



School of  
Management and Law

# Public procurement in Switzerland and a future outlook



Building Competence. Crossing Borders.

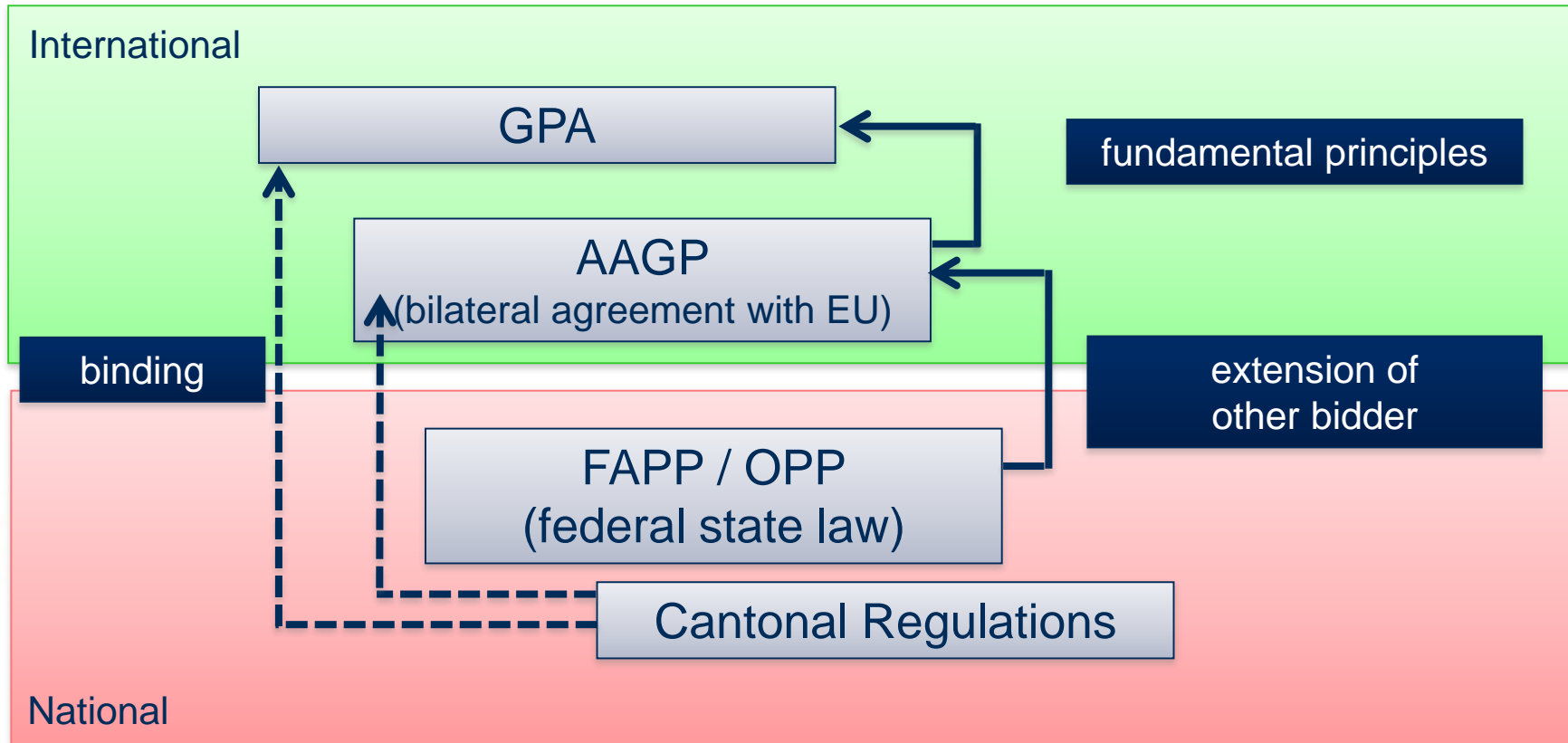
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- 1. Applicable law in Switzerland**
  - a) Main pieces of legislation**
  - b) „simap.ch“**
  - c) Bidding cartel**
  
- 2. Outlook - revision procurement law**
  - a) Goals**
  - b) fundamental modifications**
  - c) Impact on competition law**

# 1. Applicable law in Switzerland

## a) Legal basis / GPA



# 1. Applicable law in Switzerland

## b) simap - online platform (I)

The screenshot shows the homepage of simap.ch, a public procurement information system in Switzerland. The header features the logo and name 'simap.ch' in a stylized font, followed by the text 'Système d'information sur les marchés publics en Suisse', 'Informationssystem über das öffentliche Beschaffungswesen in der Schweiz', and 'Sistema informativo sulle commesse pubbliche in Svizzera'. Below the header is a navigation bar with links for 'Startseite', 'Übersicht', 'Administration', and 'Informationen Verein simap.ch'. On the right side of the navigation bar, there are language options: 'Deutsch', 'Français', 'Italiano', and 'English'. Below the navigation bar, there are four main menu items: 'Recherchieren', 'Anbieter', 'Auftraggeber', and 'Abonnement'. To the right of these items is a language selector 'A | A'. The main content area is divided into several sections. On the left, there is a 'Benutzungshinweise' section, followed by 'Aktuelle öffentliche Beschaffungen in der Schweiz' with links for 'Ausschreibungen (1011)', 'Zuschläge (567)', and 'Andere Veröffentlichungen (71)'. Below this is an 'Übersicht nach örtlicher oder amtlicher Herkunft' section with a list of regions and their respective counts: Bund (564), Ausland (12), Aargau (113), Appenzell I.Rh. (3), Appenzell A.Rh. (1), Bern (390), Basel-Landschaft (27), Basel-Stadt (73), Freiburg (54), Genf (133), Glarus (5), Graubünden (35), and Jura (7). The central part of the page features a banner for the 'Simap.ch als App auf Ihrem iPhone' with an image of the app icon and text describing the app's features and availability on the Apple Store. Below the banner is a section titled 'Recherchieren in simap.ch' with the text 'Recherchieren Sie hier kostenlos online die aktuellen gesetzlichen Veröffentlichungen in simap.ch:' and two bullet points: 'Laufende Verfahren' and 'Erweiterte Recherche'. On the right side, there is a 'LOGIN' section with input fields for 'Benutzername' and 'Passwort', a 'Zugang' button, and a link for 'Passwort vergessen?'. Below the login section is an 'Agenda' section with a list of events: '25.10.17 Infotagung für Kompetenzzentren', '17.05.18 Mitgliederversammlung', and 'BBL-Infoveranstaltung für Anbieter'. At the bottom right, there is a link for 'Hier erhalten Sie Informationen zu der Veranstaltung.'

# 1. Applicable law in Switzerland

## b) simap - online platform (II)

### Simap

- bidding platform (invitation to bid)
- information about:
  - item
  - criteria (regarding offer / bidder / technical specifications etc.)
  - date
  - documents

# 1. Applicable law in Switzerland

## c) Bidding cartel

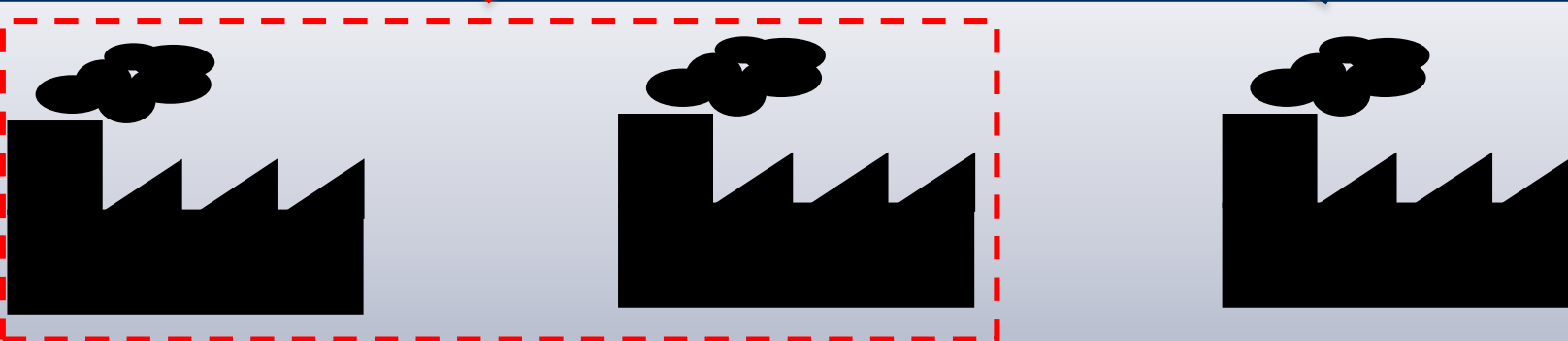


public procurement (simap)

pseudo tenders

tender

Bidding  
cartel



# 1. Applicable law in Switzerland

## c) Bidding cartel

### Consequences in procurement law?

- According to Article 11 BöB:

- exclusion of participation in other public procurements

- appreciable restriction of competition

→ LIMITED

### 1. Applicable law in Switzerland

- a) Government Procurement Agreement (GPA)
- b) „simap.ch“
- c) Bidding cartel

### 2. Outlook - revision procurement law

- a) Goals
- b) Fundamental modifications
- c) Impact on competition law



## 2. Outlook - revision procurement law

### a) Goals

#### Main goals

- ratification GPA 2012 → execution GPA in federal law
- harmonization
  - of federal law / cantonal regulations
  - in relation to judgments of EU
- expansion of legal protection
- promotion of use of modern information technology

## 2. Outlook - revision procurement law

### b) fundamental modifications

#### Modifications

- procurement principles (federal)
- additional criteria: sustainability (according to EU)
- electronic processing of public procurement
- prevention of corruption

## 2. Outlook - revision procurement law

### c) impact on competition law

#### Competition law

- „Ausklink“-procedure for companies in every field
- consequences for bidding cartels

→ exclusion (unlimited)

→ list with excluded bidders

# Thank you for your attention!

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