

# Study on the Evolution of Public Procurement Contract Award Procedures in Romania in the Period 2021-2023

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## Abstract

Key statistical indicators (years and the like) are highlighted especially in public ones. After pointing out the causes of these abnormalities, this analysis can also provide evidence for the shortcomings of the ways in which the procedures of good public services processes are conducted, control rights to public services, achieve additional savings and identify policy measures to enhance effectiveness in the use of public funds. The analysis of public development is not possible relative to the growth of spending budgets, most of all in the case of reduction of budget powers (budget sequester) or at the start of an economic crises. This paper addresses the fundamental aspects of public development in România by 2021-2024 and reveals life-threatening gaps in the public use.

The methodological technique is mainly based on a solid set of methodological tools, which combine essential studies with quantitative studies and current strategies with classical strategies. The complexity of the subject requires the configuration of the ideal methodology - the status quo of objectives, directions, hypotheses and strategies - crucial in the development of enjoyable studies.

Through the literature systematic inquiry, it was feasible to identify a niche gap in the area- the void in Information on scientific information resources for commercial performance and the requirement to develop some research that captures the essence for the indicator of how performance occur in the field. In an extensive literature on commercial performance, it is located in theoretical and applied research that gives hints at what is the relationship between factoring and the gestation of modern promotion of trade techniques.

The innovativeness of the item is determined with the aid of using the truth that studies targeted through this has a implemented significance, on the grounds that it affords the data required for a extra whole evaluation of the statistical degree withinside the context of sustainable financial increase.

**Keywords:** contract, expenditure, public procurement, Romania

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## Introduction

The methods of awarding public contracts constitute a fundamental component of the national economy, significantly influencing the efficiency of the use of public funds and the development of the business environment (Bran et al., 2023). In the Romanian context, this area has experienced a series of major transformations in the period 2021-2023, influenced by factors such as the adoption of European legislation, the digitalization of administrative processes and the need to adapt to the challenges generated by the COVID-19 pandemic (Negescu et al., 2021). These changes aimed to increase transparency, efficiency and competitiveness in the public procurement process (Ameyaw, Mensah and Osei-Tutu, 2012).

Public procurement is an essential aspect of public investment: it stimulates economic development and is an important element for the dynamo. Public procurement also offers opportunities for businesses, thus encouraging private investment and contributing concretely to economic growth and job creation (Walker and Brammer, 2009).

The purpose of this article is to analyze the evolution of public procurement procedures in Romania during the mentioned period, focusing on legislative transformations, the use of digital tools and the impact of these changes on practices in the field. The present study contributes to the specialized literature through a comprehensive and current approach to public procurement issues, providing a useful analytical framework for both researchers and practitioners in the field.

## 1. Review of the scientific literature

The study of public procurement procedures involves a multidisciplinary approach, including elements from fields such as law, economics and public management. Public procurement is widely recognized as a crucial element of public sector management, responsible for the acquisition of goods, services and infrastructure necessary for government operations (Calin et al., 2022). According to Thai (2001), public procurement includes processes such as identifying needs, developing specifications, selecting suppliers and managing contracts.

These processes are governed by fundamental principles such as transparency, competition and value for money (Behl et al., 2023). The integration of historical data into public procurement is a topic of interest, with significant implications for improving budget planning and procurement outcomes. According to a study by Bosio et al. (2022) the analysis of historical data allows public entities to better understand market dynamics and supplier performance, thus contributing to more accurate budget estimates and optimal resource allocation.

The use of historical data aligns with the principles of evidence-based policymaking, favoring decisions based on empirical data rather than intuition or tradition. This data-driven approach is essential for reducing risks and ensuring the efficient use of public funds (Caldwell et al., 2005). A structured procurement process facilitates competition, which, according to Porter's theory (1980), stimulates innovation and reduces costs (Paraskeva and Tsoulfas, 2025).

In the context of public procurement, 218 structured processes ensure a level playing field for all potential suppliers, which contributes to achieving better value for money and improving services (Prier, Schwerin and McCue, 2016). Also, the integration of historical data in procurement planning aligns with the dynamic capabilities' theory, emphasizing the adaptability of public entities to rapidly changing environments (Glas and Eßig, 2018). The ability to analyze and use historical data provides increased flexibility and efficiency in the public procurement process (Gaf-Deac et al., 2024).

The institutional system of public procurement in Romania is built on a set of main actors, each with a specific role. The National Agency for Public Procurement (ANAP) coordinates the national public procurement strategy, having as main responsibilities the monitoring, supervision and promotion of policies in the field. ANAP also ensures compliance with European legislation and the implementation of effective control mechanisms. CNSC is the institution responsible for resolving complaints filed within public procurement procedures. CNSC contributes to maintaining a fair competitive environment through its administrative decisions (Teece, Pisano and Shuen, 1997).

The Romanian Digital Agenda Agency is responsible for managing the Electronic Public Procurement System (SEAP), an essential tool for the digitalization of procurement processes (Burlacu et al., 2021). Courts, including tribunals and courts of appeal, play a key role in resolving complex disputes that may arise in the field. Another important actor is the National Integrity Agency (ANI), which uses the PREVENT system to identify and prevent conflicts of interest. The Audit Authority ensures the systemic verification of procedures, while the Managing Authority manages European funds for public projects, verifying the technical and financial compliance of procurements (Patrucco et al., 2017).

## 2. Research methodology

The generic purpose of the study is to examine trends in public services in Romania, applicable to the success rate of contract award procedures in the period 2021-2023. This will be carried out to detect and systematize trends, legislative developments, efficiency and transparency of the contract award process.

The main aspects analyzed in the study were the following:

- Analysis of the applicable regulatory framework (Law no. 98/2016, subsequent amendments, Government Emergency Ordinances, decisions of the National Council for the Resolution of Complaints (CNSC), etc.
- Investigation of how the legal requirements were respected, emphasizing automation, transparency and compliance with deadlines;
- Collection and interpretation of information regarding the number of procedures, type of procedure, total value of the contract, award duration, number of participation in the procedure, etc.;
- Analysis of particular cases, audit reports, complaints/appeals to identify the best and worst practices.

In order to support the objectives, this study uses both qualitative and quantitative methodologies. In this first category we can include as documentary analysis:

- Consultation of legislation, best practice guides, reports issued by ANAP, Court of Auditors, CNSC, etc., and as
- Analysis of processes in the areas of their, significant procedures for different nomenclatures (e.g. infrastructure, health, education).

This qualitative approach thus remains far from ideal (largely for reasons of corporate confidentiality and external transparency).

As for the identification of the quantitative methodology, the only statistics and to which credibility can be given are those based on data from SEAP (SICAP), Eurostat TED data (Tenders Electronic Daily) and cover analyses of volume, value and types of procedures. All of this can also include comparisons of annual data between years, to find key trends, relationships and tendencies.

### 3. Results and discussion

The award of public contracts through the Electronic Public Procurement System (SEAP) involves the observance of well-defined stages. The process is regulated by the legislation in force, aiming to ensure transparency, fair competition and efficient use of public resources. The main stages include: – Publication of the tender notice: the procedure is initiated by publishing a notice in the SEAP, which details the specific requirements of the contract, the award criteria and the deadlines. – Submission of tenders: economic operators submit tenders according to the specified documentation, such as the specifications and the procurement data sheet. – Evaluation of tenders and award: tenders are evaluated based on the award criteria, and the contract is awarded to the tenderer presenting the most advantageous proposal. According to the data processed from the SEAP, the evolution of the number of contracts awarded in the period 2021-2023 indicates significant fluctuations. The total number of contracts awarded increased in 2022, followed by a slight decrease in 2023. The most relevant contract types include the supply of goods, construction works and services (Table no. 1).

**Table no. 1. Evolution by contract type in the period 2021–2023**

Contract type	2021	2022	2023
Supply	15.557	16.420	13.370
Works	6.550	8.085	10.286
Services	7.240	7.660	6.065
<b>Total</b>	<b>29.347</b>	<b>32.165</b>	<b>29.721</b>

*Source: Electronic Public Procurement System*

The majority of contracts awarded in 2021 were for the supply of goods, a trend that continued in the following years, although with a notable decrease in 2023. In 2021, the most significant category was represented by supply contracts, with a total of 15.547 units, followed by works contracts, which reached 6.550 units, and service contracts, with a number of 7.240 units, leading to a total of 29.347 contracts. In 2022, the total value of contracts increased significantly, reaching 319.487.335 RON.

Works contracts continue to dominate in terms of awarded value, but notable increases are also observed in the case of supply contracts. The value of service contracts increased, but at a slower pace compared to the other categories. In 2023, the total value of contracts reached a record level of RON 668.708.361.

The spectacular increase is mainly due to supply contracts, which become the dominant category in terms of awarded value, exceeding works contracts. Service contracts continued to grow moderately. Analyzing these data, year-on-year fluctuations can be observed, with a significant increase in 2022, followed by a large decrease in 2023.

Public procurement contracts and framework agreements are the main instruments used by contracting authorities and entities. Public procurement contracts are legal agreements between contracting authorities and suppliers, which establish the conditions for the delivery of goods, the provision of services or the execution of works. These contracts are usually used for purchases completed through a single procedure, in accordance with the value limits established by the legislation in force. Framework agreements, on the other hand, are concluded between contracting authorities and one or more suppliers, establishing the general conditions for future purchases. They are used in particular for repeated or periodic purchases, providing flexibility and efficiency in the management of procurement processes (Thai, 2001).

The documentation and associated procedures are strictly regulated in order to comply with the fundamental principles of public procurement, such as transparency, competition and non-discrimination. The Dynamic Purchasing System is a fully electronic procurement method, open for the entire duration of the process. It is mainly intended for the procurement of products of current use, with standardized characteristics available on the market. Under this system, economic operators that meet the qualification and selection criteria can participate throughout its duration. Analysis of data for the period 2021-2023 reveals significant changes in the number and value of contracts awarded depending on the method used (Table no. 2).

This evolution reflects a constant preference for the use of this type of contracts. The value attributed to these contracts has registered a substantial increase, from 80.550.400 RON in 2021 to 207.588.404 RON in 2023, indicating an increase in large-scale projects managed through this method.

**Table no. 2. Evolution by award method in the period 2021-2023**

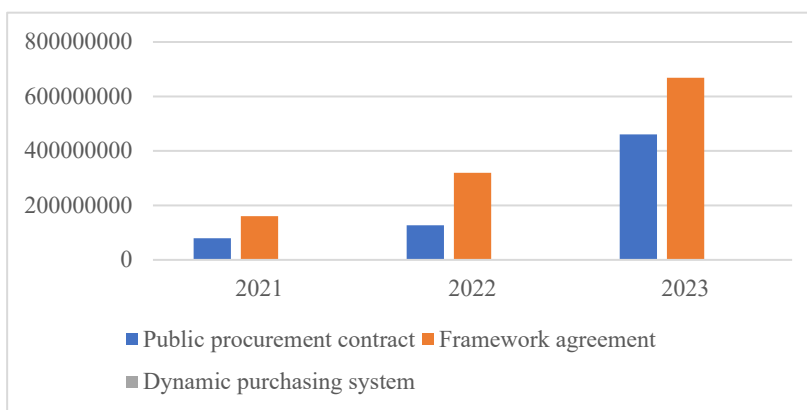
Assignment method	2021	2022	2023
Public procurement contract	22.500	25.400	23.880
Framework agreement	6.830	6.680	5.700
Dynamic purchasing system	8	25	32
Total	29.338	32.105	29.612

*Source: Electronic Public Procurement System*

The main objective of this study is to provide a detailed analysis of public procurement and related complaints in Romania for the period 2021-2023. The data were collected from various sources, including the Romanian public procurement platform (SEAP, ANAP), public reports and documents, official databases such as ANAF and GOV.ro, specialized articles and analyses published on relevant platforms.

The methods used for data collection and analysis included automated data extraction from the SEAP and ANAP platforms, analysis of government documents and reports to identify specific trends and issues, statistical analysis for the quantitative assessment of data on public procurement procedures, comparative analysis, used to identify differences between the analyzed periods and the applied strategies, and content analysis, for the interpretation of qualitative data from relevant documents and media sources. The value of the award of framework agreements increased from 79.182.229 RON in 2021 to 127.243.851 RON in 2022 and then to 460.483.433 RON in 2023. This significant increase may indicate a change in procurement strategy or a preference for this modality. The dynamic purchasing system has seen a remarkable increase, from only 8 contracts in 2021, to 25 in 2022 and 32 in 2023, reflecting an increase in trust in this electronic mechanism. Although the total value remains modest (from 680.433 RON in 2021 to 656.522 RON in 2023), its use demonstrates potential for expanding the application of this system within the framework of the digitalization of public procurement.

Table no. 2 highlights the evolution of the way contracts are awarded during this period. Also, the analysis of the value of contracts (Figure no. 1) shows a substantial increase in the total value, from RON 160.412.982 in 2021 to RON 319.487.536 in 2022 and to RON 668.718.359 in 2023. The significant increase in the award value in the case of framework agreements suggests a strategic adaptation towards this method for managing large-scale public procurement. The dynamic procurement system, although slowly growing, demonstrates that digital technologies have an important impact in modernizing the public procurement process, offering new opportunities for efficiency and increased transparency.



**Figure no. 1. Contract value in the period 2021-2023 in Romania**

In 2022, the PNRR generated initiated procedures worth 6,829.95 million euros, reflecting a significant involvement in the initiation of projects financed through this mechanism. Of this value, 1,837.9 million euros were attributed to procedures completed in the same year. This trend continued in 2023, when the value of initiated procedures increased substantially, reaching 24.142,78 million euros.

This significant increase demonstrates Romania's continued commitment to implementing projects financed by the PNRR. The impact of the PNRR program on public procurement has been considerable, supporting massive investments in infrastructure, energy, environment and digitalization.

It has also contributed to the modernization of existing infrastructure and increasing the country's economic capacity. Overall, the total value of procedures initiated and completed has increased significantly, from EUR 9,789.58 million in 2021 to EUR 16,314.6 million in 2022, reaching a new record level of EUR 24.142,74 million in 2023. This trend highlights the importance of European funds in supporting the Romanian economy and creating a stable framework for development

## Conclusions

This study provides a detailed analysis of the evolution of public procurement in Romania in the period 2021-2023, focusing on the legal, procedural and financial dimensions of this process. The legislative framework and the national strategy on public procurement were built in accordance with national and European standards, based on Law No. 98 of 2016 on public procurement and Law No. 99/2016 on sectoral procurement, which transpose European legislation in this area.

The analysis was based on publicly available data, exploring various types of contracts, such as those for supplies, works and services. The objective was to highlight the distribution of public procurement activities across distinct sectors and to examine the award methods, including public contracts, framework agreements and dynamic purchasing systems. The study highlighted the preferences and strategies of contracting authorities in using the various available instruments and procedures. An essential aspect of the analysis was the assessment of funding sources, which include both the national budget and European funds. These financial resources were fundamental for the implementation of development and modernization projects, reflecting the significant impact of EU funds on public procurement in Romania.

The results of this study contribute to the identification of trends and problems specific to the sector, providing a basis for formulating recommendations aimed at improving the efficiency and transparency of the public procurement system.

The proposals that emerge from this study are: 1. Digitalization of the public procurement process. It is recommended to develop and implement a complete digital solution that would reduce bureaucracy, increase transparency and allow real-time monitoring of procurement processes. The SEAP platform requires a significant revision to become more intuitive and fully functional. 2. Promoting competition and diversity. It is essential to implement measures to encourage the participation of a larger number of bidders. Simplifying procedures, particularly with regard to uploading documents to the SEAP, can contribute to expanding participation. 3. Transparency and accessibility.

The study of the evolution of public procurement award mechanisms in Romania from the perspective of the years 2021-2023 proves to be of essential interest from at least three points of view: administrative-institutional, legal-normative and economic applicability, with direct implications in the field of government transparency, digitalization of public administration and absorption of European funds.



The relevance of the work lies in the fact that it provides a structured overview of how Romania is facing the challenges of convergence with EU legislation in the field of public procurement. Comparing the years 2021 and 2023, the differences in legislation are highlighted (and the transposition of EU directives and new trends such as the use of quantum or AI in the analysis of offers or the consolidation of mechanisms to avoid conflicts of interest).

The research results can be used in various ways as follows: the data and conclusions can provide the Ministry of Finance, ANAP and other contracting authorities with the basis to determine policies that increase the efficiency and transparency of public procurement. On the other hand, there are concrete implications for the development of the platform, targeting user experience, interoperability and predictive analysis that can be deduced from the SICAP analysis and related processes. Last but not least, the research provides relevant information for shaping tools to support the participation of small and medium-sized enterprises in public procurement tenders and the competitiveness of the offer.

It is important to strengthen monitoring and control mechanisms to detect and correct possible irregularities or abuses in the public procurement process. Repetitive procedures or non-conformities should be addressed as a priority to increase the efficiency and integrity of the system. For example, some contracting authorities include requirements that are considered abusive, which generates numerous appeals and delays. The implementation of these proposals has the potential to contribute to the modernization and improvement of the efficiency of the Romanian public procurement system, ensuring a more responsible use of resources and increasing public trust in this process.

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