ECEC General Assembly, Saturday 7 November 2026, Dubrovnik

ACE Vice President Elizabeth GOSSART

Public Procurement Act: ACE views and insights

ace-cae.eu

Architects' Council of Europe

➔ The representative body for the architectural profession within the EU, founded in 1990

➔ 53 Member Organisations from 36 countries, representing 580,000 architects

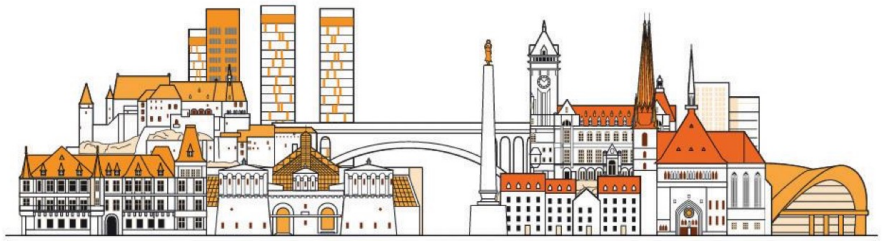
➔ Professional regulatory bodies and professional associations

➔ Four Member Organisations representing both architects & engineers (AT, CH, LU, SL)



Luxembourg Declaration on Public Procurement

Adopted in Luxembourg, 15 May 2025
on the occasion of the conference
Architects + Engineers: Partnership for Resilient Design
organised by ACE, EFCA, ECEC and OAI representing almost
1.5 million architects and consulting engineers in Europe

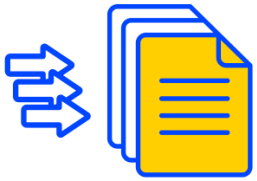


Four key "asks":

1. Strengthen the internal market with overarching public procurement rules beyond lowest price
2. Better recognition of the specific nature of intellectual services
3. Ensure quality- and innovation oriented procurement procedures
4. Improve access to procurement for SMEs and new entrants

Commission’s ambition

Snapshot of the public procurement revision



Simpler and clearer rules

→ One directly applicable Regulation replacing three different Directives and sector-specific legislation

→ Reduced complexity & administrative burden



Greater security, resilience and strategic autonomy

→ New provisions on resilience and security of supply

→ Quality criteria and European preference



Stronger support for environmental, social and innovation objectives

→ Support for environmental, social and innovation goals

→ Best Price-Quality Ratio as standard award method



One single platform for all procurement in the EU

→ Companies can take part in procurement procedures across the EU

→ Streamline data exchanges between Member States

Change of legal instrument: 1 Regulation instead of 3 Directives

The proposed PPA consolidates into **one directly-applicable Regulation** the three existing public procurement directives and procurement provisions currently spread across sector-specific legislation.

EC narrative:

- *"This will create a more coherent and predictable procurement framework, reducing complexity, administrative burden and inconsistencies in how the rules are applied (…). It will reduce complexity and inconsistency resulting from separate legislative acts and divergent national transposition choices"*.

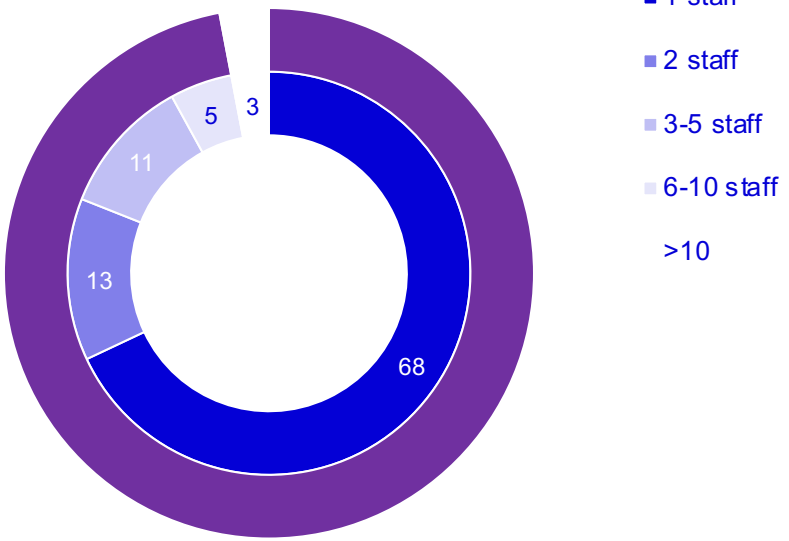
ACE Statement on Public Procurement: The 7 main issues for the Revision of the PPD:

1. Clarification, Simplification and Digitalisation of the Process
2. **SME-Friendly Procurement**
3. **Quality Selection Criteria**
4. Green Public Procurement
5. **Architectural Design Competitions (ADCs)**
6. Professionalisation
7. Improvement of procurement practices

Conclusion: Need for a Dedicated Chapter for Intellectual Services

1. SME-friendly procurement

97% of architectural offices are disadvantaged by economic criteria, required reference projects and other barriers in public procurement frameworks.



1. SME-friendly procurement

Art. 27 on Selection Criteria

3. Public buyers shall limit any requirements to those that are appropriate to ensure that an economic operator has the legal, economic and financial capacities and the technical and professional abilities to perform the contract to be awarded. All requirements shall be related and proportionate to the complexity of and the risks associated with the subject-matter of the contract.

For intellectual services, sustainability-related selection criteria shall be necessary and proportionate to the specific contract, and buyers shall accept equivalent evidence of competence rather than require identical project references or certifications unless justified. Project-specific sustainability commitments that materially influence the award shall become proportionate, verifiable contract conditions under Article 104, with results reported under Article 111 where applicable.

Art. 34 on Launch and conduct of the open procedure

2b. In all cases, participants shall be guaranteed fair and proportionate remuneration for the design work required of them

2. SME-friendly procurement

>> Positive provision about the division into lots

Article 100 on Division into lots

1. Public buyers shall consider whether to divide contracts into lots.

2. In assessing whether a contract should be divided into lots, public buyers shall take into account, where relevant, the potential contribution of such division to increasing participation of SMEs, (…).

3. Where public buyers divide a contract into lots, they shall do so in a way that the scope, size, number and nature of lots are proportionate to the subject-matter and complexity of the contract.

4. Public buyers may award contracts for individual lots without applying the procedures provided for under this Regulation, provided that the estimated value net of VAT of the lot concerned is less than EUR 80 000 for supplies or services or EUR 1 million for works.

7. Member States may provide that public buyers shall divide contracts into lots.

3. Quality selection criteria

>> The « best quality for money » principle at the core of the Act

Recital 42

Therefore, public contracts should, as a general rule, be awarded on the basis of the best price-quality ratio, allowing public buyers to compare tenders not only on price, but also on quality criteria linked to the subject-matter of the contract, including environmental, social, innovation, European preference, security and resilience aspects (…)

Article 98 on Awards criteria

1. Award criteria Public buyers shall award the contract to the economic operator that offers the best quality for money.

To that effect, public buyers shall evaluate the tenders received according to the best price-quality ratio method referred to in paragraph 2, (…)

4. The weight of quality criteria shall represent at least 30 % of total points awarded. For contracts where the subject-matter is labour-intensive, the weight of quality criteria shall represent at least 50 % of total points awarded.

5. Architectural Design Competitions

>> No reference to ADCs in the PPA

Article 6, Definitions

(28) 'design contest' means a procedure through which a public buyer seeks to obtain most appropriate design solution

Article 27, Selection criteria

2a.In the field of intellectual services, the selection may additionally be made through a design contest. The rules applicable to the design contest, as well as the resulting prize money, must be set out in the contract notice.

5. Architectural Design Competitions

Article 34, Launch and conduct of the open procedure

2a. Where the subject matter of a contract is obtaining a design solution, the public buyer may conduct a design contest or a procedure in several stages.

2c. Each design contest shall be assessed by a jury composed exclusively of natural persons independent of the participants. A majority of the jury shall hold the professional qualification required for the design services, and shall be independent of the public buyer. The jury shall act autonomously.

2d. The jury shall examine design proposals anonymously and solely against the criteria stated in the contest notice. Anonymity shall be maintained until the jury has reached its opinion or decision, and the jury shall not receive identifying information about participants.

(…)

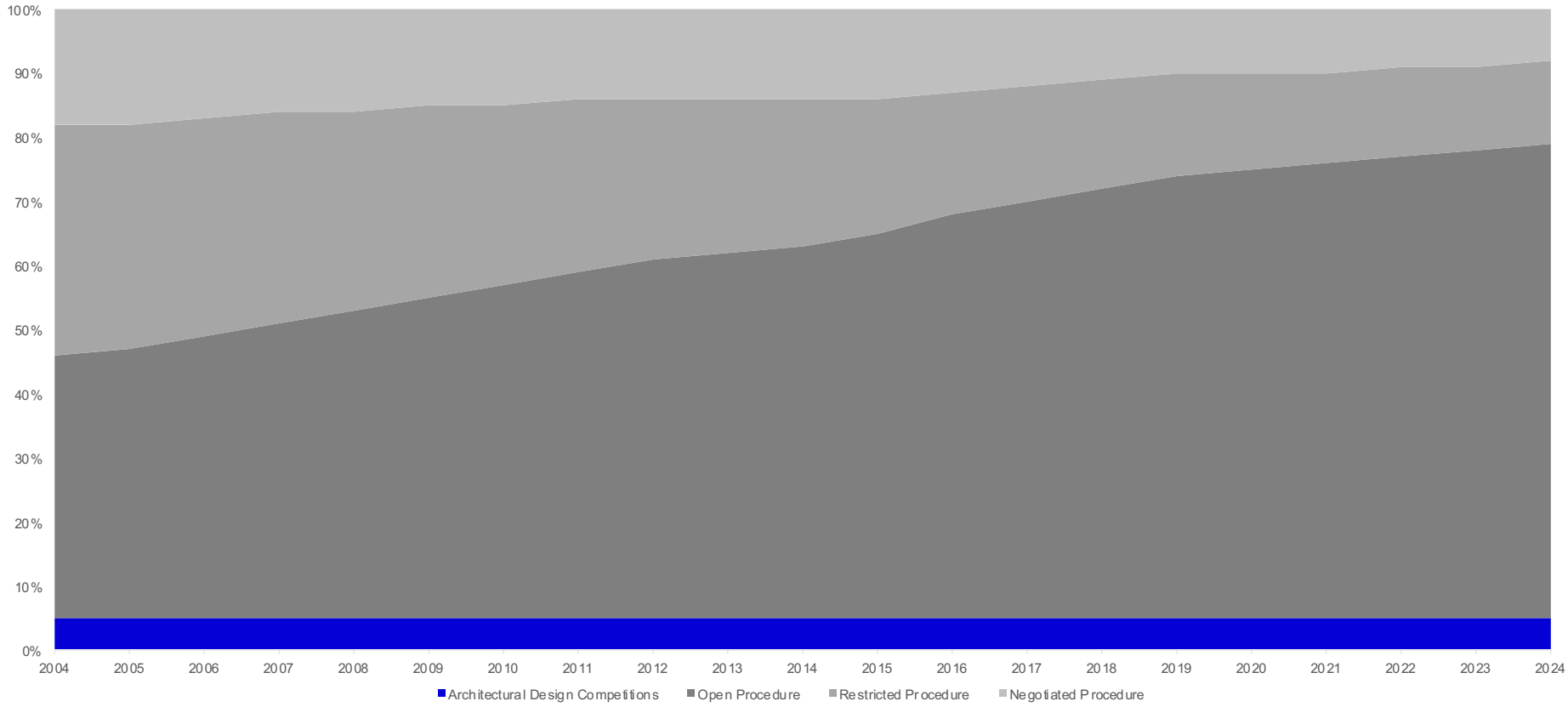
2f. Member States may lay down further rules on the organisation and conduct of design contests, provided they comply with this Chapter and Union law. They may require public buyers to use a design contest for specified categories or thresholds of procurement. Public buyers shall conduct a design contest to procure architectural or other design services for building-sector projects financed in whole or in part by Union funds.

ARCH-E

ARCH-E's goal is to increase the use of Architectural Design Competitions (ADCs) and to advocate for a more accessible ADC culture in Europe – especially considering small practices and female architects.

- Increase the use
- Improve procedural quality
- Accessibility
- Focus on SMEs & female architects

Public Procurement of Architectural Services in Europe | 2004 - 2024



Data | TED-Portal der EU

ARCH-E Publications

The Map on ADCs ● The Architects‘ Needs Report ● White Paper ● Collection of Good Practices









5. Special Chapter on Intellectual Services

The ACE supports the introduction of a special chapter on Intellectual Services

Chapter 6

SPECIAL CHAPTER ON PROCUREMENT FOR INTELLECTUAL SERVICES

Article 50, Definition of intellectual services
Intellectual services:

i. Have an eminently intellectual character.

ii. Require a high level of conceptual qualification.

iii. Are usually subject to precise rules of ethics and conduct.

iv. They maintain a strong element of independence and personal responsibility in the performance of the service.

This Chapter shall apply to public contracts for intellectual services as defined in Article 50, where the subject matter or intended use of the services has a direct and material bearing on one or more overriding reasons relating to the public interest. The public buyer shall determine whether this condition is met in light of the specific contract and state its reasons in the procurement detail.

5. Special Chapter on Intellectual Services

The ACE will support the introduction of a special chapter on Intellectual Services

Chapter 6

SPECIAL CHAPTER ON PROCUREMENT FOR INTELLECTUAL SERVICES

Article 50b, Selection criteria for tenders for intellectual services

Public contracts for intellectual services shall be awarded on the basis of the best price-quality ratio in accordance with Article 98, subject to this Article.

Quality criteria shall constitute the predominant element of the award decision. The minimum quality weightings established in Article 98 for other categories of contracts shall not limit this requirement. Any percentages set out in Article 98 are minimum thresholds; Member States may establish higher minimum weightings for quality criteria.

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Chapter 6
SPECIAL CHAPTER ON PROCUREMENT FOR INTELLECTUAL SERVICES

Article 50,, Types of selection to be applied to tenders for intellectual services

Article 50d, Selection of professionals
describing the different types of Procurement adapted to the Professionals

Article 50e, Selection of intellectual services
describing the various competitive bidding options (as ADC or others)

Article 7, Social sustainability of the procurement system for professional services
describing how the quality/cost ratio proposed by competitors ensures that remuneration is proportionate to the quantity and quality of the work performed

Conclusions

- Let’s continue to work together!

- Time to speak to MEPS and the relevant ministries at national level

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Thank you for your attention!

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