

A ONE MINUTE GUIDE TO PUBLIC PROCUREMENT IN NORWAY

What kind of legislation applies?

As a member of the European Economic Area (EEA), Norway has implemented the EU Public Procurement directive 2014/24/EU into national law. Norwegian public procurement legislation is therefore fully harmonised with the applicable EU legislation.

Public procurements in Norway are regulated by the Public Procurement Act and its accompanying regulations, the most important being the Public Procurement Regulation.

- The Act sets out the general principles, including the principles of equal treatment, transparency, and proportionality
- The Regulations set out the more detailed rules and procedures

Which part of the regulation applies?

The Public Procurement Regulation consists of three parts. Which part that applies to the specific procurement depends on the value of the procurement, and whether or not it is over or under the EU – and national thresholds:

- The Norwegian Public Procurement Regulation part I – contracts below the national threshold NOK 100 000.
- The Norwegian Public Procurement Regulation part II – contracts between NOK 1.1 million and EU threshold.
- The Norwegian Public Procurement Regulation part III – contracts over the EU threshold.

Is there a difference between procurements over and under the EU thresholds?

Approximately 70 percent of all public procurements in Norway are contracts with an estimated value under the EU thresholds. For procurements under the EU thresholds the National Regulatory Authority is responsible for determining how the procurements will be carried out.

The main differences between procurements over and under the EU threshold is that:

- I. Procurements under the EU threshold don't have to be noticed on TED, only on the Norwegian Doffin web site and
- II. There are different procurement procedures

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What kind of procurements procedures are there under the EU threshold?

For procurements under the EU threshold, there are two procedures that the public can use

- I. Open procedure and
- II. Closed procedure

Common for both procedures is that they allow the public to have dialogues and interact with the tenderers during the whole procurement process.

The general principles of equal treatment, proportionality and transparency will also apply for public procurements under the EU thresholds and set requirements for how the dialog must be conducted.

What is the difference between an open and a closed procedure?

An open procedure is a one-step procedure where all interested tenderers delivers a bid, and where the public must evaluate all the incoming bids.

A closed procedure is a two-step procedure where all interested tenderers, before they can deliver a bid, must deliver a request to participate in the competition. The public then performs a prequalification where they consider the bids against the qualifications criteria. Only the tenderers that fulfill the qualification criteria and are invited by the public to join the competition, can deliver a bid.

Where do I find the procurement notices?

Norwegian public procurements with an estimated contract value under the EU thresholds, and over the national threshold of NOK 100 000, must be notified on Doffin.

Doffin is the Norwegian national notification database for public procurements. On Doffin you can:

- Search for notices
- Register interest in a notice
- Create and publish notices

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