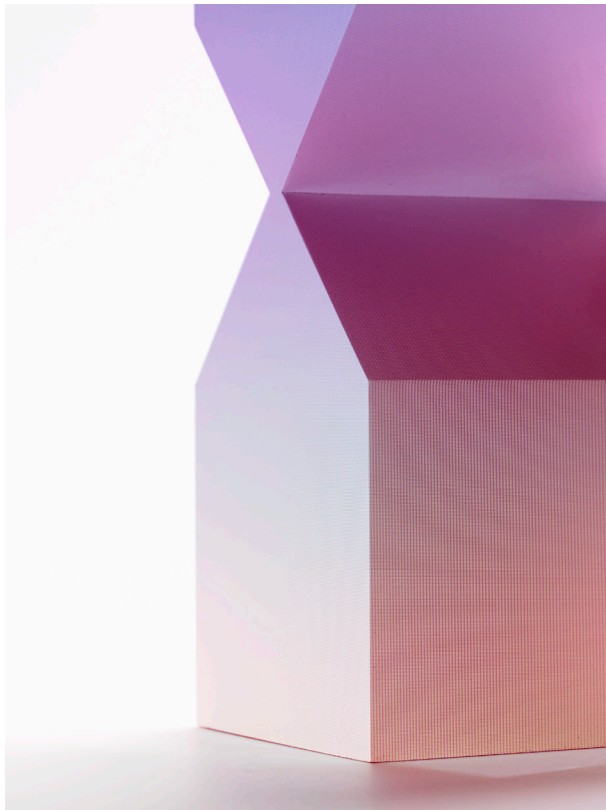




Manifesto for the  
EU institutions

Time to Act:  
for high-quality  
architecture and living  
environment for all



## ACE key policy priorities for the EU institutions

### Promoting high-quality architecture and living environment for all

- Recognising the value of architecture as a key lever for high-quality living spaces
- Embedding the values of the New European Bauhaus in EU legislation
- Developing a proposal for a Planning Services Directive

### Advancing the highest standards in education and ensuring the upskilling of professionals

- Aligning with the International Standard of Training (5+2)
- Resolving the problem of mixed qualifications
- Ensuring the up-skilling of professionals

### Establishing a SME-friendly regulatory framework

- Ensuring strict reciprocal application of the Government Procurement Agreement and International Procurement Instrument
- **Revising the Public Procurement Directive**

### Favouring architectural and planning solutions in the built environment

- Tackling whole-life impact of the built environment and apply circular economy principles in the construction sector
- Promoting renovation, transformation and re-use of existing buildings over demolition and new builds
- Adapting living spaces to the effect of climate change through architectural and planning solutions

**Solution:** Revise the Public Procurement Directive for better recognition of the specific nature of intellectual services; quality-orientated procedures; Improved access for SMEs and new entrants.

### Better recognition of the specific nature of intellectual services.

The purchase of intellectual services should be treated differently from standard services. With a clear definition, a specific chapter would allow issues to be handled differently:

- For thresholds/eligibility, a framework more suited to the economic profile of providers.
- A more quality-oriented choice of procedure.
- A special regime to allow teaming-up more easily during procedures.
- Preference for quality-based criteria; exclusion of solely quantitative or economic criteria.
- An evaluation body for procedures where quality, innovative solutions are needed.

### Desired changes in the next Public Procurement Directive

- A special chapter for intellectual services within the procurement regimes.
- At the very least, insert a definition of intellectual services.
- Make quality-based selection obligatory for intellectual services.

### Ensure quality-orientated procurement procedures

A quality objective is needed in the rules for purchasing intellectual services. The Directive allows for this but contracting authorities make insufficient use of this preferring lowest price as the sole criterion. Design competitions offer a good way to procure intellectual services offering qualitybased, project orientated selection procedures. Regulations should incentivise public buyers to promote quality criteria and procurers must become more professional.

### Desired changes in the next Public Procurement Directive

- Forbid the use of lowest price as the sole criterion of choice for intellectual services.
- Forbid quantitative criteria as requirements for offering intellectual services.
- Encourage Design Contests especially for new projects of a certain size.
- Require an evaluation body for any procedure involving intellectual services.
- Consider the use of competitive dialogue when only intellectual services are purchased.
- Favour holistic evaluation of tenders/abolish point system evaluations.

### Improve access to procurement for SME's and new entrants

- Revise Eligibility/Selection criteria; access difficulties for SMEs could be directly linked to inadequate use of selection criteria by public authorities.
- Consider whether division of contracts into lots would have a positive effect on SME access.
- Only ask for additional work to support tenders in ADCs but make payment mandatory.
- Simplify administrative complexity which deters new entrants and small firms.
- Efforts to simplify and harmonise the information required must be continued.

- Desired changes in the next Public Procurement Directive
- Reduce eligibility criteria in any application phase for intellectual services.
  - Allow for references covering a 10-year period.
  - Review division of contracts into lots if beneficial to SMEs.
  - Focus solely on quality criteria for selection procedures.
  - Forbid requirements to carry our work without payment.
  - Introduce new arrangements regarding contract performances.



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Directive 2014/24/EU	Object	Suggested improvements
Article 2	Definitions	Intellectual services are services which rely mainly on activities of the mind, require a high-level qualification, can generate intellectual property rights and are carried out in the interest of the client and the public.
Article 19	Group of Economic Operators	For intellectual services, the composition of a group of economic operators may change until the contract is awarded.
Article 72		The composition of a group of economic operators can change by application of a review clause during the performance of a contract, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of the Directive.
Article 30	Competitive Dialogue	7. Based on the prior opinion of a jury, contracting authorities shall assess the tenders received on the basis of the award criteria laid down in the contract notice or in the descriptive document. 8. Contracting authorities shall specify prizes or payments to the participants in the dialogue.
Article 46	Division of Contracts into Lots	Contracting authorities shall divide the contract in the form of separate lots and may determine the size and subject-matter of such lots.
Article 58	Selection Criteria	For intellectual services, contracting authorities shall not use quantitative requirements for participation & criteria selection.
Article 67	Contract Award Criteria	Contracting authorities shall not use price only or cost only as the sole award criterion for intellectual services.
Article 82	Decisions of the Jury	1. The jury shall be autonomous in its decisions 4. Anonymity shall be observed until the jury has reached its decision.
Annex XII Part II	Technical Ability	Means providing evidence of the economic operators' technical abilities, as referred to in Article 58: (a) t h e following lists:  (ii) a list of the principal deliveries effected or the main services provided over at the most the past three years ten years, with the sums, dates and recipients, whether public or private, involved. Where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant supplies or services delivered or performed more than ten three years before will be taken into account;