Contents

Notes on Contributors x

An introduction to four fundamental aspects of EU public procurement law from the point of view of an economist and a lawyer 1
GUSTAVO PIGA AND STEEN TREUMER

PART I
Competitive dialogue and contractual design fostering innovation and needs analysis 11

1 Dialogue 13
STEEN TREUMER AND ELVIRA UYARRA

2 Competitive dialogue and innovation: the case of the Spanish health sector 28
PEDRO TELLES

3 Contract design for procuring complex projects 40
ROBERT ÅGREN AND ANNE LANDIN

4 Some law and economics considerations on the EU pre-commercial procurement of innovation 58
NICOLA DIMITRI
PART II
Separation of selection and award criteria, including exclusion of reputation indicators like references to experience, performance and CVs from award criteria

5 Dialogue
CHRIS BOVIS AND GIACOMO CALZOLARI

6 Implications of the Lianakis decision
PHILIP LEE

7 OPTIONCARDS: an interactive approach to elicit qualification and award criteria weights
PEDRO MAIA GRAÇA AND LUIS VALADARES TAVARES

8 Is public procurement going green? Experiences and open issues
ANDREA APPOLLONI, ALESSIO D'AMATO AND WENJUAN CHENG

9 The Lianakis ruling and good procurement
TORSTEIN FJELDET LUNDE AND DAG THOMAS NYBØ-SØRENSEN

PART III
Re-tendering a contract for breach of procurement rules or changes to contract

10 Dialogue
HANS-JOACHIM PRIEB AND STÉPHANE SAUSSIER

11 When amending leads to ending: a theoretical and practical insight into the retendering of contracts after a material change
JAN M. HEBLY AND PAUL HEIJNSBROEK

12 Strengthening the level of integrity of public procurement at the execution phase: evidence from the Italian National Frame Contracts
GIAN LUIGI ALBANO AND ROBERTO ZAMPINO
13 Retendering or sale of contract in case of bankruptcy of the contractor? Different solutions in an EU and comparative perspective
MARIO COMBA

PART IV
Set-asides for small and medium firms, as in the US system with the Small Business Act that reserves shares of tenders to SMEs only

14 Dialogue
CHRISTOPHER YUKINS AND GUSTA VO PIGA

15 Public procurement and SMEs – an approach to increased participation
PAUL DAVIS

16 Socio-economic programmes in public procurements: are preferences fair and effective for all?
FERNAND A. LAVAL LÉE

17 Contested terrain: analysis of minority-owned construction firms selling goods and services to government clients in the United States
TIMOTHY BATES

18 SMEs and public contracts: an EU based perspective
MARTA FANA AND GUSTA VO PIGA

Index