

Practice Name:  
**BASE web portal  
on public  
contracts**

Practice category:

- Systems and tools
- Cooperation mechanisms



Contact:

- Institute of Construction and Real Estate
- <http://www.base.gov.pt/Base/en/Homepage>
- [GFRAL@BASE.GOV.PT](mailto:GFRAL@BASE.GOV.PT)

Country:  
**Portugal**

### Fraud risk(s) countered

- Avoidance or manipulation of public procurement procedures

### Context and objective(s)

In 2008, the Portuguese Public Contracts Code (PPC) was passed which transposed Directives 2004/17/EC and 2004/18/EC. PPC governs mandatory procedures for the formation of public contracts and lays down the rules for their performance. It was reviewed in 2017 and the new code entered into force in January 2018.

Since November 2009, e-procurement has become mandatory for all institutions for tenders above a threshold of €5000. Portugal's e-procurement system operates exclusively on privately run platforms, which compete against each other to offer e-procurement services to contracting authorities.

PPC provides for the creation of an Internet portal dedicated to public contracts, expected gather all relevant information on public procurement.

The BASE Portal was established for that purpose and is now managed by the Instituto dos Mercados Públicos, do Imobiliário e da Construção, a.k.a. IMPIC (the Institute of Public Markets, Real Estate and Construction).

Currently, the Portal is not fully operational, as a large number of contracts are not yet published in BASE and the monitoring performed by the Portal remains limited.

Nonetheless, the databases linked to the Portal are regularly updated with information from the Diário da República Eletrónico (the national electronic official journal), the electronic public procurement platforms and the Contracting Authorities. All this information is subsequently analysed and processed and shall serve as a basis for the development of a wide range of studies and statistical analyses. Part of that information is also published on the Portal.

The Portal describes its purpose as a forum for dialogue with the stakeholders involved in public procurement and with citizens in general.

According to its website, the Portal aims to fulfil several functions (which have yet to be deployed):

- a) to centralise the most important data on public contracts that are concluded;
- b) to advertise, inter alia, the launch of calls for tenders and other procurement procedures, the conclusion of contracts, and any penalties imposed for breaches of PPC;
- c) to disseminate technical contents and relevant legislation;
- d) to bring public institutions closer to Portuguese citizens, by motivating the citizens to monitor and be acquainted with public spending.

## Description of the practice

The BASE Portal is a virtual space where all elements relating to public contracts shall be publicised, thus enabling their follow-up and monitoring.

Information about four stages of procurement – tender, award, contract, and implementation – is available in the Open Contracting Data Standard (OCDS) format. The Portal aims at making the following information available to the public:

- a) The formation and performance of public contracts;
- b) Notices on the opening of procurement procedures and subsequent notices, if any;
- c) Orders and deliberations establishing procurement priorities under exceptional regimes;
- d) Contracts concluded under direct award procedures (general regime), open procedures, restricted procedures, negotiation and competitive dialogue procedures;
- e) Contract Amendments amounting to more than 15 % of the contract value;
- f) Accessory sanctions referring to the exclusion from public procurement procedures for a maximum period of two years.

The Portuguese Mint and Official Printing Office (Imprensa Nacional - Casa da Moeda, INCM) is responsible for publishing notices, decisions and other legal acts on public procurement both in the Portuguese Official Journal and the Official Journal of the European Union. Only direct awards do not require any prior notice.

Contract notices announce the Contracting Authorities' intention of purchasing a certain good or service, the type of procedure (e.g. open or restricted), as well as the e-procurement platform that manages the pre-tendering stage. Upon publication, the INCM electronically forwards the notices on the opening of procurement procedures to the BASE Portal.

Applicants and tenderers must submit their applications and tenders by uploading them to the electronic platform used by the Contracting Authority. Electronic Public Procurement Platforms or e-procurement platforms are fully computerised. Applications that pass through the whole public procurement procedure are carried out in a fully electronic and dematerialised way. The e-procurement platforms are certified by IMPIC and sell their services both to Contracting Authorities and enterprises, linking them to the public procurement process during this initial stage. As the procedure progresses, the e-procurement platforms forward all information on the tenderers and the public contract to be awarded to the BASE Portal.

Finally, Contracting Authorities decide on and conduct the procurement procedure and are responsible for entering the information on the public contracts they award into the BASE Portal. This includes contracts concluded as a result of a direct award or prior consultation procedures. For these cases, the Contracting Authority must complete a specific form with the relevant information regarding each contract. Therefore, there are also contracts published in the BASE Portal for which no tender notices are published in the Portuguese Official Journal.

IMPIC also assesses and monitors public procurement in Portugal and publishes annual reports and monthly statistics which can be accessed via their website.

## Unique features

- Initiative for transparency in public procurement;
- Linked to PPC which defines the implementation and use of the Portal;
- Centralised platform which aims at making all the relevant information on public procurement available in one location.

## Outcomes and results

The radical digitisation of public procurement in Portugal led to measurable improvements, including total savings of up to 12%, price reductions of up to 20%, and increased efficiency and effectiveness.

The BASE Portal is an important step towards more transparency in public procurement. No other country in the EU publishes as much information, making Portugal's contract register the most complete in the EU.

However, at the current stage, there is a significant percentage of public contracts which are not being published and can therefore not be analysed by the BASE portal. This is one area for further improvement, possibly through stricter enforcement of PPC requirements), especially regarding the publication of contracts.

## Key success factors

- Interface with the INCM,
- Link with the existing e-procurement platforms,
- Cooperation with the Contracting Authorities to publish the information.

## Challenges encountered & lessons learned

Ensuring the timely and widespread use of the Portal remains a challenge. As of now, BASE cannot publish all contracts, nor aggregate all the relevant information about the contracts, nor publish complete substantial information on contract performance.

Many of the issues stem from the fact that the Portal relies on the publication and distribution of public procurement data by the Contracting Authorities and the e-procurement platforms.

According to Transparency International Portugal:

- a) some contracts don't link to the contract notice in the Portuguese Official Journal,
- b) a significant number of Contracting Authorities do not upload contracts, and
- c) the majority of contracts do not disclose any information about the pre-tendering stage.

The total number of contracts, as estimated by the European Commission, is three times higher than the number of contracts published in the BASE Portal, despite the legal requirements to publish all contracts in the portal.

Public contracts are not transparent by default, which means that there is no critical information in the BASE Portal to assess the formulation of contracts, their value for money, and sustainability. IMPIC announced the implementation of the Open Contracting Data Standard in November 2019, which is meant to produce massive improvement on the quality and quantity of public procurement data, and thus transparency.

In addition, an analysis of the available OCDS data shows that over 80% of government procurement procedures are direct awards, severely impacting the competition in the public procurement market. This is followed by opacity because the justification can simply refer to an article in PPC allowing the use of direct awards without further explanation on the circumstances that determined this choice over an open tender. This decreases the level of trust from citizens and enterprises further creating suspicion and a high level of perception of corruption in public contracting.

The services of the Public Procurement Observatory, an entity charged with the monitoring of public procurement, is not currently accessible. The Public Procurement Observatory is supposed to offer an online workspace to have a more interactive view of public procurement data. This is still under development and will complement the BASE portal once operational.

### **Potential for the transferability**

Portugal can already build on the fact that e-procurement platforms for awarding contracts are in place. For other countries, moving the public procurement procedure to an electronic and digitised process should be a preliminary step.

Alternatively, other countries which do not have such electronic platforms currently in place, could implement a single portal to directly gather, publish and monitor all public procurement information.