect of PPI.

**Challenges and risks and solutions to overcome obstacles**

In Poland, a more general problem for the national procurement market is a reluctance of contracting authorities to apply award criteria other than price. A challenge specific to innovative procurements is a higher level of risk attached to the innovation process.

To overcome these obstacles, the Public Procurement Office together with the Polish Agency for Enterprise Development are involved in the information/knowledge dissemination dedicated to the non-price criteria in public procurement. Additionally, the amendment of the Public Procurement Law radically limited the possibility of applying the price as the sole contract award criterion.

**Key lessons learned**

The adaptation of contracting entities to the above-mentioned change is ongoing.

**Measurement, impact assessment**

Poland has no system to measure the impact of actions related to procurement for innovation and no quantified targets have been established in respect of PPI. However, some assessments and evaluation studies regarding PPI have been elaborated (for more see [www.parp.gov.pl](http://www.parp.gov.pl) information available mainly in Polish).

Since the procurement system in Poland is decentralised and individual awarding authorities independently apply the procurement law to award contracts responding to their needs, these authorities are the only holders of full and detailed information concerning awarded contracts (including PPI). While some data is collected and processed by the Public Procurement Office with the aim to provide general overview of national procurement market, specific data addressing PPI are not collected at the central level. Consequently, at the central level there is no system evaluating the impact of procurement for innovations. A basic statistic research based on samples of contract notices is conducted to assess the level of green and social procurement, however also without impact evaluation.