33. Slovenia

33.1. SMEs in the national economy

In 2015, 99.6% of all firms in Slovenia were SMEs, and 89.1% of all firms employed fewer than 10 employees.

<table>
<thead>
<tr>
<th>Firm size (employees)</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>All firms</td>
<td>61,019</td>
<td>100</td>
</tr>
<tr>
<td>SMEs (0-249)</td>
<td>60,786</td>
<td>99.6</td>
</tr>
<tr>
<td>Micro (0-9)</td>
<td>54,362</td>
<td>89.1</td>
</tr>
<tr>
<td>Small (10-49)</td>
<td>5,276</td>
<td>8.6</td>
</tr>
<tr>
<td>Medium (50-249)</td>
<td>1,148</td>
<td>1.9</td>
</tr>
<tr>
<td>Large (250+)</td>
<td>233</td>
<td>0.4</td>
</tr>
</tbody>
</table>

Note: Data include enterprises in all industries but exclude non-employer enterprises and sole proprietors.
Source: (OECD, 2017[1]).

33.2. National policy framework to support SMEs in public procurement

The Public Procurement Act (Official Gazette no. 91/2015 and 14/18, ZJN-3) contains several measures to improve the access of SMEs to public procurements:

- Low national thresholds for publication of contract notices on the national procurement platform.¹
- Simplification of the award procedure in the sense of demanding less evidence and supporting documents, and mandatory use of the European Single Procurement Document (ESPD) as preliminary evidence that exclusion and selection criteria have been met instead of different declaration forms.
- In small-value public procurements only self-declarations are admissible, and contracting authorities shall not be obliged to verify the existence or content of statements provided in the tender unless the contracting authority doubts the veracity of the tenderer’s statements.
- Economic operators shall not be required to submit supporting documents or other documentary evidence if the contracting authority has the possibility of obtaining the relevant information directly by accessing it in a database or already possesses it from a previous procedure.
- Obligatory division of contracts into lots where the subject matter so permits and where this adds to the economy and efficiency of the performance of the contract.
• The possibility of providing direct payment to subcontractors where the subcontractor so requires, which provides greater transparency in the subcontractor chain.
• In line with principle of short supply chains, the contracting authority may exclude several lots from the tendering process rather than publishing them within the contract notice with the rest of the lots, provided that the estimated value of the excluded lots is less than EUR 80 000 and the aggregate value of the lots thus awarded without applying public procurement rules shall not exceed 20% of the aggregate value of all the lots into which the proposed acquisition of similar supplies or the proposed provision of services has been divided.

Supporting SMEs in public procurement is also expressed in a broader business policy for SMEs. From 2013 on, implementation of Small Business Act is included a Single Collection of Measures (Single document), which contains specific identified measures, commitments, proposals for solutions, the responsible authorities and deadlines for realisation. Document itself standardised measures of several strategic documents, which have been logically grouped under sixteen areas, in the interests of creating a better business environment and increased competitiveness in the Slovenian economy. Also, there is unified reporting for all documents; thus reports to the government of the Republic of Slovenia will be transmitted three times a year.

SME support can also be observed in other policies dealing with strategic use of public procurement, such as green public procurement and social public procurement. Green public procurement – according to recently renewed Decree on Green Public Procurement (Official Gazette no. 51/2017), which entered into force 1 January 2018 – continues to be mandatory for more than 20 different types of subject matter. The Decree itself stipulates the environmental aspects that contracting authorities must consider and target for individual subject matter. It encourages the development of new green technologies and environmentally friendly products. In order to facilitate implementation of the Decree the recommendation on how to achieve targets was also prepared with explicit requirements and criteria for individual subject matter.

Regarding social public procurement, several provisions in national legislation are in place to support socially responsible procurement. These are as follows:

• The horizontal social clause is mandatory; thus all economic operators performing public procurement contracts shall comply with applicable obligations in the fields of environmental, social and labour law established by the EU, regulations in force in the Republic of Slovenia, collective agreements, and international environmental, social and labour law provisions.
• Contracting authorities may reserve the right to participate in public procurement procedures for sheltered workshops and employment centres (reserved contracts).
• Rejection of abnormally low tenders.
• The possibility of paying subcontractors directly.
• Various mandatory social exclusion grounds, selection and award criteria, and contract performing clauses.

In addition, considering the nature of labour-intensive activities, in particular the increased risk of non-respect of the social rights of employees (wages, working conditions etc.), two guidelines are currently in preparation to combat “social dumping”:

• Guidelines for the procurement of security services
• Guidelines for the public procurement of cleaning services. These should give contracting authorities guidance and tips on how to integrate and measure quality in the public procurement process, while taking social aspects into account.

33.3. Implementation mechanisms

Striving to accelerate and effectively implement normative provisions in practice following adoption of the Public Procurement Act (ZJN-3), a road show was carried out in several regions of Slovenia as well as other theme-based educations and presentations. These are carried out on a continual basis, especially in order to provide training to the public procurement workforce. Furthermore, “help desk” service is provided, which is available to contracting authorities as well as to economic operators participating or interested in participating in public procurement procedures. The service provides prompt and expert assistance on relevant procurement issues.

Beside the Public Procurement Act (ZJN-3), several guidelines in various fields were adopted (e.g. Guidelines for the procurement of architectural and engineering services, works and information solutions, Recommendations concerning application of financial insurance in public procurement).

33.4. Monitoring performance

Slovenia measures the share of contracts awarded to SMEs (Figure 33.1). Due to changes in the standard forms for publication of notices from 1 April 2016, the share of bids submitted by SMEs, in addition to the share of contracts awarded to SMEs, will be made available.

Figure 33.1. Share of contracts awarded to SMEs in Slovenia

![Figure 33.1](image_url)

Source: Country response to the 2017 OECD survey on strategic use of public procurement to support SMEs.
II. COUNTRY PROFILE: SLOVENIA

Note

1 National thresholds for public procurement in the classical sector: EUR 20 000 for goods, services and design contest, EUR 40 000 for works; in the infrastructure sector, EUR 50 000 for goods, services and design contest, EUR 100 000 for works. No national thresholds in place for social and other specific services.

Reference

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Practices and Strategies for Shared Benefits

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