

THE PROCESS OF IMPLEMENTING PROCUREMENT PROCEDURES WITHIN PUBLIC INSTITUTIONS IN ROMANIA

Violeta POPA¹

Abstract: *These instructions are meant to help with the template for the articles published in the scientific journal Bulletin of the Transilvania University of Braşov. The material presents the camera-ready template for the articles. The abstract should synthetically outline all the pertinent results in a short but intelligible form. The abstract should begin by clearly stating the purpose of the paper, and should end by formulating the most important conclusions. Short, direct and complete sentences will be used and they will be written in a single paragraph, without "tab"-s. The abstract will be 7...10 lines long.*

Key words: *public procurement market, companies' behaviours, public electronic procurement system, contracting authority, acquisition; logistics of public acquisitions; marketing of public acquisitions.*

1. Introduction

"Public procurement" means the acquisition of works, supplies or services by means of a public procurement contract by one or more contracting authorities from economic operators they designated, regardless of whether the works, supplies or services are intended or not for the achievement of a public interest (Law No. 98 of 19 May 2016).

Each government uses the tendering procedure for public procurement to purchase goods, services and works. On average, if we talk about the amounts of public expenditure allocated through public procurement contracts in Romania, as well as among the Member States of the European Union, it amounts to over 16% of the total gross domestic product (GDP) of annual public expenditure. This makes public procurement a significant policy tool, which, if used strategically, can help countries to stimulate the creation of new jobs, significant economic growth, and new investment so that a more innovative economy is created, as well as a more resource-efficient and global energy use (European Parliament, 2025).

The primary goal of this research is to achieve a better understanding of a particular phenomenon through the experiences of those who have directly experienced it, recognizing the importance of the unique perspectives of the participants, which can

¹ Transilvania University of Braşov, violeta.popa@unitbv.ro

only be fully understood within the context of their own perspectives and experiences (Castleberry and Nolen, 2018).

By using qualitative research based on the semi-structured individual in-depth interviews method, the behaviours, attitudes and opinions of experts towards the public procurement procedures were collected. The results reveal that the opinion of most of the interviewed procurement experts is that the field of public procurement has developed in recent years and is recognized among economic operators; procurement experts believe that economic operators comply with the terms of the framework agreement during the term of the public procurement contract. Procurement experts want a clear legislative change that would allow them to use all procurement procedures, thus making their work easier, but at the same time they also want guidelines on how to complete/use public procurement procedures so that there are no more different interpretations of the procedures. The advantage of this empirical research approach is that it provides a deeper and richer understanding of the meanings that people assign to actions, events, and relationships (Yin, 2015).

2. Literature Review

Public procurement plays a vital role to improve the environment for companies, to support the transitions to a resource-efficient and low-carbon economy, and to improve the business environment (Caranta and Gomes, 2021). Governments play a key role in promoting sustainable development (Bleda and Chicot, 2020). Public procurement is used as a policy tool for governance, directing market demand towards products and services (Dongyang et al., 2025). Public procurement has a remarkable potential to boost the supply market. It can boost research and development and can increase product innovation by proactively bringing in new products and services for customers and accelerating the implementation of new customer solutions, thereby contributing to the development of the supply market (Miller and Lehoux, 2020). The main purpose of public procurement is to obtain the products, services, and works necessary for public authorities to fulfil the objectives for which they were established, in a prompt, cost-effective, and efficient manner. The OECD (2023) claims that “Public procurement contributes to the provision of services by purchasing necessary products and services from the private sector”. To our knowledge, no previous study on this topic in the literature on qualitative research can be found.

Transparency is essential in qualitative research. In qualitative studies, researchers document their analytical decisions to ensure transparency, allowing others to follow the logic behind their findings (Dwivedi et al., 2023).

In the literature on qualitative research, it is shown that open-ended responses from interviews can be used to analyse the teaching and learning context at a level of depth that quantitative analysis lacks. The analysis must be carried out carefully and with particular attention to the transparency of the method to ensure confidence in the findings (Braun and Clarke, 2019). Currently, a wide range of methodologies are used (Parameswaran et al., 2020; Williams and Moser, 2019), each bringing a unique perspective to the content analysis process. This “researcher subjectivity” (Braun and Clarke, 2019) requires reflexivity and transparency, which can be difficult for novice researchers to this method.

3. Methodology

The method chosen for this qualitative marketing research is the semi-structured in-depth interview applied among procurement experts (16) within public institutions. It is based on questioning competent individuals with a high level of qualification who have extensive experience in the field under investigation.

The subject matter concerns opinions and trends regarding the public procurement process and how they are used and implemented to ensure transparency, integrity, and good practice in the implementation of public procurement procedures with functional budget expenditure management.

3.1. Objectives of the research:

The objectives of the in-depth interview regarding the procurement from the perspective of procurement experts representing contracting authorities are:

1. To find general attitudes and opinions towards the public procurement.
2. To identify the attitudes and behaviours of economic operators.
3. To find the expectations regarding the future of public procurement.

To achieve these objectives, an interview guide was used, which contained open questions meant to collect as many details as possible.

4. Results

The results are structured in three sections related to the research objectives.

4.1. General attitudes and opinions towards the public procurement

This topic consists of three questions that the sampled purchasers were asked to answer openly, in general terms, without giving specific examples of economic operators. These interviews were conducted individually.

The first question in the interview schedule is: "Do you consider public procurement to be a well-known field among economic operators?" Most of the purchasers in this study consider that the field of public procurement is not recognized by all economic operators ("It would be good if all economic operators were familiar with this field of activity") and that not all fields of activity are compatible with procurement carried out within the SEAP ("Not all areas in which economic operators operate are compatible with procurement carried out through SEAP...so not all economic operators are familiar with this field"). Most purchasers consider that this field of activity is particularly recognized by companies with high turnover and more employees ("All economic operators with high turnover participate in public procurement procedures within SEAP"; "The vast majority are aware of this field, but small economic operators (with 1-5 employees) are not registered in SEAP").

We conclude that this field of activity has developed in recent years and is recognized among economic operators.

Answering the second question, "What do you think about the SEAP program?", most procurement experts have a positive opinion of the SEAP program, which offers

transparency and equal treatment, being a virtual store that is easy to use and accessible to all economic operators ("It is very effective in terms of transparency and equal treatment of economic operators"; "It is a virtual store accessible to any economic operator"). This platform was created to provide transparency regarding the use of public funds and to offer equal treatment to every economic operator.

We conclude that this exchange of supply and demand between contracting authorities and economic operators ensures the smooth functioning of the economic chain.

As regards the third question, "What do you think motivates economic operators to use SEAP?" purchasers believe that economic operators use the SEAP platform to increase sales, which leads to maximizing turnover and business development ("Increased sales"; "Maximized turnover"; "Desire to increase sales/profits for their own company").

We conclude that the SEAP platform, despite certain fees being charged for its use, is a platform used by economic operators that adds value to the development of their business.

4.2. Attitudes and behaviour of economic operators

Within the second topic addressed, procurement experts answered three questions aimed at identifying the attitudes and behaviour of economic operators towards the contracting authority in the public procurement process.

For the first question, "Do economic operators comply with the terms of the framework agreement during the term of the public procurement contract?", according to the procurement experts' responses, economic operators comply with the terms of the framework agreement during the term of the public procurement contract ("We have not had any economic operators who have not complied with the terms of the framework agreement"; "In principle, economic operators comply with the terms of the framework agreements, even if prices rise and they have to deliver the goods at the price set in the framework agreements"). Certain purchasers keep records and monitor framework agreements and, at the same time, have good communication with economic operators, resulting in the delivery of the product, service, or work in a timely manner and at the pre-established price ("We keep track of framework agreements and at the same time maintain contact with economic operators so that they deliver the goods to us in a timely manner, and for this reason we have had no problems with them"; "Good record keeping and monitoring of framework agreements and good communication with economic operators bring positive results").

As regards question two, "Do you face requests/requests for clarification from economic operators regarding certain clarifications relating to the requirements of a tender specification?" according to the responses of procurement experts, they rarely faced requests or clarification requests from economic operators ("It is very rare for operators to ask for explanations"; "We have had isolated cases of requests for clarification."). Some purchasers return to the idea that if the specifications are drawn up correctly, economic operators will no longer request clarifications from the contracting authority ("If the specifications are drawn up correctly – NO. These clarifications arise when the requirements are not clear and realistic"; "We try to draw up the specifications in such a way that any economic operator understands the product, service, or work we need and does not require clarification").

According to the procurement experts' responses to the third question, "If you request clarification or improvements for the product, work, or service provided by an economic operator, do you obtain them?", economic operators are open to resolving and clarifying issues relating to the product, service, or work they wish to offer to the contracting authority ("Most of the time YES, because it is in the common interest to clarify what was not clear at the outset"; "Yes, we have always obtained clarifications and even improvements within the limits of common sense"). Some companies have specialized public procurement departments, which helps contracting authorities to have a relationship with them that is in line with their requirements ("Economic operators are prompt, they even have special departments that deal with public procurement"). We also encountered an isolated case where the purchaser did not request clarification ("Honestly, I have not encountered such situations since I have been working in this department").

Economic operators are open to communication and providing clarification and even improvements to the products, services, or works offered to the contracting authority.

4.3. Expectations regarding the future of public procurement

The third topic discussed in the in-depth interviews concerned the opinions of expert purchasers within the contracting authority regarding their own expectations for the future of public procurement.

For the first question, "What are your expectations regarding the future of public procurement?" according to the procurement experts' responses in the in-depth interview, we find multiple expectations, including: A new legislative framework to facilitate procurement procedures or even new procurement procedures for each type of tender ("The emergence of specific procedures for each type of tender. Currently, each evaluation committee interprets any case of a procedure as it sees fit"; "A newer legislative framework."; "Legislative changes to facilitate the public procurement process"; "Facilitating the public procurement process by implementing new policies"; „Implementation of simpler procurement procedures, as contracting for a product often takes too long"). Some purchasers want to increase the thresholds for direct procurement ("Higher thresholds for direct procurement, more centralized procurement at the national level"; "Higher thresholds for direct procurement"). Developing separate working procedures for each type of tender, completion guides, and implementing joint working procedure management at the national level („Implementing joint working procedure management at the level of public institutions"; "Developing working procedures for each type of tender"; „Developing several guides for completing/using procurement forms/procedures at the SEAP level").

In conclusion, we find that purchasers want clear legislative changes that will enable them to use all procurement procedures, thereby making their work easier, but at the same time they also want guidelines on how to complete/use public procurement procedures so that there are no longer different interpretations of the procedures.

The answers to question two, "What are your expectations from public institutions in terms of professional development in public procurement?", show that the vast majority of purchasers within contracting authorities would like to see mandatory training courses implemented at least once a year to improve their skills in this area („More

frequent training courses, at least one training course per year”; “Implementation of expert procurement courses at national level among public institutions”; “The field of public procurement is a complex one and it would be good to have more frequent courses”). At the same time, they want more flexibility and understanding from the management of the public institution because some procedures take longer (“More flexibility and understanding”; “More understanding and support from management when certain procedures take longer, and we cannot skip certain steps in the public procurement procedure”; “More flexibility from the institution's management”; “Support from managers”). Last but not least, better communication between departments, starting with the director of the public institution (“Better communication with the entire logistics department, starting with the director”).

In conclusion, we find that purchasers have extensive expectations of the public institution to which they belong, but the most important would be continuous professional training and a good understanding of management.

The third question, “What expectations do you have of economic operators?”, is the last question in the interview guide on qualitative marketing research regarding the expectations that purchasers have of economic operators and mainly refers to the challenges that economic operators make, without having a legal basis for violating the rights of that operator (“Learn to lose, not to challenge a tender just for the sake of challenging it”; “Challenges should only be made if there is a legal basis for violating the economic operator's rights”; “Challenges should be made when they truly believe that there have been real omissions”). Another issue raised by purchasers is that the documents they register in SEAP (DUAE, bids etc.) should be completed correctly; there are completion guides issued by ANAP, ANI etc. (“Be careful when completing documents, as omissions are often made”; “The information provided in the documentation submitted as a bid must be accurate, without any negligence”; “Provide all the required documents”; “Complete the DUAE correctly; there is a guide for completion, notice to economic operators”); at the same time, they should comply with the deadlines for submitting bids and respond to requests for clarification (“Comply with the deadlines for submitting bids”; “Respond to requests for clarification in a timely manner”).

The conclusion is that economic operators make minor mistakes that can cost them a public procurement contract. Greater attention to procurement procedures can lead to the conclusion of more framework agreements and increased competition among economic operators.

5. Conclusions

This qualitative marketing research, which was applied among procurement experts as part of the contracting authority, is based on the semi-structured in-depth individual interview method. In this report, I sought to address several topics such as the concept, perception, and opinion on the field of public procurement. The research also aimed to identify strategies for the smooth functioning of the entire public procurement process through best practice strategies, the preparation of specifications, and the identification of certain errors, attitudes, and behaviours of economic operators. At the same time, good practices were identified in ensuring the transparency and integrity of the implementation process of the procurement procedures used.

According to the first objective regarding the conception, perception, and opinion on the field of public procurement, the opinion of most of the interviewed procurement experts is that the field of public procurement has developed in recent years and is recognized among economic operators. The SEAP platform facilitates the exchange of supply and demand between contracting authorities (demand) and economic operators (supply), thereby ensuring the smooth functioning of the economic chain. SEAP is a platform used by economic operators that adds value to the development of their business. According to the second objective concerning the attitudes and behaviour of economic operators, procurement experts believe that economic operators comply with the terms of the framework agreement during the term of the public procurement contract. In isolated cases, the contracting authority faces requests or clarifications from economic operators, which is not a common practice on their part due to the fact that the product, service, or work has a well-designed specification, and the procurement procedure is easy to follow. At the same time, economic operators are open to communication and providing clarifications and even improvements to the products, services, or works offered to the contracting authority.

The final objective pursued in this qualitative marketing research is the expectations regarding the future of public procurement from the point of view of procurement experts. Procurement experts want a clear legislative change that would allow them to use all procurement procedures, thus making their work easier, but at the same time they also want guidelines on how to complete/use public procurement procedures so that there are no more different interpretations of the procedures. Expert purchasers have high expectations of the public institution they belong to, but continuous professional training and good managerial understanding would be the most important. At the same time, they believe that economic operators make minor mistakes that can cost them a public procurement contract. Greater attention to procurement procedures can lead to the conclusion of more framework agreements and increased competition among economic operators.

Limitations of qualitative research

In qualitative marketing research involving in-depth individual interviews, transparency is essential. Therefore, a first limitation of the research concerns the lack of certainty regarding the sincerity of the purchasing experts as part of the contracting authority in the in-depth individual interviews, given the high level of sensitivity of the topic addressed and the questions asked to the subjects. The second limitation we may encounter in qualitative research is the different perception of the meaning of the words used by the purchasing experts in their expression. Another limitation may be the lack of attention in giving answers or an inaccurate interpretation of the questions by the subjects concerned. Last but not least, we may encounter a limitation in qualitative research regarding the impossibility of extrapolating the results obtained.

Conflicts of interest and plagiarism:

I declare no conflicts of interest related to this research. I certify that this piece of writing is the result of my own independent scientific work and that in all cases, the materials from

other authors' works (from books, articles, essays, doctoral theses, and the internet) are fully acknowledged, and the quotations and paraphrases are clearly indicated.

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