European Directive for tendering architectural services; a too strict interpretation by Dutch Local Authorities?

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Abstract:
When the value of services exceeds €206,000, local governmental bodies in European Union (EU) countries have to call for tenders in accordance with the EU directive 2004/18/EC, which specifies procedures for such contracts.

Recently, well known Dutch architecture firms expressed their dissatisfaction with the way local authorities in The Netherlands manage such European tenders. The firms claim that local authorities are too strict in their interpretation of the directive. According to them, the requirements regarding economic and financial standing and technical and professional ability (articles 47 and 48 of the directive) are set too high. The emphasis lays more on a high financial turnover than on quality. The architects also claim that the procedures to prove eligibility are too extensive.

The result is that start-up and smaller firms are excluded because they cannot meet the requirements. The Chief Government Architect of The Netherlands recently commissioned independent research on this matter.

This paper presents the results from the first stage of the research, which was based on data from the website ted.europa.eu, where tenders are officially published. Tenders which were submitted from 2006 to 2008 were analyzed with respect to requirements on annual financial turnover and design portfolios. The manner in which several other EU countries manage the process also formed part of the research.

Results from the first stage suggest that the arguments of the architects are generally valid. Requirements are generally high compared to the scope of the projects. In addition other EU countries appear less strict in their interpretation of the directive. The main recommendation from the first stage of research is that the office of the Chief Government Architect acts as an advisory board to local authorities.

Keywords:
Architecture, tenders, architectural services, European Union, European Directive
1 Introduction

When the value of works, supplies and services exceeds €206.000, local governmental bodies in European Union (EU) countries have to call for tenders in accordance with Directive 2004/18/EC. This directive specifies procedures for such contracts. An important purpose of the directive is to open up the European market for works, supplies and services and to give suitable businesses throughout the European Union equal opportunity to submit tenders.

Recently, a number of well known Dutch architectural firm and architects expressed their dissatisfaction with these procedures in various national newspapers and specialist journals. During the European procedure for the selection of an architect for the new town hall of the municipality of Westland, 7 out of 12 selected architects decided to withdraw from the selection process. The client demanded 3D sketches, models and an elaborated calculation of building costs. The firms stated that the expenses needed to provide these demands were too high. There were other reports of problems with European tenders for the design of public buildings. In these reports architects claim that the requirements regarding economic and financial standing and technical and professional ability are set too high. The emphasis lays more on a high financial turnover than on quality. The architects also claim that the procedures to prove eligibility are too expensive. Young and starting architects are not able to participate in these tenders, because they cannot meet the requirements. The strict interpretation in the Netherlands does not meet the before stated basic purpose of the European directive.

As a result, architects fear that only big and experienced architectural firms will be awarded with contracts for public buildings. This goes against the purpose of the directive and will ultimately lead to a declining architectural climate, they claim.

The reports caught the attention of the office of Chief Government Architect. In order to get an objective point of view the CGA asked the OTB Research Institute for Housing, Urban and Mobility Studies to do research on this subject.

2 Research Framework

The research was divided in four different subjects: The most applicable parts of the European directive were examined, four discussion meetings with interested professionals were attended, and the handling of the directive in three other EU countries was studied, with the help of attending meetings with experts from those countries and desktop research.

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1 The Chief Government Architect (CGA) advises the Dutch government on architectural policy and government housing, is a member of the Board of Government Advisors and holds a central coordinating position with respect to the preparation and implementation of the national government architecture policy. The appointment of the CGA is subject to nomination by the Director-General of the Rijksgebouwendienst (Rgd), with a specified term of office (up to 5 years). He or she is appointed and dismissed by Royal Decree. The current CGA is mrs. Liesbeth van der Pol and she was appointed August 15th, 2008.
Finally, we looked at the facts and figures of European tenders for architectural services in 2006, 2007 and 2008, emphasizing on the demands on annual turnover and building references. We also looked at the type of architecture firms that were awarded with contracts. As a database for the facts and figures we used the internet archive of the Supplement of the Official Journal of the European Union.

3 The Directive and restricted procedure

3.1 The Directive

As stated before, when the value of services exceeds € 206.000, local governmental bodies in European Union (EU) countries have to call for tenders in accordance with the EU directive. ‘Directive 2004/18/EC Of The European Parliament And Of The Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts’ specifies the procedures and regulations which local government bodies who want to select an architect have to respect. The articles of the directive which we regard as the most important for our research on awarding architectural services are discussed below. We did not approach the study of the directive from a judicial point of view.

Article 2 on the principles of awarding contracts states that ‘Contracting authorities shall treat economic operators equally and non-discriminatorily and shall act in a transparent way’. Particularly, the directive requires that the announcement of new assignments and the awarding of contracts are made public. Furthermore, it appoints the exact periods in which the stages of the procedure have to be rounded off.

To make sure only suited companies express interest the directive gives examples on how to proof eligibility. Suggestions on how to proof eligibility on the economic and financial standing and the technical and/or professional ability are to be found in Articles 47 and 48 of the directive.

Article 47, paragraph 1 states that ‘Proof of the economic operator's economic and financial standing may, as a general rule, be furnished by one or more of the following references:

(a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;

(b) the presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established;

(c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available’.

One (or more) reference could be sufficient, but in The Netherlands, clients tend to interpret this article by demanding a high minimum annual turnover, but sometimes also a bank guarantee, risk insurance and/or proof of solvency.

Article 48, paragraph 2, states that ‘Evidence of the economic operators’ technical abilities may be furnished by one or more of the following means according to the nature, quantity or importance, and use of the works, supplies or services: a list of the works carried out over the past five years, accompanied by certificates of satisfactory execution for the most important works’ or ‘a list of the principal deliveries effected or the main services provided in the past three years, with the sums, dates and recipients, whether public or private, involved.’ Other suggestions to proof technical abilities are e.g. providing a list of technicians, a list of technical facilities of the company, the educational and professional qualifications of the service provider or contractor, annual manpower and number of staff.

It is important to note that article 48, paragraph 2, does not prescribe the nature of the references or whether these references need to be similar to the new commission. But architects in The Netherlands claim clients often ask to present proof of similar buildings from their portfolio. This is limiting their access to new projects and expanding their portfolio.

3.2 Restricted Procedure

In The Netherlands, the most used procedure for awarding architectural services contracts is the so called Restricted Procedure. The Restricted Procedure is a two-stage process which allows contracting authorities to draw up a short-list of interested parties by undertaking a selection/pre-qualification stage, prior to the issue of invitation to tender documents.

Selection of suppliers to be invited to tender should be based on a statement of good economic and financial standing and technical or professional ability. The selection criteria must be published in the original contract notice and must be relevant and proportionate to the procurement in question. Selection criteria should be as published in the EU advertisement or set out in the tender – demonstrable fairness in selection is paramount. Offers send in by at least five participants must be evaluated according to the criteria set out in advertisement or tender documents. The offer which is economically most advantageous (this includes costs and design quality) is awarded with the contract.

4 Discussion meetings

In order to get a view on the experiences and views on the subject from architects, former CGA’s, city architects and consultants, the office of the Chief Government Architect arranged separate meetings with these professionals. The most important observations are described below.

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3 [http://www.buy4wales.co.uk/PRP/phase2/procurementaboveojeuthreshold/restrictedprocedure.html](http://www.buy4wales.co.uk/PRP/phase2/procurementaboveojeuthreshold/restrictedprocedure.html), viewed 22/06/2009
In the meeting with architects, the specific problems with the procedures were discussed. First of all, it is often not worthwhile to show interest, because architectural firms cannot meet the minimal required annual turnover. Also, the portfolio of realized works does not contain a building similar to the new commission, which is often one of the requirements. The role of consultants was also discussed. Consultancy firms are suited to guide clients through the process, based on their knowledge and experience with the procedures. But architects think they lack specific knowledge of architecture and the architectural practice. According to them, consultants tend to make the procedures more complicated than they need to be.

The members of the committee which, based on objective point scoring criteria, has to decide to which architect firm the contract should be awarded to, often lack professional expertise on architecture to make a good assessment of the contenders and their proposals. Furthermore, the architects attending the meeting argued that architecture is not really suited to be judged with the use of ‘semi’ objective point scoring systems. A case study on the selection of an architect for the new town hall of the city of Deventer seems to support this argument (Volker, 2008).

In several occasions, architects were not sure if clients have a clear definition of the assignment for the new building. Moreover, sometimes the architects at the meeting were not sure if the client was selecting an architect or a design.

Signing up for the first stage of the selection process is time consuming, because documents to proof eligibility are not standardized and need to be send to the client. In the next stage, submitting a tender can be expensive and time consuming too, because sometimes clients ask for elaborated sketches and models. In many occasions the financial compensation for these expenses is not sufficient or even lacking and there is off course no guarantee of an awarded contract. But one architect stated that this is part of the game and should not be complained about.

Based on their own research (Atelier Kempe Thill, 2008) on European tenders in The Netherlands and other European countries, an attending architectural firm suggested the founding of an independent Procurement Authority, which would combine business services and cultural knowledge. This national Procurement Authority would be given the task of organising and supervising all European tenders.

The basic foundation for the problems, the architects claim, lays in risk avoiding behaviour. Other studies confirm this (Volker, 2008) Projects are funded with public financing, and local authorities want to make sure the architectural firm they select is qualified for the job. Local authorities, assisted by consultancy firms assume a big architecture firm which has already designed three schools for instance will be most suited to design another school. Architects on the other hand claim that their specific expertise enables them to design a wide range of building types, which makes them qualified for any new design contract.

Meetings with former CGA’s and city architects provided similar views. Especially the role of consultancy firms was emphasized and disapproved. The idea of establishing a Procurement Authority was not recommended by them. They recommend instead altering the role of the office of the Chief Government Architect to act more as an
advisory board on European tenders for local governments and public law bodies. The established authority of the office of the CGA makes it very suited for this task.

In the meeting with consultants, they stated not to recognise the claims made by architects. Consultants are aware of the lack of knowledge local authorities have with European tenders. Local authorities have small budgets and sometimes big ambitions. Therefore, they seek to work with a big and experienced architectural firm. One of the most important things in putting out a contract notice, the consultants agreed on, is to formulate a clear and compact assignment. They admitted this is one of the tasks for consultants at the start of the process.

It is the experience of consultants that a lack of knowledge in selection committees does not necessarily lead to buildings of lower quality. The task of an expert in a committee should be to make sure the rest of the committee ask themselves the right questions to be able to make a good assessment of the proposals. To make the procedures smoother, the consultants recommend developing a leaner procedure, but also to collect ‘best practises’, and learn from them.

5 Other EU countries

All member state of the European Union have to respect the same European directive, so it is interesting to give a broad outline of the handling of the directive and the involvement of government and other institutions. For this research, we looked at Belgium (Flanders), France and Germany.

5.1 Flanders

Since 1998, Flanders, the Dutch speaking region of Belgium, has installed a national Flemish Government Architect (FGA), similar to the Dutch Chief Government Architect. The office of the FGA can provide assistance to commissioners and has knowledge on a wide range of subjects regarding architecture, infrastructure and spatial planning. For projects on a national scale or of great importance, consulting the FGA is obligatory.

The FGA has tools to promote architectural quality and help young architects become acquainted with (local) government as clients. There is also a bi-annual award (‘Prijs Bouwheer’) for an ‘excellent client’. One of the most important tools the office of the FGA is the so-called Open Tender. This procedure can be described as following: 4 The Open Tender is one of the tools the FGA uses when he is looking for architectural quality for projects for the Flemish Government and local authorities. Besides having an exemplary principal, the correct choice of a developer for every project is of critical importance. The Open Tender is a selection procedure based on the principal of an architectural competition and the procedure is in accordance with the regulations covering governmental commissions and European competition rules. The Open Tender comprises a selection (made by the FGA) and shortlist of architects and architectural

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teams for different tasks in the areas of architecture, town planning and landscape architecture.

5.2 France

The MIQCP is a governmental body which was founded in 1977. On their website\(^5\), they describe their aim as following: ‘Created in 1977 to give expression to a strongly held government policy, MIQCP has continued to promote quality in the public construction sector. Whether it is new works, rehabilitations or edifices requiring maintenance, this sector encompasses buildings, infrastructures and public spaces under the responsibility of the State or local authorities. Architectural quality covers a wide range of town planning, aesthetic, functional, technical and economic requirements. It is essential that a public amenity meets the expectations of all those who will be using it and expresses a certain sense of continuity. In this respect, the amenity is symbolic of the values held by the society for which it is created.

To meet its assigned objectives, MIQCP has adopted a policy that associates reflective thinking, advice, assistance, direct actions and recommendations. The Mission also participates in discussions on how to harmonize practices to ensure that they comply with European directives concerning project consultant operations. It carries out comparative studies on the institutional context and the methods used to attribute public architecture contracts in the different European countries’.

A delegation from the office of the CGA went to France for a meeting with members of MIQCP. The MIQCP told the delegation they recognise the problems with European tenders as stated by the architects in The Netherlands. In France, there has been legislation on procurement since the 1970’s. By law, at least one third of the members of the committee, which has to advise the client on a suited architectural firm, must be architects. In 2006, legislation on procurement was altered to assure access to procedures for young architects and smaller architectural firms.

5.3 Germany

For this research, the office of the CGA arranged a meeting with an architect and expert on European tenders from Germany. This expert is also president of the board of an ‘Architektenkammer’. These are regional architects associations which look after the interests of architects. Because of the federal structure of Germany, each ‘Bundesland’ has an Architektenkammer, a total of 16. The ‘Länderkammern’ are united in the national ‘Bundes Architektenkammer’\(^6\). German legislation makes a distinction between general service providers and free occupations. In Germany, an architect is a free occupation. This makes it possible to create specific regulations for the procurement of services, including architectural services. In the procedures there is emphasis on the quality of participants. The regulations make sure that smaller firms and starting architects need to be seriously considered for a contract.

\(^6\) http://www.bak.de/site/498/default.aspx, viewed 03/07/2009
However, in contest procedures within European regulations, more and more emphasis is placed on objective criteria such as annual turnover, number of employees and realized works. Therefore, the opportunities for young architects and smaller firms are declining. The Minister who is responsible for tender legislation acknowledged this in 2008 and said that requirements to enter a contest must be set to a minimum and related to the framework of new assignments.

5.4 Conclusion

Although the existence of governmental bodies and organisations of professionals does not guarantee perfect tender procedures, it is apparent that these three countries have a more institutional approach then The Netherlands when it comes to supporting the quality of architecture, assist local governmental bodies with the procedures and look after the interests of architects.

6 Facts & Figures

6.1 Research method

To find out if the facts and figures support the claims architects have made, we looked at European tenders for architectural services in The Netherlands which were published in 2006, 2007 and 2008. The emphasis was put on the demands on annual turnover and building references. We also looked at the type of architecture firms that were awarded with contracts. As a database we used the internet archive of the Supplement of the Official Journal of the European Union, to be found on the website http://ted.europa.eu. In order to find the right tenders we used the following search criteria:

- country: NL
- contract: service contract
- ‘contract notice’, or;
- ‘contract award’
- CPV code 71*: Architectural, construction, engineering and inspection services (CPV stands for Common Procurement Vocabulary and is obligatory to specify)
- Publication date: between 1-01-2006 and 6-10-2008 (our report was due 01-12-2008)

We only searched for contract notices and awarded contracts on (public) buildings; we did not look into contract notices and awarded contracts for services architectural firms also can provide. It is possible that not all notices and awards were found. Sometimes, local authorities forget to send in a notice of a new contract, or the wrong CPV code was used. Notices and awards are then beyond the search. But based on the broad range of contract types, building types and sizes and consultancy firms we found, the data is representative of all contracts in 2006-2008. We have no indication there is a bias in the contract notices and awarded contracts we registered.
6.2 General outcome

In total we found 204 contract notices, which we specified into clients, building type and size and if the procedure was done with the assistance of consultants. The totals are presented in the tables below.

Table 1. European tenders in The Netherlands, 2006-2008
(Source: http://ted.europa.eu)

<table>
<thead>
<tr>
<th>year</th>
<th>Number of published notices</th>
<th>Number of published competitions</th>
<th>Number of published awarded contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>65</td>
<td>1</td>
<td>31</td>
</tr>
<tr>
<td>2007</td>
<td>73</td>
<td>2</td>
<td>54</td>
</tr>
<tr>
<td>2008*</td>
<td>66</td>
<td>4</td>
<td>26</td>
</tr>
<tr>
<td>total</td>
<td>204</td>
<td>7</td>
<td>111</td>
</tr>
</tbody>
</table>

*until 08/10/2008

Data on the types of clients and building types is combined in the next table.

Table 2. Contract notices specific to clients and building type
(Source: http://ted.europa.eu)

<table>
<thead>
<tr>
<th>client</th>
<th>Total 2006-2008</th>
<th>building type</th>
<th>Total 2006-2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>municipalities</td>
<td>105</td>
<td>educational</td>
<td>82</td>
</tr>
<tr>
<td>education</td>
<td>39</td>
<td>governmental</td>
<td>45</td>
</tr>
<tr>
<td>foundation</td>
<td>13</td>
<td>multifunctional*</td>
<td>27</td>
</tr>
<tr>
<td>Government Building Service</td>
<td>10</td>
<td>cultural</td>
<td>13</td>
</tr>
<tr>
<td>Housing association</td>
<td>9</td>
<td>sports</td>
<td>12</td>
</tr>
<tr>
<td>other</td>
<td>9</td>
<td>other</td>
<td>10</td>
</tr>
<tr>
<td>province</td>
<td>6</td>
<td>health care</td>
<td>9</td>
</tr>
<tr>
<td>Health care</td>
<td>6</td>
<td>research</td>
<td>4</td>
</tr>
<tr>
<td>developer</td>
<td>5</td>
<td>infrastructure</td>
<td>2</td>
</tr>
<tr>
<td>ministry</td>
<td>2</td>
<td>total</td>
<td>204</td>
</tr>
<tr>
<td>total</td>
<td>204</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*these are buildings that could be a combination of dwellings, a healthcare centre, a school etc.

The numbers show a variety of clients, but it is clear that local governments commission the most contract notices. We also found a variety of building types. Educational buildings are most prominent, followed by governmental and multifunctional buildings. We found that 68% of the procedures were done with the help of consultants.
6.3 Requirements on economic and financial standing

One important aspect of European tenders we looked into is the ways clients requested interested parties to proof their economic and financial standing. Usually clients ask for a certain annual turnover, sometimes more specifically the annual turnover in design services for the building type that is the new assignment. As a case we examined the turnover demands for contracts for educational buildings. These are more or less similar in nature and therefore easier to compare. If we set the annual turnover demand next to the surface area of the building, we did not find a distinct pattern, annual turnover requirements vary quite a bit. For instance, we found two nearly identical contracts for school buildings, both having a surface area of 5000 m². One client required an annual turnover of €1,200,000, the other €500,000. Some other examples are shown in table 3.

Table 3. Some examples on annual turnover demands, educational buildings, 2006-2008
(Source: http://ted.europa.eu)

<table>
<thead>
<tr>
<th>Client</th>
<th>Consultant</th>
<th>Building type</th>
<th>Surface area (m²)</th>
<th>Turnover demand (€)</th>
<th>Turnover demand €/m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality of Amsterdam</td>
<td>BBN</td>
<td>Multipurpose school*</td>
<td>2600</td>
<td>1,000,000</td>
<td>385</td>
</tr>
<tr>
<td>Municipality of Tubbergen</td>
<td>ICS Adviseurs</td>
<td>School</td>
<td>2600</td>
<td>300,000</td>
<td>115</td>
</tr>
<tr>
<td>Willibrord foundation</td>
<td>W. Wissink Advies</td>
<td>School</td>
<td>3510</td>
<td>350,000</td>
<td>100</td>
</tr>
<tr>
<td>Municipality of Bolsward</td>
<td>ICS Adviseurs</td>
<td>School</td>
<td>4300</td>
<td>800,000</td>
<td>186</td>
</tr>
<tr>
<td>Christian school community of</td>
<td>ICS Adviseurs</td>
<td>School</td>
<td>4500</td>
<td>750,000</td>
<td>167</td>
</tr>
<tr>
<td>Groningen</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipality of Scheemda</td>
<td>Not applicable</td>
<td>Multipurpose school</td>
<td>4565</td>
<td>1,200,000</td>
<td>263</td>
</tr>
</tbody>
</table>

* Type of school building that can also accommodate a healthcare centre, a community centre or day-care centre or a combination of these types

6.4 Requirements on technical abilities

Another important aspect of the European tenders we looked into is the ways clients asked interested parties to proof their technical abilities. Usually this must be proven by sending a list of completed buildings of the last three or five years, which need to be more or less similar to the new assignment. Not all the projects listed on the EU database had information on required references. But the information we found on required building references suggest that many times architectural firms can only enter if they have designed buildings similar to the new assignment. Table 4 shows the numbers we found on demands on references. Of the 32 notices we found with information on reference demands, 21 of them demanded similar buildings in the portfolio of interested firms. Sometimes it is also required that references have a minimum surface area or minimum building cost.
Table 4. Reference demands, all building types, 2006-2008
(Source: http://ted.europa.eu)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of contract notices</th>
<th>Number of notices with information on reference demands</th>
<th>Number of notices with information on demands for similar references</th>
<th>Number of notices with information on minimum required surface area</th>
<th>Number of notices with information on minimum required building costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>65</td>
<td>32</td>
<td>21</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>2007</td>
<td>73</td>
<td>19</td>
<td>13</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>2008*</td>
<td>30</td>
<td>30</td>
<td>15</td>
<td>11</td>
<td>7</td>
</tr>
</tbody>
</table>

*until 08/10/2008

6.5 Awarded contracts

The database also gave some insight in which architectural firms were awarded with contracts in 2006-2008. Although it is obligatory to send a notice to the EU of an awarded contract, this was not always send. This means the numbers on awarded contracts are not complete. However, the numbers we did find indicate that mostly larger and better known Dutch architectural firms were awarded with contracts in 2006-2008. We also found only three foreign architectural firms.

Table 5. Characteristics of architectural firms awarded with contracts
(Source: http://ted.europa.eu)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of published awarded contracts</th>
<th>Number of different architectural firms awarded with contracts</th>
<th>Unknown which firm was awarded</th>
<th>Average number of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>31</td>
<td>25</td>
<td>6</td>
<td>40</td>
</tr>
<tr>
<td>2007</td>
<td>54</td>
<td>45</td>
<td>9</td>
<td>40</td>
</tr>
<tr>
<td>2008*</td>
<td>26</td>
<td>45</td>
<td>3</td>
<td>32</td>
</tr>
<tr>
<td>Total</td>
<td>111</td>
<td>74</td>
<td>18</td>
<td>39</td>
</tr>
</tbody>
</table>

*until 08/10/2008

Summary of outcomes:
- 61 of the 74 different firms we found have more than 10 employees, these firms are regarded in The Netherlands as medium sized or larger firms
- Average number of employees is 39
- In general larger and noted firms are awarded with contracts
- Assumption: starting firms are small firms; contracts were in 2006-2008 not awarded to smaller firms (<1-10 employees)
- Based on the numbers we found, we cannot conclude that the same firms always win
- Three firms specialize in designing schools and sports facilities and were awarded with four or more contracts for these types of buildings.
7 Conclusions and recommendations

The content and principles of the European Directive are clear. When the value of services exceeds € 206,000, local governmental bodies in European Union (EU) countries have to call for tenders in accordance with the EU directive. Interested parties should be treated equally and the procedures must be proportional and transparent. It also gives suggestions on how interested parties can prove eligibility by sending information on financial standing and technical ability. But the directive leaves room to emphasize the selection process on quality instead of objective requirements.

Architects and other professionals do not regard the directive as the main reason for the problems in The Netherlands; the problem is the strict interpretation by clients and consultants, because of risk avoiding behaviour. Demands on portfolio and annual turnover are mostly set high, in that way excluding smaller firms and starting architects. This goes against the principal of the European directive. The procedures are made more complicated than needed and as a consequence are time and money consuming. Entering a European procedure has become problematic.

Three surrounding countries have institutions and governmental bodies which support architects and architectural quality and give advice on European tenders. However, this does not guarantee perfect European procedures. The facts and figures we found support the claims architects made. Demands on annual turnover vary quite a bit, but are set high. The data we were able to retrieve suggest that it is indeed necessary to have one or more buildings in the portfolio similar to the new assignment to successfully enter a new procedure.

OTB Research Institute for Housing, Urban and Mobility Studies concludes and recommends the following:

- The problems architects report are real; they are visible in the facts and figures of European tenders in The Netherlands in 2006-2008;

- Because of the strict interpretation of the European directive in The Netherlands, the purpose of the directive for an equal market for all suitable architectural firms is not met;

- It is possible to emphasize more on qualitative criteria in European tender procedures instead of semi-objective criteria; the European directive is interpretable towards this goal. But Dutch clients seem reluctant to do so;

- Local government has a lack of knowledge and therefore focuses on legal issues and semi-objective criteria, making procedures more complex than needed;

- The Dutch government could be more supportive of the interests of special service providers such as architects (similar to Germany, Flanders and France), through developing new policies or legislation on European procurement;
A new active role for the office of the Chief Government Architect could be researched further on; In the future, the office of the CGA could act as a central advisory board where local authorities can turn to;

In the end, we think young and starting architects will still have a smaller chance of getting contracts for public buildings, because local authorities will continue to seek experience and routine.

8 References


Kroese, R., Meijer, F. and Visscher, H. (2008), De toepassing van Europese aanbestedingsregels bij architectenselecties, OTB Research Institute for Housing, Urban and Mobility Studies, Delft