

PUBLIC PROCUREMENT IN SWITZERLAND

LEGAL ANALYSIS

ProSME: supporting European SMEs to participate in public
procurement outside EU

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Executive brief

Swiss public procurement law had a major revision recently, which came into force on Federal level on 1 January 2021. On the level of cantons and municipalities, the revised law will enter into force after the ratification process in the respective canton has been finalised. This process is ongoing in most cantons and may still take some time, in particular, in cantons where the ratification process has not yet started. In addition, the revised law only applies to procurement procedures that have been initiated after the revised law entered into force in the respective jurisdiction. Therefore, the old procurement law will still continue to apply in some cantons in the near future.

The revision leads to a two-fold harmonisation of the previously scattered Swiss public procurement law. On the one hand, the pre-existing differences between the Federal and the cantonal law have been substantially reduced. On the other hand, after the ratification in all cantons, differences between the legal public procurement regimes between cantons will be minor. As a result, the harmonisation is expected to decrease costs and increase legal certainty. Most importantly, it will be easier for SMEs and foreign suppliers to navigate the new, more harmonized Swiss procurement law.

The applicable public procurement law in Switzerland is multilayered and complex. International treaties, Federal laws and ordinances, an intercantonal agreement and local cantonal laws provide a densely regulated legal landscape with subtle, yet material differences e.g. in the scope of application, the available types of procedures, the permission to participate in public procurements or the access to judicial review. As a general rule, SMEs domiciled outside of Switzerland enjoy largely unrestricted access to the Swiss market if the procurement falls within the scope of an international treaty or the country of domicile at least offers generally reciprocal rights. In all other circumstances, the rights of access to the Swiss market and judicial review are, however, more limited.

The Swiss public procurement market is an interesting opportunity for certain suppliers from abroad: the high quality standard in the procurement of goods and services as well as in the construction industry in Switzerland has recently been further raised by the explicit mentioning of quality-focused criteria in public procurement such as ecological and social sustainability. Furthermore, tools providing for more flexibility of purchasing authorities in innovative procurement such as the competitive dialogue or competitions have paved the path for a more solution- and performance-driven public procurement. Suppliers offering a high level quality of goods and services may, therefore, find an attractive market worthy of consideration.

This Guide shall, in particular, provide European SMEs with a quick overview over the public procurement landscape in Switzerland and help to avoid some particular challenges and pitfalls while doing so.

1. Contracting entities' identification and description

In very general terms, contracting state authorities as well as private companies that perform public tasks are subject to public procurement law.

In a more detailed consideration, the Federal law and cantonal law (respectively the intercantonal agreement) must be consulted to find out whether a principal is subject to public procurement law or not.

Centralised and decentralised government

At the Federal level, the law provides an exhaustive list of contracting authorities that are subject to public procurement law (art. 4 para. 1 Federal Act on Public Procurement (**FAPP**)). This includes, in particular, the centralised and decentralised Federal administration as referred to in art. 2 of the Federal Government and Administration Organisation Act (**GAOA**)² and its related ordinances.

At the sub-Federal level (cantons, districts, municipalities), the Intercantonal Agreement on Public Procurement (**IAPP**) and respective cantonal legislation implementing the IAPP, apply. State authorities as well as centralised and decentralised administrative units, including public law institutions on cantonal, district or municipal level (art. 4 para. 1 IAPP) are generally subject to public procurement law. Outside of the ambit of international treaties, public procurement law also applies to other sponsors of public tasks or subsidised objects. As a general rule, however, public procurement law does not apply to commercial activities.

Other entities (state-owned enterprises, other authorities with public procurement competences)

In addition, contracting authorities can be subject to public procurement law due to the sector they are operating in. Examples include public or private enterprises providing public services in the sectors of (drinking) water, supply of electricity, energy, heating or gas, or public transportation for their activities in that sector. However, if effective competition exists in one of the relevant sectors, the Federal Council may exempt the respective sector from the scope of application of public procurement.

As a result of the scope of public procurement, it is apparent that public limited companies (structured by public or private law) providing public services may fall under public procurement law. Examples include RUAG, AXPO, Swiss Post and the Swiss Federal Railways.

2. Statutory Framework

As outlined above, public procurement in Switzerland is governed by international framework agreements, Federal acts and ordinances as well as the Intercantonal Agreement on Public

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https://www.fedlex.admin.ch/eli/cc/1997/2022_2022_2022/en#art_2

Procurement (**IAPP**), cantonal acts and ordinances. The interplay of these various layers is complex.

International framework

Various international agreements provide the framework for public procurement law in Switzerland. They include:

- the revised Government Procurement Agreement 2012 (**GPA 2012**)
- the Bilateral Agreement between the European Community and Switzerland on certain aspects of public procurement (**EU-CH AAGP**)
- the Convention establishing the European Free Trade Association (**EFTA Agreement**)

Any procurement covered by these treaties shall be deemed to be a public procurement within the ambit of international treaties. Procurements outside of the ambit of international treaties (e.g. below certain thresholds) may be subject to special regulations by Federal and cantonal laws.

Federal level

On the Federal level, the following main regulations are to be considered:

- Federal Act on Public Procurement (**FAPP**)
- Ordinance on Public Procurement (**OPP**)
- Federal Act on the Internal Market (**FAIM**)

Both the Federal and below-Federal laws have been substantially revised recently. The main goals of the revision have been to implement the GPA 2021 and to harmonize the public procurement law regimes on a Federal and cantonal level. On the Federal level, the new law has entered into force on 1 January 2021 (for the below-Federal level, see below).

Below-Federal level (cantons, districts, municipalities)

The revised Intercantonal Agreement on Public Procurement (IAPP) has been signed by all cantons. However, the new law must be enacted into cantonal law before it comes into force. As of the date of this publication, most cantons have initiated the cantonal proceedings required for the new law to enter into force. In some cantons, the law is already in force.

An updated overview of the development is available for download here: <https://www.bpuk.ch/bpuk/konkordate/ivoeb/ivoeb-2019>

The FAIM sets out a minimum standard for cantonal and municipal public procurement regarding the free access to the market and non-discrimination against market players from outside the canton.

3. Rules of General Application

Several guiding principles exist that structure the rules for public procurement procedures as well as their interpretation and application by the authorities and courts. These rules are, therefore, highly relevant in the procurement proceedings.

The main aim of public procurement law is to safeguard the efficient and sustainable use of public funds. Sustainability is to be understood in its three dimensions of economic efficiency, environmental and social issues. The recent revision of the public procurement law had a strong focus on the aspect of **sustainability of public procurement** and, therefore, included the environmental sustainability in the explicit wording of the law both on a Federal and cantonal levels. While environmental sustainability already played a certain role under the old law, the new focus on sustainability under the revised law is a clear imperative to purchasing authorities to consider this aspect in their purchases. Suppliers are well advised to prepare for a bigger focus on sustainability in the future, e.g. by reviewing their production methods, supply chain and their documentation on sustainability or consider obtaining relevant certifications or labels in that field. It is to be expected that even in cantons where the revised law has not yet been enacted, sustainability criteria will likely play a more important role.

The **economic efficiency principle** is a key aspect of public procurement law as purchasing authorities are required to award the best offer. In particular, in markets with highly standardised products and a low differentiation between the offers, the price of the offer typically plays a substantial role. The revised public procurement law both on a Federal and sub-Federal level explicitly mention life cycle costs as a relevant award criterion, suggesting a more comprehensive assessment of all costs pertaining to an investment. However, it should be noted that the qualification as "best offer" must not only take the price into consideration, but also quality aspects. The weight given to each criteria (which is usually published in the invitation to tender) must be carefully considered when preparing an offer.

Fair competition between offering companies can only occur if all bidders have access to the same information and if such information is provided in a comprehensible and understandable way. The **principle of transparency** safeguards in general that bidders must receive all relevant information timely and that differences and gaps in information provided are eliminated as much as possible. Because of this principle, relevant information during the procedure (such as amendments to the documentation, or answers in the Q&A) must be made available to all (potential) bidders. In open proceedings, relevant decisions such as the call to tender, the exclusion of a bidder or the award decision must be published as well (in particular on the procurement platform www.simap.ch).

Another central principle is the **equal treatment of bidders**. It prohibits any discrimination or arbitrary behaviour by the awarding authority and, thus, ensures equal opportunities for all providers. Unlawful discrimination may, e.g., occur in cases where the terms of the procurement are drafted specifically in favour of the product of one provider. Therefore, brand-specific procurement is typically prohibited. Discrimination may also occur if the same feature of an offer is graded differently by the purchasing authority.

The abovementioned general principles are reflected in various further procedural principles for awarding contracts. They include:

- **Precautions against conflicts of interest, improper agreements to compete and corruption:** These rules are necessary to provide a fair procedure for all bidders.
- **Prohibition of bid rounds:** Bidders must in general only submit one offer and the organisation of so-called bid rounds is not permitted. As a result, the purchasing authority can only make clearly defined, minor corrections to the offers of bidders (such as to correct obvious calculation mistakes).
- **Confidentiality of information:** As bidders' offers typically include highly confidential information, the purchasing authority must keep such business secrets confidential. In appeal proceedings against an award, courts must carefully balance the interests of involved parties in keeping their business secrets confidential with the interest in the access to effective information.
- **Access to effective legal protection:** In order to safeguard the abovementioned principles of a fair procedure, parties must have access to effective review of public procurement decisions by purchasing authorities. This includes full review of the case by an independent court, particularly in cases that fall within the ambit of an international treaty.

4. Procurement procedure types

Art. 17 FAPP/IAPP provides for four types of procedures: the direct award procedure, the invitation procedure, the selective procedure and the open procedure.

On a Federal level, the available type of procedure is determined by the nature and value of the contract in conjunction with the threshold value. The threshold values are defined by art. 16 and Annex No. 4 of the FAPP for procurements, separately for procurements within and outside of the ambit of international treaties. On a sub-Federal level (canton, district, municipality), the threshold values are defined by art. 16 and Annexes No. 1 and 2 of the IAPP. With regard to the threshold values outside the scope of international treaties, it should be noted that these differ between the cantonal and Federal level.

Updated information of the current thresholds on a Federal and sub-Federal level are available over the following website of the Federal coordination conference for construction and property (KBOB).³

Direct award procedure

In the direct award procedure, the contracting authority awards a contract directly to a bidder, i.e. without a call for tenders (art. 21 para. 1 FAPP/IAPP). A direct award is permitted below the thresholds according to Annex 4 of the FAPP / Annex 2 of the IAPP (as mentioned before) or in certain, clearly defined circumstances where an exception for a direct award applies.

The direct award procedure may be conducted by the contracting authority in a more informal manner. For example, the closing of a contract does not require a formal prior award decision. However, a direct award must be published if the threshold for the open or selective procedure is exceeded on a Federal level or within the ambit of international treaties on a sub-Federal level (see art. 48 para. 1 FAPP/IAPP). Negotiations on the services, the price and contract conditions are permissible (art. 21 para. 1 FAPP/IAPP). Despite these facilitations, the direct award procedure nevertheless remains a legally regulated procedure. The limit of informal action is formed by the principles of administrative action under the rule of law, such as the prohibition of arbitrariness and unequal treatment under the law, the principle of good faith and the requirement of a fair procedure (as explained above).

As mentioned before, direct awards may, irrespective of the value of the agreement, only be made if special circumstances exist. Such circumstances include, e.g., technical or artistic requirements, urgency, absence of bids in other procedures, etc. It must be noted that these exceptional circumstances are not easily assumed by courts. Contracting authorities must, therefore, show compelling reasons for the direct awarding of contracts exceeding the relevant thresholds.

³ <https://www.kbob.admin.ch/kbob/fr/home/themen-leistungen/diverse-themen/schwellenwerte.html> (available in German, French and Italian).

Invitation procedure

The invitation procedure is available outside of the ambit of international treaties and according to the respective thresholds for the invitation procedure (art. 20 FAPP/IAPP). In the invitation procedure, the contracting authority itself can determine which suitable suppliers it wishes to invite to submit a tender and it does not publish the tender nor the award of the contract. However, the contracting authority should, if possible, invite at least three providers.

On the Federal level, for the public procurement of certain types of defence goods, or further goods and services necessary for the purposes of defence or security, the invitation procedure is available irrespective of any thresholds.

Open procedure

In the open procedure, the contracting authority invites bidders publicly (and without a pre-selection phase, see below) on the electronic platform www.simap.ch (art. 18 FAPP/IAPP). Any interested supplier may submit a tender.

Selective procedure

The selective procedure is a two-stage procedure in which all interested bidders first submit a request to participate and have to be admitted in order to submit their offer (art. 19 FAPP/IAPP). In a second step, the contracting authority selects at least three bidders on the basis of previously defined selection criteria (art. 27 FAPP/IAPP) and conditions of participation (art. 26 FAPP/IAPP) which may submit a bid.

The selective and open procedures are basically considered equivalent and can be substituted for each other.

6. Procurement life's cycle

6.1. Pre-Bid phase

Identification of opportunities / publication platforms

Tenders on Federal as well as sub-Federal (cantons, districts, municipalities) levels are published on the governmental electronic platform www.simap.ch. Bidders may register on the platform, which allows them to download tender documents and access further information. Registered bidders can define criteria such as key words, relevant authorities, places of performance or product/service types and get automated notifications about invitations to tender or awards matching these criteria.

Besides the official platform on www.simap.ch, third party providers exist that inform interested suppliers about open tenders.

Registration as a public supplier

Suppliers are admitted to participate if they are either domiciled in Switzerland or in a country for which Switzerland has granted access in an international treaty. An updated list of these countries is available online.⁴ Outside of the scope of international treaties, foreign bidders are admitted if their country grants reciprocal rights or if the contracting authority admits them.

Contracting authorities may also keep lists of suitable tenderers who are able to meet the eligibility criteria for public tenders. The relevant information regarding these lists must be published on www.simap.ch (see "list of suitable tenderers" in the "bidder" section of the website). Contracting authorities must follow certain rules to safeguard, in particular, transparency and equal treatment of the bidders. However, in a public tender, the contracting authority must also admit bidders that are not on a list if they meet the respective eligibility criteria. Conversely, the authorities may also have lists of bidders that are excluded from participation in tenders, e.g. based on previous misconduct, such as violations of competition law in respect of a tender.

Business promotion practices

Close contact between (future) purchasing authorities and potential bidders prior to a public procurement may create certain risks for the parties involved, as this may raise questions about the equal treatment of the bidders in the tender procedure. In some cases, e.g. if a bidder is closely involved in the preparation of the tender or solicitation documents, this may violate against the "no prior involvement" principle, which may lead to the exclusion of the supplier in the tender unless the competitive advantage can be effectively compensated later (e.g. by sharing relevant information with all interested suppliers or extending deadlines to prepare the offer).

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https://www.simap.ch/shabforms/DE/PDF/SIMAP/DE_Staaten_Reziprozitaet_Internationale_Verpflichtungen_Schweiz.pdf

6.2. Procurement phase

Publication Period

Publication platforms

In the open/selective procedure, the invitation to tender is published on www.simap.ch (see also Section 6.1 above). Due to the special nature of invitation procedures and direct award procedures, no invitations to tender are published.

The invitation to tender and solicitation documents

The invitation to tender (in an open or selective procedure) must, at least, contain certain necessary information, including but not limited to the following:

- name and address of the contracting authority
- the type of procedure and the respective classification according to the EU Common Procurement Vocabulary and, in addition, the UN Central Product Classification in case of services
- a description of the product or service to be procured and, if applicable, any options
- place and date of performance
- any subdivision into lots
- any restrictions to the validity of consortia or subcontractors (if no restrictions are made, consortia and subcontractors are, within limits, permitted)
- the eligibility criteria and the award criteria (including at least their order of importance)
- the deadline by which offers must be submitted.

The solicitation documents contain more detailed information on the tender. In particular, they describe the goods or services to be purchased in more detail, including the technical specifications, plans, further instructions or details about the requested quantities.

Interested suppliers are advised to check both the invitation to tender and the solicitation documents carefully for any mistakes, ambiguities or contradictions. In the event of such shortcomings, suppliers interested in participating in the tender may need to file a complaint (see below) against the tender within the legal time periods (see below). If they fail to file a complaint in due course in spite of mistakes in the invitation to tender or obvious mistakes in the solicitation documents, they risk that their complaint may not be heard at a later stage by the court (i.e. in a complaint against the final award decision).

Questions and answers

The contracting authorities offer the chance for (potential) bidders to ask questions about the tender procedure and the procured goods or services. The deadline for the submission of questions and the response period are published with the invitation to the tender.

It is important for bidders to check regularly for answers given by the contracting authority, as they may contain relevant information for the bidders and, even, clarify or change certain specifications of the procured goods or services.

Pre-bid meetings / competitive dialogue and further tools for innovative procurement

In complex tenders or tenders for intellectual services or innovative performance, the contracting authority may organise a competitive dialogue with (potential) bidders in order to specify the goods or services to be tendered or in order to find and define the most suitable approach and method to tender. Such dialogue (in the open or selective procedures) must be mentioned in the publication. The dialogue must not be used to (pre-)negotiate prices with (potential) bidders.

The revised law further introduced rules regarding other special tools for innovative procurement. This includes rules regarding competitions and study contracts. Competitions include either idea competitions, where participants can present suggestions for solutions of less specific projects, or project competitions, where participations can present their solution for a more specific project. Full-service competitions include, besides the planning, also the execution of the construction. Similarly, study contracts can be structured as idea studies, project studies or full-service studies. In contrast to competitions, studies are not anonymous and therefore more challenging with regard to the protection of equal treatment of all suppliers.

The revised law also provides for electronic auctions of highly standardised goods. In this procedure, qualified offers are electronically sorted based on price or other quantifiable criteria. The invitation to tender must mention if an electronic auction is envisaged.

Addenda issuing period

Minor changes or addenda to the scope of the tender are possible if all bidders are informed equally and simultaneously about the changes and are given sufficient time to adjust their offer. A substantial change of the object of a tender, however, is a reason for the cancellation of a procurement procedure.

Submission deadline

Deadlines by which offers must be submitted must take the complexity of the project into consideration. Within the scope of international treaties, there are certain minimum time limits:

- in the open procedure: 40 days for the submission of the offer (after the publication of the invitation to tender)
- in the selective procedure: 25 days for the application to participate (after publication of the invitation of the applications to participate) and 40 days for the submission of the offer (after the invitation to tender)

The 40 and 25 days' time limits in both the open and selective procedure within the scope of international treaties can be shortened to not less than 10 days in the event of urgency. The 40 days' time limits can also be shortened to 10 days if the tender was pre-announced in the 12

months prior to the publication of the tender or in the event of regularly recurring tenders if the reduction of the minimum time limit has been announced in the previous tender.

Furthermore, the 40 days' time limit may be shortened by 5 days for each of the following criteria: if the publication is made electronically, if the documentation is published at the same time as the call for tender itself, and if offers are accepted electronically. As a result, if all these steps are cumulated, the 40 days minimum time limit may be shortened by 15 days, resulting in only 25 remaining days.

Outside of the scope of international treaties, the minimum time limit for the submission of the offer is 20 days. If the goods are standardised, this time limit may be shortened to not less than 5 days.

Evaluation and award period

Opening of the offers

After the expiry of the deadline, the purchasing authorities proceed with the opening of the envelopes with the offers. This may either take place in a public or confidential meeting. The main findings (in particular, the bidder's names and the offered price) are documented in a report.

The contracting authority may correct obvious calculation mistakes in the offers. Furthermore, it may, within certain limitations, modify the offers regarding the goods or services or terms to make offers of different bidders comparable with each other. However, the contracting authority must not modify an offer that did not match the substantial criteria of the tender. In such cases of substantial shortcomings of an offer, the offer must be excluded.

Evaluation and selection of top-ranked supplier

All offers meeting the eligibility criteria will then be assessed by the contracting authority based on the published award criteria. This stage may include obtaining references or inviting suppliers to present their offer.

Bidders may be excluded from a tender, e.g., if they do not (anymore) meet the eligibility criteria or if their offers substantially deviate from the mandatory requirements for the offer. In addition, violations of mandatory legal provisions (anti-corruption, taxes, and social security contributions, etc.) or improper performance in earlier tenders may lead to the exclusion of bidders.

The most advantageous offer is then awarded the tender. The award (also a direct award beyond certain thresholds) must be published on the official platform (www.simap.ch) within 30 days of the decision. Typically, the price of the offer is published, however the contracting authority may, in specific cases, keep the price confidential.

Post-award procedures with unsuccessful bidders

Unsuccessful bidders are notified via the publication on www.simap.ch and often individual notice, providing a short summary of the awarded offer, the price, and the reasons for the decision. Purchasing authorities usually offer an individual debriefing to unsuccessful bidders to explain the reasons why their offer has not received the award. Such debriefings may help unsuccessful bidders to improve in the future or may unveil mistakes that have taken place in the tender procedure and may form the basis of a complaint.

6.3. Contraction phase

After the award has been rendered, the contracting authority can only directly enter in the contract with the bidder outside of the scope of international treaties. If the tender procedure is within the scope of international treaties, the contracting authority must wait until the legal deadline for a complaint against the award has expired. This is essential to safeguard the rights of suppliers that were not successful, as a contract once entered remains generally legally valid – at least until it can be properly terminated. If a contract was concluded unlawfully, unsuccessful suppliers may often only claim damages for their efforts in connection with the unsuccessful tender.

The contracting authority is under no obligation to enter a contract. However, if a contract is made, it must respect the terms of the award.

7. Court-Based Remedies

Administrative Law-Based Judicial Review Applications (Complaints)

Suppliers may file a complaint against decision of the contracting authority at various stages of the tender, in particular against the tender or the award decision. The jurisdiction of the court depends on the contracting authority. On a Federal level, the Federal Administrative Court has jurisdiction, while on a sub-Federal level (cantons, districts, municipalities), complaints can be raised before the highest administrative courts of the respective canton. The decisions of the courts can be appealed to the Swiss Federal Tribunal, which, however, generally only decides on legal issues and does not review the facts of the case.

Complaints are only possible if the purchase reaches a minimum threshold: On a Federal level, this is the threshold for the invitation procedure (for goods and services) and the threshold for the open/selective procedure (for construction services). On a sub-Federal level, the complaint is possible beyond the threshold for the invitation procedure. Outside the scope of international treaties, the right to a complaint is subject to certain restrictions. In particular, suppliers from abroad can only launch a complaint if the country of their domicile grants reciprocal rights.

The time period for a complaint under the revised law is 20 days both on a Federal and a sub-Federal level (canton, district, municipality) and cannot be extended. It must be noted that under the old law, which is still in force in some cantons, shorter time periods (e.g. 10 days) for complaints apply.

Only bidders with an objective interest can raise a complaint. This means that typically, only the bidder ranked second has a legitimate interest in a complaint because he or she would win the award in the event the first ranked bidder is excluded or ranked second (or lower) as a result of the judicial review.

A key aspect – and often also a turning point – in the appeal proceedings before the Federal Administrative Court or the cantonal courts is the question whether the court acknowledges the suspensive effect of a complaint. If the court rejects the suspensive effect, the contracting authority is free to enter the contract with the awarded supplier. The contract is, typically, considered legally valid under civil law and cannot be easily annulled, even if the court dealing with the complaint found later on that the award violates mandatory public procurement law. Only if the contract can be terminated by the contracting authority, the court may decide that such termination be made at the earliest date possible. If the contract is already concluded, the appellant is often limited to claim the damages incurred in the connection with the unsuccessful tender (see also below) plus expenses for the court and legal counsel.

Commercial Law-Based Lost Profit Damages Claims

As stated above, unsuccessful suppliers cannot claim damages for lost profits. The amount of damages is limited to the efforts in connection with the unsuccessful tender, i.e. the preparation and submission of an offer.

8. Potential legal and administrative pitfalls

- Suppliers must be aware that they must immediately take action against unlawful or contradictory terms in the tender itself and, in general, also in the solicitation documents. Necessary actions may range from asking the contracting authority for additional clarifications up to filing a formal complaint against the tender documentation in court. If suppliers do not take action, they risk that a complaint against the final award decision based on an erroneous tender or solicitation documentation is no longer accepted.
- Since the number of damages is strictly limited under Swiss public procurement law, unsuccessful suppliers have a strong interest in safeguarding that no contract is concluded by the contracting authority with the successful supplier if the award has been unlawful. Therefore, it is important that the court acknowledges the suspensive effect of a complaint for the duration of the proceedings.
- A common difficulty in public procurement proceedings is unequally distributed information. Access to relevant information required to successfully challenge an award is often restricted due to business secrets in the offer of bidders. A debriefing between the purchasing authority and the unsuccessful bidder often helps in obtaining more information about the procedure and the reasons for the award. However, unsuccessful bidders often find themselves in situations where they have to file a complaint to the Federal Administrative Court or a cantonal court yet without knowing all relevant information to assess their chances to win. This problem is aggravated by the fact that under the revised law, the court should normally decide on the important question of the suspensive effect of the complaint directly after the first response of the contracting authority to the complaint. As a result, the claimant is in the challenging position that they must convince the judge based on limited information and without a chance to respond to the statements of the purchasing authority.
- Deadlines are, in particular under the old law, rather short to prepare a sufficient complaint (often 10 days without standstill during regular court holidays).

9. Public procurement challenges for European SMEs

- Bidders from outside Switzerland have only limited access to procurement procedures outside of the scope of international treaties. Outside of the scope of international treaties, foreign bidders are only admitted to tenders if their country grants reciprocal rights or if the contracting authority admits them.
- Bidders from outside Switzerland may also only have limited rights to file a complaint outside of the scope of international treaties: they may only have the right to file a complaint if the country of their residence or business domicile grants reciprocal rights. However, this restriction is often not problematic in practice, because large tenders (that are possibly more interesting for suppliers from abroad) do often fall within the ambit of international treaties and, therefore, suppliers from abroad have the full rights to file a complaint.
- Purchasing authorities may request that the offers arrive by a certain date and time (i.e., posting the submission would not be sufficient to meet the deadline). Since the supplier is responsible that the offer arrives in time, this is an added burden for suppliers domiciled outside of Switzerland. However, the increasingly widespread acceptance of electronic submissions of offers relaxes this burden.
- The procurement law on the Federal level (FAPP) obligates the suppliers to comply with the labour law in force at the place of performance. This renders it more difficult for foreign bidders, who may also not be familiar with the local Swiss law, to comply with the requirements of the law.
- On a Federal level (FAPP), the revised law contains an additional criterion according to which the contracting authority may take the "*different price levels in the countries of performance*" into consideration. This clause may have the effect of discriminating foreign bidders from countries with lower price levels. Since this provision is criticised and considered unlawful by scholarly opinion, in particular, within the scope of international treaties, it remains to be seen whether contracting authorities will use it in their tenders.

10. Local support: list of potential local partners, advocacy services

Contact name and company	Address	Contact information
Marquard Christen <i>CMS von Erlach Partners Ltd</i>	Dreikönigstr. 7, 8021 Zurich, Switzerland	☎ (+41) 44 285 11 11 ✉ marquard.christen@cms-vep.com 💻 https://cms.law/en/che/people/marquard-christen
Fabian Martens <i>CMS von Erlach Partners Ltd</i>	Dreikönigstr. 7, 8021 Zurich, Switzerland	☎ (+41) 44 285 11 11 ✉ fabian.martens@cms-vep.com 💻 https://cms.law/en/che/people/fabian-martens
Astrid Waser <i>Lenz & Staehlin</i>	Brandschenkerstrasse 24, 8027 Zurich Switzerland	☎ (+41) 58 450 80 00 ✉ astrid.waser@lenzstaehlin.com 💻 https://www.lenzstaehelin.com/en/
David Mamane <i>Schellenberg Wittmer Ltd</i>	Löwenstrasse 19, 8021 Zurich Switzerland	☎ (+41) 44 215 34 20 ✉ David.Mamane@swlegal.ch 💻 https://www.swlegal.ch/en/
Ferroni Chiara <i>economiesuisse</i> <i>Swiss Business Federation</i>	Hegibachstrasse 47, 8032 Zurich, Switzerland	☎ (+41) 44 421 35 35 ✉ info@economiesuisse.ch 💻 https://www.economiesuisse.ch https://www.economiesuisse.ch/fr/tags/marches-publics
Dr. Stefan Scherler <i>Association suisse des marchés publics</i>	Marktgasse 1, 8401 Winterthur, Switzerland	☎ (+41) 52 265 77 77 ✉ https://www.svoeb.ch/kontakt/ 💻 https://www.svoeb.ch/

11. Official support: list of trade promotion organizations, institutional representation of the EU member states and local institutions

Contact name and company	Address	Contact information
Switzerland Global Enterprise	Stampfenbachstrasse 85, 8006 Zurich, Switzerland	(+41) 44 365 51 51
Swiss Import Promotion Programme SIPPO	Gutenbergstrasse 14, 3011 Berne, Switzerland	(+41) 31 555 99 60
CCI France Suisse – Chamber of Commerce France Switzerland	Neumarkt 6, 8001 Zurich, Switzerland	☎ (+41) 44 262 10 70 ✉ info@ccifs.ch 🌐 https://www.ccifs.ch/de.html
CHAMBER OF COMMERCE SWITZERLAND – CENTRAL EUROPE	Kasernenstrasse 11, 8004 Zurich, Switzerland	☎ (+41) 44 291 94 01 ✉ info@cee.swiss 🌐 https://cee.swiss/
Chamber of Commerce Germany Switzerland	Tödistrasse 60, 8002 Zurich, Switzerland	☎ (+41) 44 283 61 61 ✉ auskunft@handelskammer-d-ch.ch 🌐 https://www.handelskammer-d-ch.ch/de
British-Swiss Chamber of Commerce	Bleicherweg 12, 8002 Zurich, Switzerland	☎ (+41) 44 442 31 31 ✉ info@bscc.co.uk 🌐 https://bscc.co.uk/
Delegation of the European Union to Switzerland and the Principality of Liechtenstein	Christoffelgasse 6, 3011 Berne, Switzerland	☎ (+41) 31 310 15 30 ✉ delegation-bern@eeas.europa.eu 🌐 https://eeas.europa.eu/delegations/switzerland

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Books

Beyeler, M. (2012). Der Geltungsanspruch des Vergaberechts. Schulthess.

Galli, P./Moser A./Lang E./Steiner M. (2013). Praxis des öffentlichen Beschaffungsrechts. Schulthess.

Schneider Heusi, C. (2021). In a nutshell: Vergaberecht. 3rd Ed. Schulthess.

Links

Federal Procurement Association, <https://www.bkb.admin.ch/bkb/fr/home.html> (available in German, French and Italian).

Swiss conference for the directors for building, planning and environment (BPUK), with further information regarding the revised IAPP: <https://www.bpuk.ch/fr/dtap/concordats/aimp> (available in German and French).

SME Portal for small and medium-sized enterprises,
<https://www.kmu.admin.ch/kmu/en/home.html>.

Simap – The electronic platform of public procurement,
<https://www.simap.ch/shabforms/COMMON/application/applicationGrid.jsp>

Federal Act on Public Procurement (available in German, French, Italian and English)
<https://www.fedlex.admin.ch/eli/cc/2020/126/en>

Ordinance on Public Procurement (available in German, French, Italian and English)
<https://www.fedlex.admin.ch/eli/cc/2020/127/en>

PUBLIC PROCUREMENT IN SWITZERLAND

MARKET STUDY

ProSME: supporting European SMEs to participate in public
procurement outside the EU

Work Package 2: Deliverable 2
30th November 2021



COSME PROGRAMME
CALL: COS-PPOUT-2020-2-03
PROJECT ID: 101033974



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Executive Brief

Switzerland is one of the wealthiest countries in the world. Swiss authorities and public companies enjoy strong purchasing power and Swiss public procurements represent opportunities for European SMEs.

It is estimated that approximately CHF 30 to 40 billion are spent every year by Swiss entities for public procurement; yet only a small part of this amount is awarded to foreign companies.

Switzerland is a highly decentralized country. Public procurement executed by the federal government only represents 20% of the overall amount spent through public procurement procedures. Cantonal authorities and public companies play an important role in public procurement and so represent a significant potential market for European SMEs.

Swiss regulations make it difficult for foreign companies to execute a contract from abroad, especially if the whole contract or part of the contract involves services.

European SMEs must be aware of these rules and integrate them in their strategy for navigating public procurement processes in Switzerland. Solutions exist that allow them to comply with local legislation and yet remain competitive. Finding local partners is often a good solution as a first step. When the potential of the market is big enough, creating a Swiss subsidiary also makes sense.

Swiss public policies generate business opportunities in many sectors. The authors have identified 3 sectors as being the most promising for European SMEs - transport and mobility, environment and energy management, information and communication technology.

Most of the Swiss public procurement opportunities are published on www.simap.ch. Registering on this platform is free of charge and open to any company in the world. European SMEs must, therefore, register in order to access Swiss business opportunities and participate in Swiss public tenders.

1. Introduction

Switzerland is situated in the heart of Europe but is not an EU member state. It has a small population of around 8.5 million. The GDP per capita is amongst the highest in the world at USD 86,601 in 2020¹ which makes Switzerland an attractive market for foreign companies seeking to export their goods and services. Switzerland is a member of the World Trade Organization. It therefore must comply with the rules of the WTO with regard to public procurement.

In 1972 Switzerland and the EU signed a free trade agreement creating a free trade area for industrial goods and regulating the trade of processed farmed products. This obviously had a strong impact, since in 2018, 52% of Swiss exports went to the EU and 70% of Swiss imports came from the EU.²

Despite this agreement access to public procurement for foreign companies remains complicated. This can be explained by both local business culture and local regulations. Swiss companies prefer to work with Swiss suppliers or partners. Business relationships are often very local – proximity is a significant factor of success. As regards regulations, Switzerland has been implementing the so called “flanking measures” since 2004. These rules were implemented after the EU and AELE (Switzerland is a member of AELE) signed an agreement for the freedom of movement of people. This agreement also made it possible for foreign companies to implement a service contract in Switzerland albeit one that is limited to 90 days per year. Flanking measures aim at fighting social dumping and guarantee fair competition between local and foreign companies.

For foreign companies, this makes it difficult to navigate public procurement contracts. In addition to flanking measures, a company has to name a Swiss entity acting as a representative office for tax purposes (VAT) if it wants to implement a service contract in Switzerland and a new rule has been added to the latest revision of the federal law governing public procurement, that introduces taking into account the different price levels applied in the countries where the service contract is to be implemented.

Nonetheless there are ways to deal with these challenges and European SMEs are encouraged to look at the opportunities offered by Swiss public procurements to boost their development. The aim of the present study is to propose an overview of the main players when it comes to public procurement in Switzerland and to present upcoming opportunities for European SMEs on the Swiss market.

Switzerland is a federal state. It is composed of 26 cantons, i.e. 26 different countries applying their own rules, since federal law does not cover the whole legislation but only those topics which cantons have decided to delegate to the federal state. Yet cantonal laws are increasingly aligned and the new federal law on public procurement is to be implemented gradually in all Swiss cantons between now and 2023/24.

The authors have decided to focus on 3 entities for this study - the federal state, the canton of Vaud and the canton of Zurich. These 2 cantons have been chosen because they are the

¹Source: World Bank

²Source: Website of the Federal Council - <https://www.dfae.admin.ch/europa/fr/home/bilaterale-abkommen/ueberblick/bilaterale-abkommen-bis-1999/freihandel.html>

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wealthiest and most populated cantons respectively for the French speaking part and the German speaking part of the country.

The authors have also decided to focus their research on 3 main areas of business that represent future opportunities for European SMEs - mobility, environment and Information and Communication Technologies (ICT).

2. Diagnostic for each destination country covering public procurement

In this chapter the authors intend to present a picture of public expenses in Switzerland with a focus on sectoral and thematic breakdown. They will also present a range of facts concerning international participation in public procurement.

- Volume of public procurement processes

Switzerland's procurement law is based on various international and national legal references. The most important international foundations include the Government Procurement Agreement (GPA) and the Agreement between Switzerland and the European Community on certain aspects of government procurement law, as can be read in deliverable 3. In the application of procurement law, a further distinction must be made between the so-called state contract area and the non-state contract area (internal market area). Depending on the classification, different regulations apply.

It is important to note that there are no overall statistics on procurement in Switzerland. The statistics on public procurement at least make it possible to derive trends for the distribution of procurements according to the types of public procurement (supplies, services, buildings). Furthermore, the statistics generally cover contracts that are above the WTO thresholds and therefore involve a tendering obligation.³

Public procurement plays an important role in the national economy, which is reflected in the annual procurement volume of approximately CHF 30-40 billion, as outlined in the regulatory impact assessment on the revision of the Federal Public Procurement Act in 2016.⁴ The trade association swisscleantech even assumes a market volume of public procurement of over CHF 40 billion.⁵ Of this, an estimated 20% is accounted for by the Confederation, which is supported by the statistics on procurement payments by the central Federal Administration (i.e. excluding units of the decentralised Federal Administration such as the ETH). These statistics show payments for the procurement of buildings, goods and services amounting to CHF 5.3 billion for the year 2013. In 2013, a total procurement volume of CHF 35 billion was assumed, of which 20% or CHF 7 billion are estimated to have accrued to the Confederation. Procurements above

³Federal Office for Buildings and Logistics (FBL) / B,S,S. Volkswirtschaftliche Beratung AG. (2016). *Revision des Bundesgesetzes über das öffentliche Beschaffungswesen: Regulierungsfolgenabschätzung – Schlussbericht*, p. 7,8.

https://www.seco.admin.ch/seco/de/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Regulierung/regulierungsfolgenabschaetzung/beispiele-rfa/oeffentliches-beschaffungswesen--2016-.html

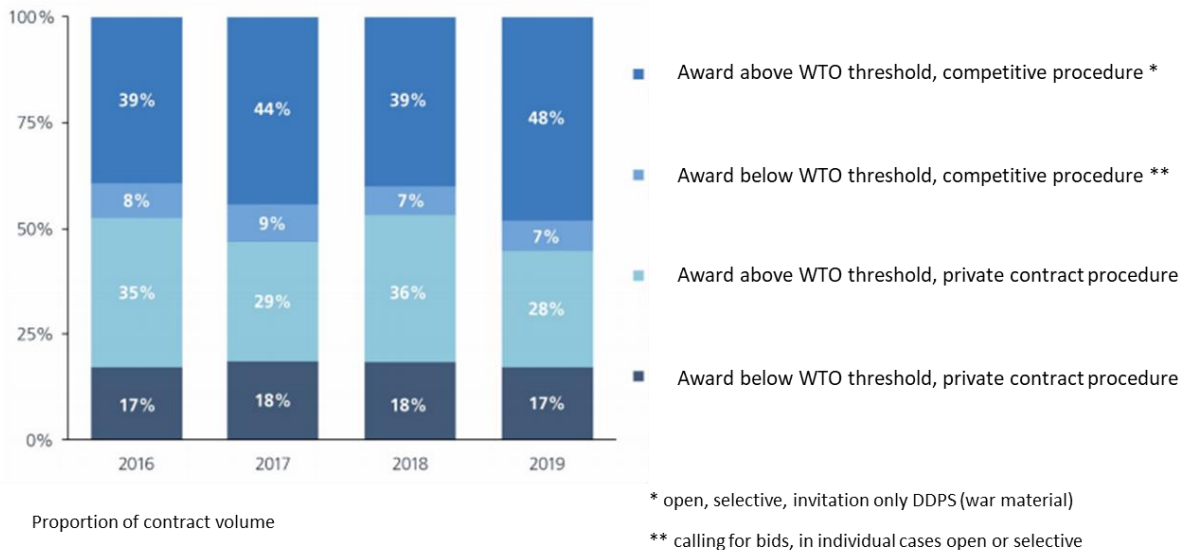
⁴Federal Office for Buildings and Logistics (FBL) / B,S,S. Volkswirtschaftliche Beratung AG. (2016). *Revision des Bundesgesetzes über das öffentliche Beschaffungswesen: Regulierungsfolgenabschätzung – Schlussbericht*, p.

7,8. https://www.seco.admin.ch/seco/de/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Regulierung/regulierungsfolgenabschaetzung/beispiele-rfa/oeffentliches-beschaffungswesen--2016-.html

⁵Website of swisscleantech. *Eine nachhaltige öffentliche Beschaffung bleibt aktuell*. <https://www.swisscleantech.ch/eine-nachhaltige-oeffentliche-beschaffung-bleibt-aktuell/> [29/09/2021]

the WTO thresholds are estimated at CHF 3.4 billion, distributed among the different types of procurement which are also described in deliverable 3 on the legal analysis.⁶

More recent results show that 154,023 contracts or purchase orders for 2019 have been recorded in contract management that are relevant under procurement law. The contractual obligations entered into with these contracts amount to CHF 4.36 billion. National road projects of the Federal Roads Office (FEDRO) are not included.⁷ The figure below shows a comparison of the proportions of contracts in terms of their procurement procedure between the years 2016 and 2019:



Source: Federal administration of Switzerland. (2020). Reporting Set Beschaffungscontrolling 2019 – BVerw. p.14. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

Considerable fluctuations are apparent in awards above the WTO threshold. Awards are demand-driven and occur periodically, as they usually cover periods of several years. If all awards above the WTO threshold are considered for the last four years (starting in 2019), 77% of the award volume (CHF 17.25 billion) was awarded in a competitive procedure (open, selective, invitation). 23% (CHF 5.12 billion) was awarded by private contract and is based on the corresponding legal foundations.⁸

Also, some trend developments concerning fluctuations in procurements were described in the 2019 reporting set as follows:

⁶Federal Office for Buildings and Logistics (FBL)/ B,S,S. Volkswirtschaftliche Beratung AG. (2016). *Revision des Bundesgesetzes über das öffentliche Beschaffungswesen: Regulierungsfolgenabschätzung – Schlussbericht*, p.

8. https://www.seco.admin.ch/seco/de/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Regulierung/regulierungsfolgenabschaetzung/beispiele-rfa/oeffentliches-beschaffungswesen--2016-.html

⁷Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.14. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

⁸Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.3. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

- Procurement payments to companies based abroad increased slightly (CHF 559 million, up CHF 135 million compared to 2016). They continue to account for less than 10% of total procurement payments.
- Procurement controlling investigates whether certain suppliers have been repeatedly awarded contracts over the years. The occurrences in this area decreased both in terms of payment volume and number of supplier relationships (less 7.4 % in terms of volume, less 1.5% in terms of number).
- Systematic monitoring of the sustainability criteria used in procurement and their review is central to strengthening sustainable procurement. The monitoring of sustainable procurement shows that economic, social and ecological requirements are already being taken into account to a large extent in the product groups examined⁹.

In 2019, there were 1,231 awards above the WTO threshold with a volume of CHF 8.63 billion. These are distributed among the departments as follows (in CHF):

- The Federal Department of Defence, Civil Protection and Sport (DDPS):
3.69 billion (452 supplement awards)
- Federal Department of Finance (FDF):
1.89 billion (176 supplement awards)
- Department of the Environment, Transport, Energy and Communications (DETEC):
1.65 billion (427 supplement awards)
- Other departments (Federal Department of Foreign Affairs (FDFA), Federal Department of Home Affairs (FDHA), Federal Department of Justice and Police (FDJP), Federal Department of Economic Affairs, Education and Research (EAER), Parliamentary Services, The Federal Council, Swiss Federal Chancellery (FCh):
1.41 billion (176 supplement awards)¹⁰

The number of awards above the WTO threshold increased by 21% compared to 2018 (plus 217 awards). The volume increased by around CHF 3.72 billion. The share of the volume of direct awards above the threshold is 26% and increased compared to 2018 (more than 7 %). Since awards above the WTO threshold usually are long-term contracts and include options, large fluctuations can occur in annual comparisons. In addition to this factor, the increase in awards can be attributed to defence transactions (follow-up procurements) of the DDPS and individual large procurements of other departments.¹¹

Departments with the highest procurement payments include the largest central procurement agencies Armasuisse (Federal Department of Defence, Civil Protection and Sport, DDPS), Federal Roads Office FEDRO (Federal Department of the Environment, Transport, Energy and Communications, DETEC) and Federal Office for Buildings and Logistics FBL (Federal Department of Finance, FDF). At the DDPS procurement payments increased by CHF 370 million. The fluctuations at the DDPS are within the usual range and are partly due to the accruals for the

⁹Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.*p.3. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁰Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.*p.6. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹¹Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.*p.6. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

period (purchase order / payment). At the same time, procurement payments at DETEC increased by CHF 117 million.

The reason for the increase in procurement payments is the further increase in construction activity in the national roads sector in 2019, which became possible with the introduction of the National Roads and Agglomeration Transport Fund (NAF).¹²

- Sectoral and thematic breakdown of public procurement

The construction sector comprises civil engineering and structural engineering. Three central procurement offices are primarily responsible here - FEDRO for national road construction, the FBL for civil buildings and Armasuisse for military buildings. The federal administration accounts for 43% of the total payments in this procurement area, amounting to CHF 2.61 billion annually. This has increased compared to 2018. The reason for this is the increase in construction activity in the national road sector in 2018, which became possible with the introduction of the National Roads and Agglomeration Transport Fund as mentioned (NAF).¹³

Payments for goods procurement have increased by 1% compared to 2018 and amount to 22% of procurement payments. This represents an amount of CHF 1.36 billion.¹⁴

Around CHF 1.25 billion (21%) of procurement payments are allocated to information and communications technology (ICT). This represents an increase of 4% compared to 2018. This is mainly due to the increase in IT and telecommunications equipment for command and control and operational systems of the Armed Forces (CHF 588 million in 2019).

The procurement area of services (except ICT and consulting) has further decreased and now amounts to CHF 0.7 billion (11%), since goods-related services in the military sector, such as maintenance and repair, have been consistently allocated to the corresponding goods categories.¹⁵

Procurement payments of around CHF 0.15 billion (2%) are made annually for consulting services. Compared to 2018, they decreased slightly by CHF 7 million to CHF 151 million.

Non-allocable procurement payments were less than 1% from 2016 until 2019.

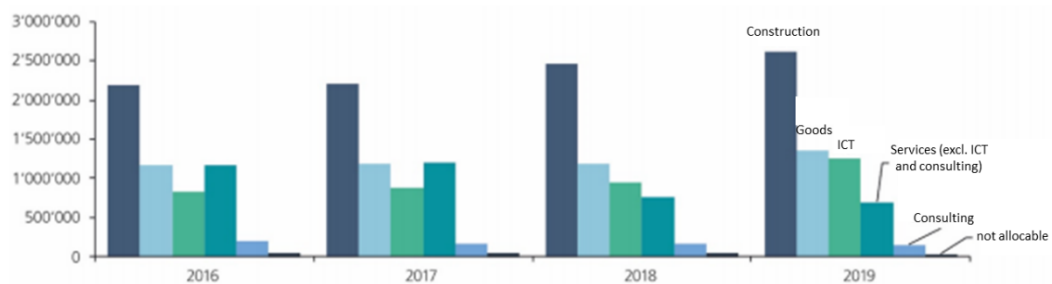
¹²Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.7*. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹³Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.10*. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁴Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.10*. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁵Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.10*. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

The graphic below from Reporting Set Procurement Controlling 2019 shows the distribution in the different sectors since 2016:¹⁶



Procurement payments in CHF 1,000

Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.10. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

Further details are given in the table below. The figures are taken from the procurement controlling of the federal administration for the year 2019:¹⁷

¹⁶Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.10. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁷Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.33. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

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Procurement category	2017		2018		2019							Total result	Percentage
	Total result	Total result	PS, FC, FCh	FDFA	FDHA	FDJP	DDPS	DFD	EAER	DETEC			
Procurement payments in 1,000 CHF													
Food and beverages	23'710	12'845	-	12	93	174	12'789	36	112	41	13'257	0.2%	
Textiles	8'695	6'237	12	100	-	111	4'167	98	-	1	4'489	0.1%	
Clothing	55'093	38'401	31	12	30	294	34'661	1'200	450	52	36'730	0.6%	
Fuels	39'705	64'810	0	-	32	74	74'002	1'337	30	141	75'617	1.2%	
Chemistry	8'842	9'502	-	-	1'217	2	5'194	60	1'679	-	8'152	0.1%	
Weapons, ammunition, explosives incl. M+R	210'009	186'920	-	-	-	87	274'566	263	-	-	274'915	4.5%	
Machines and apparatus incl. M+R	141'851	163'753	-	618	2'184	94	144'325	4'530	8'135	1'347	161'234	2.6%	
Medical products and pharmaceutical sector	28'776	43'406	-	51	1'073	3	30'465	579	1'526	3	33'699	0.6%	
Transportation services, goods and merchandise	24'202	22'624	20	7'490	256	845	18'576	1'032	74	41	28'333	0.5%	
Services related to passenger transport, hotels, etc.	75'712	75'677	2'201	11'685	3'098	13'332	17'427	6'819	7'490	7'437	69'490	1.1%	
Vehicles incl. M+R	370'691	401'595	-	881	8	544	410'728	3'856	596	238	416'851	6.8%	
Power generators incl. M+R	15'014	14'299	-	-	-	0	11'425	-	-	1	11'427	0.2%	
Ships and boats incl. M+R	1'820	5'068	-	-	-	7	19'287	-	-	-	19'294	0.3%	
Locomotives and rolling stock incl. M+R	548	581	-	-	-	-	3'664	-	-	21	3'685	0.1%	
Aerospace systems incl. M+R	181'955	148'532	-	-	-	-	186'462	-	-	874	187'336	3.1%	
Goods and services related to sports and recreation incl. M+R	4'989	4'452	9	-	-	22	4'812	125	-	-	4'968	0.1%	
Federal publications, printed materials	29'670	29'054	65	376	2'162	279	1'745	27'159	148	268	32'202	0.5%	
Security printed materials	10'264	10'120	-	-	-	190	3	8'871	1	19	9'084	0.1%	
Office equipment, incl. presentation equipment, accessories incl. M+R	12'658	8'316	123	52	13	26	245	14'610	14	19	15'101	0.2%	
Copy technology incl. M+R	10'475	8'973	-	-	-	-	-	7'924	-	-	7'924	0.1%	
Office and room equipment	24'855	22'307	2	55	104	85	2'651	27'099	15	67	30'078	0.5%	
Office supplies incl. paper and IT consumables incl. M+R	11'416	10'275	94	31	29	10	445	9'989	47	8	10'652	0.2%	
Postal services	34'311	28'879	894	495	2'545	6'080	1'578	15'229	1'145	1'138	29'104	0.5%	
Diplomatic courier	1'475	1'292	-	1'114	-	-	-	-	-	-	1'114	0.0%	
Hardware	48'572	65'732	657	1'982	1'324	4'866	31'589	33'786	1'108	364	75'675	1.2%	
Software incl. Licenses	78'054	70'706	2'247	110	1'101	3'972	2'870	73'862	1'307	294	85'764	1.4%	
Telecommunications	59'674	57'650	101	1'157	683	22	24	58'404	10	6	60'407	1.0%	
Software and hardware maintenance	85'286	86'376	80	448	1'722	4'889	4'085	75'892	1'671	794	89'580	1.5%	
Reconnaissance and evaluation systems incl. M+R	155'693	185'249	-	-	-	-	384'289	59	-	2'309	386'658	6.3%	
Management and IT systems incl. M+R	69'609	77'742	-	-	-	-	199	133'717	11'047	-	144'963	2.4%	
Training systems (simulators) incl. M+R	42'555	39'739	-	-	-	5	30'776	-	-	-	30'782	0.5%	
Software for military systems (incl. licenses) incl. M+R	2'095	9'551	-	-	-	-	25'963	-	-	-	25'963	0.4%	
Services for provision, operation, maintenance of civilian goods	7'660	8'439	-	20	1'950	128	540	2'044	2	225	4'909	0.1%	
Services for provision, operation, maintenance of military equipment	583'854	138'311	-	-	-	-	48'24	-	-	-	48'241	0.8%	
General consulting services in the specialized area of an office and fees	120'507	96'948	254	4'865	14'153	2'514	19'501	5'055	11'299	26'659	84'301	1.4%	
Information technology services excl. staff leasing in the ICT area	288'046	301'665	16'986	6'023	26'449	28'786	65'436	117'102	28'429	23'704	312'914	5.1%	
Consulting services for management and organization as well as coaching	24'095	33'610	91	1'592	8'240	1'375	15'804	4'756	1'108	2'278	35'245	0.6%	
Information work	30'763	31'912	115	1'621	8'582	305	667	1'157	1'916	10'172	24'534	0.4%	
Language and translation services	30'664	25'437	401	685	3'852	9'021	1'459	1'813	1'449	3'258	21'937	0.4%	
Staff leasing and temporary staff in the field of ICT	38'484	34'670	414	527	1'836	7'442	7'527	6'696	4'833	740	30'015	0.5%	
Staff leasing and temporary staff, excl. ICT area	21'178	16'879	16	487	6'211	1'529	10'223	3'928	90	938	23'422	0.4%	
Policy oriented consulting	4'195	6'894	564	716	1'087	122	-	-	299	5'190	7'978	0.1%	
Research, contract research	34'812	36'974	20	339	11'065	1'329	13'220	411	1'438	24'378	52'199	0.9%	
Expert opinions (also in the field of an office), legal opinions	21'477	20'864	-	1'645	3'683	284	319	810	6'305	10'407	23'453	0.4%	
Education and training	39'418	36'051	141	1'831	2'013	1'389	12'688	9'000	8'092	3'724	38'878	0.6%	
Various services for public administration	165'441	199'68	4'763	10'451	34'604	73'210	13'185	10'716	18'233	37'888	203'050	3.3%	
Implementation and monitoring of intern. Cooperation	149'413	145'966	-	118'988	-	86	-	-	31'660	-	150'735	2.5%	
Civil buildings, fees without other construction services	47'684	41'375	-	654	90	9	-	45'669	-	-	46'422	0.8%	
Civil buildings, construction services incl. Fees	176'579	204'071	1	329	14	146	-	185'384	10	855	186'739	3.1%	
Civil buildings, rent	104'411	244	-	-	-	16	-	-	12	-	28	0.0%	
Civil buildings, operation real estate	146'655	149'590	25	2'180	3'236	49'186	-	110'991	712	599	166'930	2.7%	
Military buildings, fees without other construction services	63'625	57'368	-	-	-	-	69'005	-	-	-	69'005	1.1%	
Military buildings, construction services incl. Fees	391'836	399'465	-	-	-	-	400'318	-	-	-	400'318	6.6%	
Military buildings, rent	31'951	13'221	-	-	-	-	-	-	-	-	-	0.0%	
Military buildings, operation real estate	72'538	47'745	-	-	-	-	93'028	-	-	-	93'028	1.5%	
Construction of national roads, fees without other construction services	405	1'798	-	-	-	-	-	-	-	1'875	1'875	0.0%	
Buildings on national roads, construction services incl. Fees	1'125'656	1'455'705	-	-	-	-	-	-	-	1'595'879	1'595'879	26.1%	
IKT für die Bestandteile der Nationalstrassen	9'928	10'917	-	-	-	-	-	-	-	11'129	11'129	0.2%	
Construction of national roads, operation and maintenance	43'347	83'316	-	-	-	-	-	-	-	52'485	52'485	0.9%	
No category assignable, incl. M+R	44'429	41'742	1'058	5'506	5'332	5'231	2'972	9'802	4'772	3'750	38'423	0.6%	
Total result	5'687'324	5'551'519	31'384	185'128	150'070	218'317	2'646'662	899'195	146'220	1'831'619	6'108'595	100.0%	

Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019* – BVerw. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

- Regional breakdown of public procurement

A/ Canton of Vaud

In 2019, the total value of public contracts awarded in the Canton of Vaud (excluding VAT) amounted to CHF 654 million, for a total number of 639 public contracts awarded.

98.79% of these contracts were awarded to companies that were either 100% Swiss or mixed consortia (composed of Swiss and foreign firms), i.e. 620 public contracts.

375 public contracts were awarded to firms based in the canton of Vaud for a total of CHF 401 million.

Mixed consortia made up of Vaud and foreign firms won 2.05% of the total number of Vaud public contracts in 2019, or CHF 13 million.

Only 1.21% of the contracts were awarded to foreign companies for a total of CHF 7.9 million, awarded to 19 foreign companies.¹⁸

Little precise information on the type of products and services acquired by the Canton of Vaud is available.

The table below describes the investments made by the Canton of Vaud in 2020. In view of their description, these investments must have been the subject of public tenders, but this is not specified. This inventory gives an accurate picture of the type of acquisitions made by the Canton of Vaud.

Investment details in the Canton of Vaud:

	Main objects concerned in the year 2020:	Gross Amount CHF million
DIT	Official measurement (9.0 million); SDT IS modernisation (1.0 million); SAN IS (0.5 million)	10.5
DFJC	Elysée Museum and Mudac (22.6 million); Higher education and UNIL buildings (18.3 million); Post-compulsory education buildings (18.3 million); Platform 10 (6.9 million) (18.3 million); Platform 10 (6.9 million); Digital education (6.4 million)	72.9
DES	Rivers (18.5 million); Environment centre (6.8 million); Natural hazards (2.0 million); Renewal of transmission equipment (1.7 million); Securing the Croisée jailhouse (1.1 million); Modernisation of police information systems (0.7 million); Renovation of the Tuilière jailhouse (0.6 million); Others (1.5 million)	32.9
DSAS	SI RI/BRAPA (5.0 million); CHUV: Unique Children's Hospital (25.1 million), New Cery Hospital building (15.6 million), Construction of operating theatre BH05 (15.3 million), Continuing and intensive care (4.8 million), Experimental therapy laboratory (1.2 million), New building for the University Hospital (1.2 million), New building for the University Hospital (1.2 million)	69.4
DEIS	Land improvements (19.0 million); Malley Intercommunal Ice Centre (2.2 million); Vaud Alps ski lifts (2.1 million); Sports infrastructure (0.8 million); Renewal of the Commercial Police IS (0.6 million)	24.9

¹⁸<https://www.vd.ch/themes/etat-droit-finances/marches-publics/statistiques/>

DIRH	Roads: construction, maintenance, sanitation (59.4 million); Public transport (24.4 million); SI Executive and Legislative (3.3 million); IT (3.2 million); Electronic archiving (1.3 million)	92.1
DFIRE	State buildings: Jailhouses, Cathedral, EPCL, energy and infrastructure renovations (10.1 million); Tax information systems (3.3 million); DAL renewal of purchasing platform (0.9 million)	14.3
OJV	Modernisation of the justice IS (1.9 million); Consolidation of the CT on one site (0.5 million)	2.4
Total gross investments		319.4
Loans	Eco. dev. tourism (9.6 million); Public transport (26.8 million); Housing (1 million); Emergency aid fund for culture COVID-19 (2.2 million)	39.6
Guarantees	Protection and aid for the disabled (91.2 million); Hospitals and EMS (79.5 million); Economy and agriculture (16.4 million, including 11.7 million COVID-19); EVAM migrant population (4.6 million); Environment (2.6 million); Public transport (2.2 million); Housing assistance (0.1 million)	196.6
Global investment effort		555.6

Source: Extract from the document "2020 accounts of the State of Vaud", approved by the State Council on April 19th 2021 (before the audit by the Cantonal Audit Office).

B/ Canton of Zurich

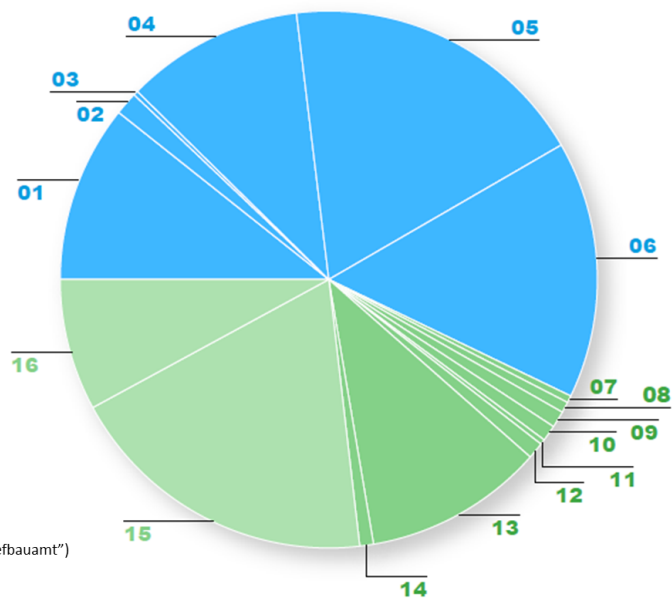
The General Secretariat of the Construction Department of the Canton of Zurich assumes an annual procurement volume of CHF 1.2 - 1.4 billion. However, it is not possible to identify individual sectors that predominate in purchasing expenditures, as these can vary greatly from year to year. An important procurement agency of the Canton of Zurich is the Cantonal Printing & Materials Head Office Zurich (Ger. kdmz).¹⁹ The various divisions and responsibilities can be traced in the diagram below.

¹⁹Video conference between Business France Switzerland, the General Secretariat of the Construction Department of the Canton of Zurich and the Cantonal Printing & Materials Head Office Zurich [08/10/2021]

Procurer

Clear responsibilities for the material groups

Material groups Responsibility	Responsibility
01 Information Technology	Information Technology Office (Ger. "Amt für Informatik")
02 HR services	Personnel Office (Ger. "Personalamt")
03 Insurances	General Secretariat FD (Ger. "Generalsekretariat FD")
04 Medicines	Cantonal Pharmacy (Ger. "Kantonsapotheke")
05 Building construction	Building Construction Office (Ger. "Hochbauamt")
06 Civil engineering	Civil Engineering Office (Ger. "Tiefbauamt")
07 Office supplies	Cantonal Printing & Materials Head Office Zurich (Ger. "kdmz")
08 Publications	Cantonal Printing & Materials Head Office Zurich (Ger. "kdmz")
09 Teaching materials	Secondary Education and Vocational Training Office (Ger. "Mittelschul- und Berufsbildungsamt")
10 Output systems	Cantonal Printing & Materials Head Office Zurich (Ger. "kdmz")
11 Telematics	Information Technology Office (Ger. "Amt für Informatik")
12 Office furniture	Real Estate Office (Ger. "Immobilienamt")
13 Facility Management	Real Estate Office (Ger. "Immobilienamt")
14 Vehicles	Cantonal Police/Civil Engineering Office (Ger. "Kantonspolizei/Tiefbauamt")
15 Services	Directorates and State Chancellery
16 Other material groups	Directorates and State Chancellery



Source:: Presentation of the kdmz (Cantonal Printing & Materials Head Office Zurich). 2021. Kantonales Beschaffungswesen: Überichten und Beispiele.

Also, the General Secretariat of the Canton and the Cantonal Printing & Materials Head Office Zurich (Ger. "kdmz") provide information on the involvement of European companies in public contracts of the Canton of Zurich. The General Secretariat assumes that less than 10% of Zurich's public tenders go to non-Swiss companies. This depends on the procurements sought, but it can be assumed that material groups and services that can be supplied by Swiss companies, or especially Zurich companies, will also be purchased preferentially.²⁰

The General Secretariat of the Construction Department of the Canton of Zurich and the Cantonal Printing & Materials Head Office Zurich therefore also advise non-Swiss companies to enter into cooperation / subcontracts with Swiss companies. If non-Swiss companies wish to apply for public contracts, care should also be taken to ensure that the foreign company offers material groups or services that are specifically sought and are not already offered by Swiss companies. Here, for example, it can also be assumed that it would not make sense for non-Swiss companies to apply for logistics solutions. The linguistic aspect must also be given particular attention in the case of cantonal procurement. Depending on the language orientation of the canton (German for Zurich), these contractors are more likely to be involved. In the canton of Zurich, the only official language is German. Foreign bidders must submit their

²⁰Video conference between Business France Switzerland, the General Secretariat of the Construction Department of the Canton of Zurich and the Cantonal Printing & Materials Head Office Zurich [08/10/2021]

bids in German, and/or be completely operational in German - an English-language cooperation usually is not accepted in the Canton of Zurich.²¹

Also, it is important to adapt to the procurement policy and in particular to pay attention to the sustainability requirement, for which there is a dedicated commission in the canton of Zurich.²²

Regarding the harmonization of the legal basis in procurement law between the Confederation and the cantons, the canton of Zurich assumes that the project will be implemented at the beginning of 2023.²³ The progress of the implementation of the regulation of the individual cantons can be read and checked on the website of the Construction, Planning and Environment Directorates Conference (Ger.: “BPUK”).²⁴

- International participation in public procurement

No official data have been found by the authors as regards international participation of foreign companies in public procurement procedures. It seems that approximately 5 to 10% of the contracts concluded as per the laws on public procurement are awarded to foreign companies. This leads the authors to think that international participation in public tenders is low.

On the other hand, numerous Swiss branches of international companies are registered in the list of bidders to be found on www.simap.ch and are regularly awarded contracts. (See part. 5 “Competitive framework in each sector”)

²¹Video conference between Business France Switzerland, the General Secretariat of the Construction Department of the Canton of Zurich and the Cantonal Printing & Materials Head Office Zurich [08/10/2021]

²² Official website of the city of Zurich. *Nachhaltige Beschaffung*. <https://www.zh.ch/de/politik-staat/kanton/kantonale-verwaltung/beschaffung-einkaeufe/nachhaltige-beschaffung.html>

²³Video conference between Business France Switzerland, the General Secretariat of the Construction Department of the Canton of Zurich and the Cantonal Printing & Materials Head Office Zurich [08/10/2021]

²⁴ Official website of the Construction, Planning and Environment Directorates Conference BPUK. Revidierte IVöB (IVöB 2019). <https://www.bpuk.ch/bpuk/konkordate/ivoeb/ivoeb-2019>

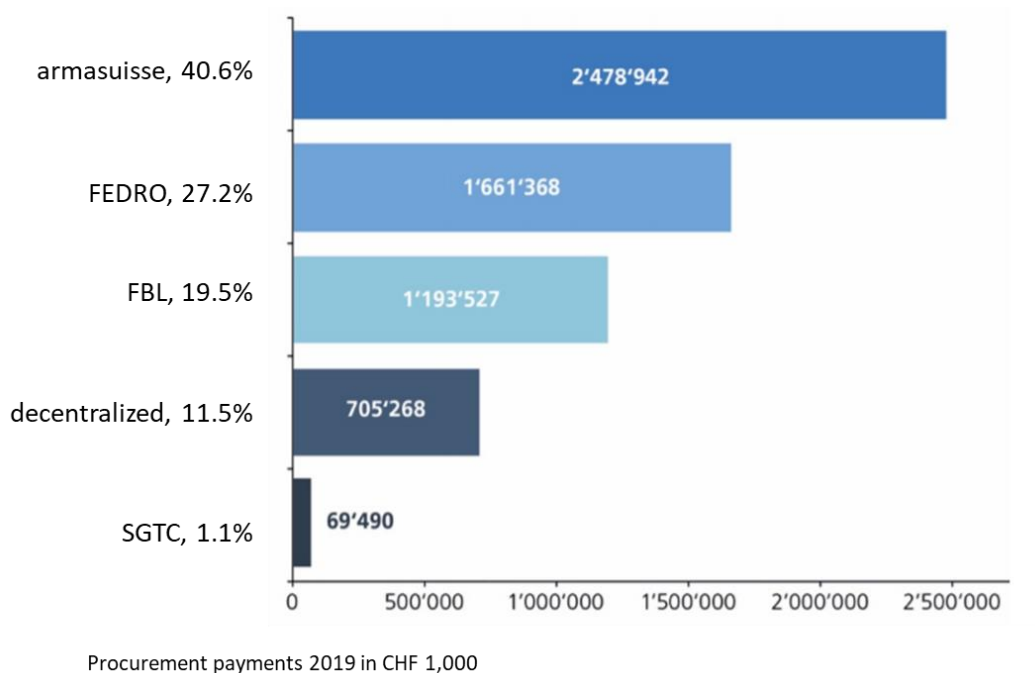
3. Buyers' identification and description (identification of main departments, including officers and decision-taking boards)

In this chapter, the authors present the main federal departments, authorities, public companies, bodies, etc. that must procure goods and services as per the Swiss law on public procurement. For regional bodies, the authors have focussed on entities in the Canton of Vaud and in the Canton of Zurich.

- Federal government

In 2019, the central Federal Administration made payments of CHF 6.1 billion for procurements. Of this amount, CHF 5.4 billion (88%) are co-ordinated or directly handled by the central procurement agencies Armasuisse, the Federal Office for Buildings and Logistics FBL, the Federal Roads Office FEDRO and the Swiss Government Travel Centre (SGTC). Slightly more than two thirds of the 40 suppliers with the highest turnover are active in the armaments, construction, or IT sectors, i.e. in areas for which the central procurement offices are responsible.²⁵

The bar chart below makes a statement about public responsibility regardless of which administrative unit paid the bills.²⁶



Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

²⁵Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.3. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

²⁶Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.8. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

As mentioned, the four central procurement offices are responsible for around 88% of the procurement payments of the entire federal administration in the respective procurement categories:

- Armasuisse with a total of 40.6% for food, textiles, fuel, armaments, medicine, motor vehicles, transport, sports, information and communication technology (ICT) for the armed forces and military buildings;
- the Federal Roads Office (FEDRO) with a total of 27.2% for national road construction;
- the Federal Office for Buildings and Logistics FBL with a total of 19.5% for publications, electronic media, office equipment, copying technology, office and room equipment, office supplies, postal services, ICT civil, IT services and civil buildings;
- and the Swiss Government Travel Centre (SGTC) with a total of 1.1% for the business travel sector of the Confederation.²⁷

To get a more accurate picture of the division of responsibilities and procurement figures, the federal administration has collected statistics on this. The figures between the years 2016 and 2019 are given below:²⁸

Responsibility according to Org-VöB	2016		2017		2018		2019		FDFA	FDHA	FDJP	DDPS	FDF	EAER	DETEC	Total result	Percentage
	Total result	Total result	Total result	Total result	PS, FC, FCh												
armasuisse	2'366'817	2'529'656	2'091'415	2'138'439	71				9'164	4'893	2'459	2'420'461	24'221	12'602	5'070	2'478'942	41%
FEDRO	1'160'548	1'179'336	1'551'735	1'138'439	-				-	-	-	-	-	-	1'661'368	1'661'368	27%
FBL	1'257'154	1'214'752	1'138'439	21'687	14'440	43'258	106'132	118'735	820'709	39'465	29'101	1'193'527	20%				
decentral	745'152	687'869	694'264	7'425	149'839	98'821	96'393	90'039	47'446	86'663	128'642	705'268	12%				
SGTC	76'484	75'712	75'677	2'201	11'685	3'098	13'332	17'427	6'819	7'490	7'437	69'490	1%				
Total result	5'606'156	5'687'324	5'551'530	31'384	185'128	150'070	218'317	2'646'662	899'195	146'220	1'831'619	6'108'595	100%				

Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

The central procurement offices have the possibility of delegating procurement competencies by means of a written agreement. In 2019, there were 131 delegations of the central procurement offices - 61 at the central procurement office Armasuisse and 70 at the central procurement office FBL. The number of delegations has increased compared to the previous year (plus 16). In 2018, nine delegations expired at the Armasuisse central procurement office and sixteen were newly added in 2019. At the central procurement office FBL, five delegations expired in 2018 and fourteen new delegations were added in 2019.

The central procurement offices carry out checks on procurement delegations, as the granting of a delegation is subject to conditions (cf. Art. 13 of the Organization of the Public Procurement System of the Federal Administration). For example, the recipient of the delegation must have in-depth expertise in public procurement and must demonstrate that central procurement is not expedient.²⁹

²⁷Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.8. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

²⁸Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.30. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

²⁹Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.9. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

There are three types of delegations:

1. Sub-threshold delegations:
63 of the 131 delegations of 2019 regulate permanent procurements of goods (see special delegation below) and services up to the threshold for public tenders.
2. Project delegations:
65 of the 131 delegations of 2019 regulate temporary procurements of goods and services related to a specific project. In terms of the first two types of delegation, the central procurement office FBL delegated a procurement volume of around CHF 147 million in 2019, which corresponds to 12% of the procurement payments made in its area of responsibility. The central procurement office Armasuisse delegated around CHF 199 million in 2019, showing a share of delegated volume of 8%.
3. Special delegations:
Special delegations regulate the permanent procurement of goods and services, irrespective of the threshold values. In contrast to the first two types of delegation, which are issued by the central procurement offices Armasuisse and FBL, the Federal procurement conference is responsible for special delegations. On the one hand, the Federal procurement conference provides three special delegations in the security sector, and on the other hand, it has created the following transitional solutions by means of special delegations:
 - a) The central procurement offices Armasuisse and FBL are authorized to issue delegations for procurements of less than CHF 5,000 exc. VAT ("sub-threshold procurements"). This regulation does not apply to goods and services which are included in the range or catalogue of a central procurement agency, or which can be procured via a framework agreement.
 - b) The central procurement agencies Armasuisse and FBL are authorized to issue delegations for the procurement of goods and services from CHF 5,000 up to the threshold value of currently CHF 230,000 exc. "sub-threshold procurements", inc. reporting. 20 of the 61 delegations of Armasuisse are based on this authorization.
 - c) The Army Pharmacy is authorized to procure medicines, pharmaceuticals and medical products as defined in Annex 1 No. 5 of the Organization of the Public Procurement System of the Federal Administration. In this organization, the procurement area is attributed to Armasuisse, although the Army Pharmacy is responsible for it as a specialized procurement agency.

If the conditions for granting these special delegations are no longer met, they will be revoked by the Federal procurement conference with immediate effect.³⁰

³⁰Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.9, 10.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

Many public tenders are published on the www.simap.ch website, to which companies can apply.

Simap.ch is the joint electronic platform of the Confederation, cantons and municipalities in the area of public procurement. The contracting authorities can easily publish their invitations to tender and, if required, the associated tender documents on this portal. Interested companies and providers receive a nationwide overview of possible contracts and can download the tender documents electronically in addition to the publications.³¹

Publication on www.simap.ch is mandatory for all public contracts that reach the following thresholds:

- CHF 230,000 for supplies;
- CHF 230,000 for services;
- CHF 8.7 million for works
- CHF 700,000 for supplies and services on behalf of a contracting authority pursuant to Art. 2 para. 2 of the Federal Law on Public Procurement or for contracts awarded by Swiss Post's automobile services for the performance of its passenger transport activities carried out in Switzerland.³²

One of the biggest advantages of the simap.ch platform is the fact that it relieves the procuring entities of part of their administrative workload. For the companies, the advantages compared to printed publications are that the system is regularly updated and allows more efficiency and considerable cost savings.³³

- Regional bodies

A/ Canton of Vaud

General remark for the Canton of Vaud

Article 1 of the former implementing regulation of October 8th 1997 of the Law of June 24th 1996 on public procurement (RLVMP), which has been replaced by the RLMP-VD, stipulated that the State Council should publish each year a list of public and private contracting authorities subject to the LVMP.

This list was only published in 1999 and 2000. The difficulty of updating it, linked to the risk that a non-registered entity might invoke it to escape the legislation on public contracts, led to the amendment of Article 1 of the RLVMP and to the deletion of the publication of this list in the RLMP-VD.

³¹Official website of the Swiss confederation – *Öffentliches Beschaffungswesen «simap»*.
https://www.seco.admin.ch/seco/de/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/simap.html [29/09/2021]

³²Official website of the Swiss confederation – *KMU-Portal*.
<https://www.kmu.admin.ch/kmu/de/home/praktisches-wissen/kmu-betreiben/oeffentliche-auftraege/simap-ch.html> [29/09/2021]

³³Official website of the Swiss confederation – *KMU-Portal*.
<https://www.kmu.admin.ch/kmu/de/home/praktisches-wissen/kmu-betreiben/oeffentliche-auftraege/simap-ch.html> [29/09/2021]

There is therefore no longer a list of Vaud contracting authorities.

The aim of the Vaud Cantonal Administration's (ACV) purchasing policy is to define the basis for the procurement of goods and services required for the proper functioning of the State of Vaud in accordance with the laws and regulations in force.

Professionals are committed to quality, economic performance and sustainability. The support of the ACV's employees, partners, suppliers and clients for this policy is an essential condition for the success of the purchasing function's mission.

Contact for Legal issues related to the Vaud legislation on public procurement:

Competence Centre for Public Procurement of the Canton of Vaud

Place de la Riponne 10

CH - 1014 Lausanne

Telephone: (questions only in writing)

E-mail: info.ccmp@vd.ch

In accordance with the State Council's commitment to sustainability, the State of Vaud's purchasing policy is in line with the Agenda 2030. It aims to promote sustainable modes of consumption and production based on the following purchasing principles:

- To meet needs in a responsible manner by seeking alternative solutions;
- Favour sustainable solutions by promoting the principle of the 4Rs - Renounce purchase, Reuse products, Repair and Recycle them at the end of their life);
- Aim for cost optimization by taking into account the total cost of acquisition and ownership;
- Respecting human beings as producers and users of goods and services, particularly in terms of respecting working conditions throughout the production chain;
- Taking into account the protection of the environment throughout the life cycle of goods and services. Sustainability is reflected in the day-to-day practices of purchasing, from the analysis of the need to the tender and selection of suppliers to the monitoring of the contract.

In detail, the terminologies defined by the Vaud Cantonal Administration's Purchasing Regulations:

- Purchasing function: It is transversal to the Administration's services, the purchasing function includes, among other things - analysis of the need, study of the markets (goods, services and suppliers), management of calls for tenders, selection of suppliers according to the defined criteria, negotiation, stipulation and implementation of contracts.
- Purchasing policy: The objective of the purchasing policy is to provide direction in the acquisition of goods and services necessary for the proper functioning of the State of Vaud.
- Purchasing strategy: Action plans developed and implemented by the buyer in collaboration with the departments concerned in order to achieve the objectives set.
- Mass and transverse purchases: Goods and services purchased in large quantities or repeatedly and common to several departments of the Administration.
- Specific purchases: Goods and services purchased whose use is specific to a particular department or area.
- Product family: Goods and services of the same category meeting the same type of need or use.

- **Buyer:** A staff member of the Administration who responds to procurement requests, in accordance with the best value for money and the standards and laws in force.
- **Procurement Officer:** Employee of the Administration who contributes to the management of procurement and stock requests.

For potential suppliers to the State of Vaud:

In order to ensure transparent and impartial competition, potential suppliers are selected following a tender procedure for public contracts. This procedure allows various economic operators to access public authority tenders at communal, cantonal, national and international levels. It ensures that the most economically advantageous offer is made to the public authorities and thus promotes the sparing use of public funds.

Main public contracting authorities

According to the “Feuille des avis officiels du Canton de Vaud” (official notifications gazette of the Canton of Vaud), 300 tenders were published between January 1st and September 17th 2021. On this basis, here are the main public contracting authorities in the canton of Vaud, representing approximately 200 of the 300 published Tenders - <https://www.faovd.ch/marches-publics/canton>:

- **Directorate General for Buildings and Heritage (DGIP):** 32 tenders

This Directorate fulfils very diverse and specific tasks in relation to real estate and movable property such as:

- a) Construction of new buildings (schools, administrative buildings, museums, prisons, etc.) - The Directorate of Architecture and Engineering (DAI) is responsible for these tasks.
- b) Management of the State of Vaud's real estate: Approximately 1,300 buildings are managed to meet the needs of the Vaud cantonal administration. The Real Estate and Land Management Department (DIF) is responsible for this task.
- c) Protecting historical heritage: Approximately 10% of Switzerland's historical heritage is located in the Canton of Vaud - The Directorate of Archaeology and Heritage (DAP) houses the two divisions in charge of monitoring this heritage protection, namely the Archaeology Division and the Monuments and Sites Division.
- d) Equipment: The Directorate of Purchasing and Logistics (DAL) ensures the supply of a large part of the movable property.

Other contracting body within DGIP:

- **"COFIL (Comité de Pilotage) des Constructions Universitaires p.a. Direction générale des Immeubles et du Patrimoine (DGIP)"** is also empowered, via DGIP, to publish tenders (29 publications for the period mentioned above).
- **Canton of Vaud / Department of Infrastructure and Human Resources:** 24 awards/calls for tender
- **Directorate General of Mobility and Roads (DGMR):** 23 awards/calls for tender

Description: The main mission of the Directorate General for Mobility and Roads (DGMR) is to define and implement a coherent strategy for the development of mobility and the improvement of transport systems. Total number of awards/tenders for these 2 administrations: 47

- **UNIVERSITE DE LAUSANNE - UNIL:** 30 awards/calls for tender

Description: The University of Lausanne is spread over more than 40 locations in Lausanne. UNIBAT is the Buildings Service hosted within UNIL and can be in charge of tenders for UNIL.

- **"Centre Hospitalier Universitaire Vaudois – CHUV":** 44 awards/calls for tender

Description: CHUV is a service of the State of Vaud attached to the Department of Health and Social Action (DSAS).

The University Hospital of Vaud (CHUV) is one of the 5 university hospitals in Switzerland and one of the 10 best in the world according to the 2021 ranking of Newsweek magazine. Thanks to its collaboration with the Faculty of Biology and Medicine of the University of Lausanne, the CHUV plays a leading role at European level in the fields of medical care, medical research and education.

For tenders and calls for tender, the "Centrale d'achats et d'ingénierie biomédicale des hôpitaux universitaires Vaud-Genève (CAIB VD-GE)" is in charge of purchasing for the two university hospitals. The headquarters of the "CAIB" is in Lausanne.

- **"Association LE FOYER":** 21 tenders

Description: Educational centre for blind or visually impaired people with intellectual disabilities. The organising service that follows the tenders for the realisation of the projects is: Bureau d'architecture Jean-Baptiste Ferrari et Associés SA located in Lausanne.

B/ Canton of Zurich

Cantonal procurement is anchored in the cantonal administration, with corresponding responsibilities of the directorates and the State Chancellery. In order to exploit synergies, numerous procurement tasks are performed centrally by administrative units. Cross-directorate committees ensure broad-based developments in cantonal procurement.

The Canton of Zurich conducts procurements in accordance with the rules of public procurement law, which pursues several objectives:

- Promoting effective competition among bidders;
- Ensuring equal treatment of all bidders and impartial award of contracts;
- Ensuring the transparency of procurement procedures;
- Economic use of public funds.³⁴

As part of a central monitoring process, the Canton of Zurich regularly assesses which goods, construction works and services have potential for co-ordinated procurement across directorates. It determines a lead buyer function for each material group and assigns this function to a suitable administrative unit. The lead buyers fulfil central procurement tasks for the respective material group (including recurring review of procurement strategies and processes, procurement controlling, supplier management, contract management). The directorates and the State Chancellery are obliged to involve the lead buyers in their respective procurements and to apply the procurement processes that are defined for the respective material groups. In justified cases and in consultation with the respective lead buyers, they may make deviating stipulations.³⁵

As the Canton of Zurich has competence and service centres that are available to the directorates and the State Chancellery, they perform a wide range of tasks (including providing business management advice on procurement issues, conducting submissions, providing support on submission law issues, providing support on ecological issues).³⁶

The co-ordination bodies for the Canton of Zurich include the Commission for Public Procurement, the overall co-ordination of sustainable procurement and the Procurement Coordination Committee, Procurement Optimization Expert Group.

The Commission for Public Procurement is headed by the General Secretariat of the Construction Department. Its task consists of supporting and monitoring the co-ordinated enforcement of the provisions on public procurement.³⁷

In detail, the tasks of the department are as follows:

- The "Contacts" department (Ger.: "Kontakte") publishes the journal "KRITERIUM" and maintains contacts with municipalities, associations, contractors, lawyers, the administrative court and the teaching community.
- The "Practice and Handbook" department (German: "Praxis und Handbuch") is responsible for the maintenance and distribution of the handbook for contracting

³⁴ Canton of Zurich. Procurement policy. (2018). *Beschaffungspolitik des Regierungsrates*. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/kanton/kantonale-verwaltung/beschaffung---eink%C3%A4ufe/RRB-2018-0202_Beschaffungspolitik_RR.pdf

³⁵ Canton of Zurich. Procurement policy. (2018). *Beschaffungspolitik des Regierungsrates*. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/kanton/kantonale-verwaltung/beschaffung---eink%C3%A4ufe/RRB-2018-0202_Beschaffungspolitik_RR.pdf

³⁶ Canton of Zurich. Procurement policy. (2018). *Beschaffungspolitik des Regierungsrates*. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/kanton/kantonale-verwaltung/beschaffung---eink%C3%A4ufe/RRB-2018-0202_Beschaffungspolitik_RR.pdf

³⁷ Official website of the canton of Zurich. *Beschaffung & Einkauf*. <https://www.zh.ch/de/politik-staat/kanton/kantonale-verwaltung/beschaffung-einkaeufe.html#2146766070>[29/09/2021]

authorities and the information brochure as well as the publication of court decisions, practical questions and technical literature.

- The "Training" department (Ger.: "Schulung") includes the organization of training courses for contracting authorities, the formation of a pool of speakers, and the ongoing evaluation of training materials.

The individual members are listed through the [embedded link](#) on the website of the Public Procurement Commission of Zurich.³⁸

The overall co-ordination of sustainable procurement is also located in the Construction Directorate of the Canton of Zurich and is ensured by the Co-ordination Office for Environmental Protection of the Construction Directorate.

The function of the Co-ordination Office for Environmental Protection is to work on issues related to environmental and social aspects of procurement, with supporting groups in individual procurement areas (e.g. vehicles).³⁹

The procurement optimisation expert group reports to the Canton of Zurich's procurement co-ordination committee, which is headed by the Finance Directorate in the Cantonal Printing & Materials Head Office Zurich.

Its task is to assess developments in the cantonal procurement system with a view to optimisation from a business management perspective.⁴⁰

As one of the competence and service centres, the Cantonal Printing & Materials Head Office Zurich is available to the directorates, the State Chancellery and other institutions under public law for consultations on business management issues related to procurement and for the implementation of submissions.⁴¹

The "Procurement Optimisation Expert Group" deals with the necessary overarching technical issues for selected groups of materials with a view to optimising procurements. It performs the following tasks:

- Monitoring of procurements from a cross-administrative perspective (including procurement strategies, finances, creditors);
- Dealing with technical issues (including procurement processes, supplier management) and preparing information for ordering parties, procurers and suppliers;
- Supporting organisations with lead buyer functions on a case-by-case basis and assessing additional lead buyer functions;
- Processing of tasks for the attention of the "Procurement Co-ordination" committee as well as recommendations for optimisations;

³⁸ Official website of the canton of Zurich. *Beschaffung & Einkauf*. <https://www.zh.ch/de/politik-staat/kanton/kantonale-verwaltung/beschaffung-einkaeufe.html#2146766070> [29/09/2021]

³⁹ Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html> [29/09/2021]

⁴⁰ Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html> [29/09/2021]

⁴¹ Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html> [29/09/2021]

- Co-ordination with other bodies in procurement.⁴²

Representatives of organisations that perform lead buyer functions participate in the "Procurement Optimisation" expert group. The lead buyers fulfil central procurement tasks for the respective material group (including recurring review of procurement strategies and processes, procurement controlling, supplier management, contract management). The directorates and the State Chancellery are obliged to involve the lead buyers in their procurements.⁴³

Overall, the Canton of Zurich also has procurement competence and service centres such as the above-mentioned Cantonal Printing & Materials Head Office Zurich, which are available to the directorates and the State Chancellery. They perform a wide range of tasks (including business management advice on procurement issues, conducting submissions, legal support on submission law issues, support on ecological issues). Other competence centres are the General Secretariat of the Construction Directorate and the Co-ordination Office for Environmental Protection of the Construction Directorate.⁴⁴

The tasks of the General Secretariat of the Construction Directorate are to provide advice on questions of submission law and "first level support" for tenders on simap.ch (Cantonal Competence Centre simap.ch). It only provides information by telephone on questions relating to procurement law and does not carry out any in-depth clarifications. For this purpose, the General Secretariat of the Directorate of Construction suggests contacting specialised lawyers. The contact details of the General Secretariat of the Construction Directorate are listed on the website of the Canton of Zurich in the section "Procurement & Purchasing"⁴⁵.

The Co-ordination Office for Environmental Protection of the Construction Directorate also provides advice on environmental and social issues related to procurement. The contact details of the General Secretariat of the Construction Department are also listed on the Canton of Zurich's website in the "Procurement & Purchasing" section.⁴⁶

As part of a central monitoring process, the Canton of Zurich assesses on a recurring basis which goods, construction work and services show potential for cross-directorate co-ordinated procurement and the formation of material groups. It defines a lead buyer function for each material group and assigns it to a suitable administrative unit as mentioned.⁴⁷

⁴² Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html>[29/09/2021]

⁴³ Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html>[29/09/2021]

⁴⁴ Official website of the canton of Zurich. *Beschaffung & Einkauf*. <https://www.zh.ch/de/politik-staat/kanton/kantonale-verwaltung/beschaffung-einkaeufe.html#2146766070>[29/09/2021]

⁴⁵ Official website of the canton of Zurich. *Beschaffung & Einkauf*. <https://www.zh.ch/de/politik-staat/kanton/kantonale-verwaltung/beschaffung-einkaeufe.html#2146766070>[29/09/2021]

⁴⁶ Official website of the canton of Zurich. *Beschaffung & Einkauf*. <https://www.zh.ch/de/politik-staat/kanton/kantonale-verwaltung/beschaffung-einkaeufe.html#2146766070>[29/09/2021]

⁴⁷ Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html>[29/09/2021]

The lead buyer functions for the Canton of Zurich are recorded below:⁴⁸

Material group	Organisation / Structure
Office supplies	Cantonal Printing & Materials Head Office Zurich (kdmz)
Publications	Cantonal Printing & Materials Head Office Zurich (kdmz)
Teaching resources	Secondary Education and Vocational Training Office
Telematics	Real Estate Office
Furniture	Real Estate Office
Facility Management	Real Estate Office
Output systems	Cantonal Printing & Materials Head Office Zurich (kdmz)
Vehicles up to 3.5 t	Cantonal police (vehicle service)
Vehicles over 3.5 t	Civil Engineering Office (Vehicle Service)

Source: Canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html>

- **Municipal governments**

There are 2,222 municipalities in Switzerland and each of them potentially could represent public procurement opportunities for European SMEs. It would be pointless to list them here and therefore the authors advise SMEs to register on www.simap.ch and look for public procurement announcements on this platform to identify potential buyers.

- **Other entities (state-owned enterprises, other authorities with public procurement competences)**

At federal level:

The Swiss Confederation sets targets for the provision of services to its affiliated companies. At the same time, it grants them a large degree of management freedom so that they can compete. The companies are organised as limited companies in which the Confederation must hold the majority of shares. At present, the Confederation holds 100% of the shares of the Post Office and the Swiss Federal Railways, 51.2% of the shares of SWISSCOM and 99.9% of the shares of SKYGUIDE.

All these organisations/administrations may publish public tenders.

- **SBB - SWISS RAILWAY:** A reliable partner for the Swiss government, cantons, municipalities, and suppliers. SBB works with both Swiss and foreign transport companies. Digitisation of procurement via the SAP Ariba network. Public tenders are subject to official and mandatory publication on the SIMAP.ch website.
- **SWISS POST:** Universal service including letter and parcel delivery, payment services and passenger transport.
- **SWISSCOM:** This company guarantees the universal service in the field of telecommunications and information technology.

⁴⁸ Official website of the canton of Zurich. *Entwicklung Beschaffungswesen*. <https://www.zh.ch/de/finanzdirektion/kdmz/entwicklung-beschaffungswesen.html> [29/09/2021]

- **SKYGUIDE:** Company in charge of ensuring the safety of air traffic and the economic management of civil and military air navigation services.
- **SWISSGRID:** The national company responsible for the electricity transmission network in Switzerland. Its activities are supervised by ElCom (Independent Federal Electricity Regulatory Authority) and the Federal Electricity Commission.
- **Swiss Federal Office of Energy (SFOE):** It is part of the Federal Department of the Environment, Transport, Energy and Communications. It oversees questions relating to energy supply and energy use in Switzerland.
- **Federal Roads Office (FEDRO):** Authority responsible for road infrastructure and individual traffic. FEDRO is under the authority of the Federal Department of the Environment, Transport, Energy and Communications (DETEC). It promotes sustainable and safe road mobility.
- **Federal Office for the Environment (FOEN):** The FOEN is responsible for ensuring that the use of natural resources such as soil, water, air, quiet and forests is carried out in a sustainable manner. It is responsible for protection against natural hazards, the preservation of the environment and health against serious harm, as well as the conservation of biodiversity and landscape quality. Finally, it is responsible for Switzerland's international environmental policy.
- **Federal Office of Information Technology and Telecommunication (FOITT):** is one of the federal administration's internal IT service providers. The FOITT not only provides the computer equipment for the workstations, but also develops and integrates IT applications tailored to the needs of the users.
- **Federal Office for Construction and Logistics (FOCL):** Attached to the Federal Department of Finance, the FOCL provides services to the entire federal civil administration and the public. It consists of the following areas: "Construction", "Logistics", "External Relations, Procurement Policy, Communication" and "Management Services".

At cantonal level:

It should be remembered that Switzerland is a Confederation made up of 26 cantons which have a large degree of autonomy in management and decision-making.

It is almost impossible to list all the cantonal authorities entitled to publish calls for tender.

For this reason, the following non-exhaustive list focuses on the 3 main sectors of interest the authors have identified: Transport, Environment, and ICT.

TRANSPORT

- **BLS AG:** Switzerland's largest independent private railway company, which is commissioned by seven cantons.
- **CANTONAL PUBLIC TRANSPORTATION:** There are some 70 Swiss railway companies which may also publish tenders.
- **TRAVYS:** Public transport company in the North Vaud and the Vallée du Joux. The company also operates a rail freight service.
- **ROMANDE ENERGIE SA:** Energy production, distribution and marketing company, also active in energy services.
- **TRANSPORTS PUBLICS DE LA REGION DE MORGES, BIÈRE, COSSONAY (MBC):** Public transport network - train, bus, funicular - used each year by more than 6 million passengers. The company also offers services such as school transport, goods transport, and tourist services.

ENVIRONMENT

- **TRIDEL:** Company for the treatment and recovery of urban waste for approximately 600,000 inhabitants of the canton of Vaud.
- **SERVICES INDUSTRIELS DE GENEVE:** Supplier of electricity, gas, water, fibre optics, sustainable mobility, thermal energy, development of intelligent neighbourhoods, wastewater treatment, waste recovery. SIG serves 233,000 customers in the Canton of Geneva.
- **Services Industriels de Lausanne-SiL:** Supply of electricity, gas, thermal energy and multimedia services to households.
- **VITEOS:** Viteos produces, develops, supplies and distributes all types of energy and provides energy-related services.
- **Services industriels de Delémont-SID:** “Services industriels de Delémont (SID)” is responsible for supplying its customers with drinking water, electricity and gas, and is in charge of public lighting.
- **Industrielle Werke Basel-IWB:** IWB supplies the Basel region with energy, water, telecoms and mobility. IWB is the first address for climate-friendly energy in Switzerland.
- **Aarau Elektrizitätswerke-AEW:** AEW is owned by the Canton of Aarau (Aargau) and is mainly active in electricity distribution
- **BKW Energie SA:** An energy and infrastructure company with an international presence, offering integrated total solutions in the fields of energy, buildings and infrastructure.
- **OIKEN SA:** A leading player in French-speaking Switzerland, active across the entire multi-energy value chain, OIKEN offers integrated solutions.
- **AEK Energie AG:** Electricity distribution company
- **AXPO SUISSE AG:** Axpo is the largest producer of renewable energy in Switzerland and a leading international energy trader and marketer of solar and wind power. The climate-friendly Swiss electricity mix consists of hydroelectricity, biomass and nuclear energy and has very low CO2 emissions.
- **Elektrizitätswerke des Kantons Zürich - EKZ:** EKZ is one of the largest energy suppliers in Switzerland and supplies electricity to more than one million people.
- **EnergieUetikon AG (InfrastrukturZürichsee AG):** Electricity and water supply, construction projects, alternative energy, and billing solutions for the communities of Meilen and Uetikon am See.
- **St. Gallisch-AppenzellischeKraftwerke AG:** Electricity generation, electricity and heat supply, a modern fibre-optic network, Internet, television and telephone services as well as electric mobility and renewable energies.
- **IBC Energie Wasser Chur:** Supply of electricity, drinking water, gas energy and heating/cooling.
- **AziendeIndustriali di Lugano:** Supply of electricity, water, gas and thermal energy.
- **Groupe E SA:** Leading Swiss energy provider - electricity supplier.
- **WerkbetriebeFrauenfeldErdgas, Wasser, Strom - Thurplus:** Service provider for energy and drinking water.
- **EWL - Energie Wasser Luzern:** Supplier of electricity, water, heating, telecommunications, and energy services.
- **EWA - Elektrizitätswerk Altdorf AG:** Energy management, electricity, and water supplier. Construction and operation of power plants.
- **WWZ Energie AG:** Energy supply (electricity, heating, cooling, gas), telecommunications, water and electromobility.
- **EWS - Elektrizitätswerk Schwyz AG:** EWS is divided into four areas: Energy, Networks (TV-Internet, E-mobility), Finance & Administration, Building Technology.

- **Technische Betriebe - TB Glarus:** An independent institution under public law. Supply of electricity, water, and communication.
- **Elektra Baselland (EBL):** Independent co-operative under private law. Energy distribution company. Supplier of electricity, heat, telecommunications, E-mobility.
- **EKS - Elektrizitätswerk des Kantons Schaffhausen AG:** Distributor of energy and also energy from renewable sources. EKS has a stake in the “Verenafohren wind farm” in Wiechs am Randen, Germany.
- **EWN:** Cantonal electricity company using hydroelectric power.

ICT

- **“Partenariat des Achats Informatiques Romand (PAIR)”** - <https://achats-pair.ch/>: Non-profit association made up of some 40 members from the public service in French-speaking Switzerland. PAIR does not provide expertise on hardware but launches a tender every 2 to 4 years to obtain the best prices on microcomputer components (PC, monitor, printer, laptop and workstation). Their tenders include criteria that respect best practices in sustainable development (environment and human rights). PAIR has been affiliated with [ElectronicsWatch](#) since 2017 for aspects specifically related to human rights.

Here are the members of PAIR for the Canton of Geneva:

State of Geneva, City of Geneva, UNIGE (University of Geneva), HUG (University Hospitals of Geneva), SIG (Services Industriels de Genève), TPG (Transports publics de Genève), ACG (Aéroport de Genève-Cointrin), IMAD (Institution Genevoise du Maintien à Domicile), Hospice général, IFAGE (Fondation pour la Formation des Adultes à Genève), rentes genevoises, CPEG (Caisse de Prévoyance de l'Etat de Genève).

List of all members: <https://electronicswatch.org/en/partenariat-des-achats-informatiques-romand-pair-2537778>

Carrying out grouped public tenders in the field of office IT equipment (PCs, laptops, printers) makes it possible to:

- Acquire products and services under the best conditions thanks to a large volume of purchases.
 - Consider the importance of social and environmental criteria.
- **Multilateral entities with a presence/programmes in the country**

Switzerland is home to numerous international organizations, especially the UN system agencies based in Geneva. These bodies finance many public tenders and use international competitive tenders or long-term agreement procedures. These tenders follow their own regulations and allow for open competition: they represent a good opportunity for foreign firms.

Since these organizations do not finance projects executed in Switzerland, they have not been considered in the scope of this study.

4. Future opportunities:

The authors have identified 3 main areas of interest for European SMEs willing to tackle Swiss public contracts - mobility and transport, environment and information and communication technology. These opportunities are presented in detail in this chapter, with a focus on the Canton of Vaud and on the Canton of Zurich.

- Identification of upcoming project pipeline large projects in the sectors of interest
 - Sectoral breakdown

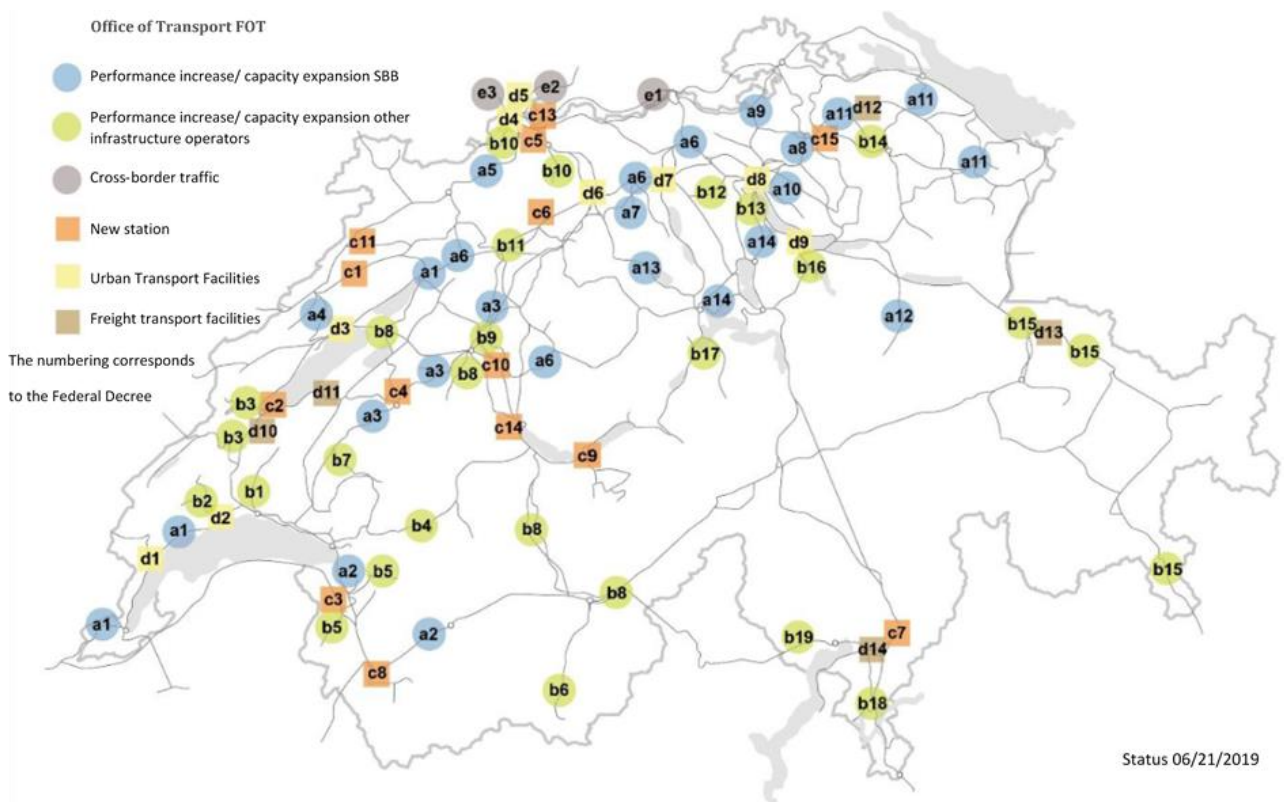
Regarding future projects, major areas can be identified that can be found in the overall political strategy. As already described in previous sections, the National Roads and Agglomeration Transport Fund (NAF) can be considered as an example of such a strategy. The NAF finances national roads and major agglomeration transport projects. Expenditure on national roads includes operation, maintenance, technical expansion of the existing network, removal of bottlenecks and major projects, as well as completion of the network. All these expenses are financed by the NAF, which came into force on January 1st 2018.⁴⁹ The national road project is a project scheduled to run until 2030 with a cost of around CHF 14.8 billion.⁵⁰

In the area of **infrastructure**, the railway projects in Switzerland should also be mentioned, as the Swiss parliament has approved the 2035 expansion stage with an investment of CHF 12.89 billion in the railway infrastructure. The money will be used to improve services on heavily congested lines, to enable extensions to private railways and to implement express connections for freight traffic. The expansion step 2035 provides for a total of around 200 measures. The major projects include the Brüttener Tunnel between Zurich and Winterthur, the expansion of the Zurich-Stadelhofen station and the Zimmerberg Base Tunnel II. Other major measures include the expansion of the Jura South Foothills line between Yverdon, Lausanne and Geneva and a direct line from Neuchâtel to La Chaux-de-Fonds. In addition, there are numerous extensions to private railways in all regions of the country (cf. map with detailed measures below).⁵¹

⁴⁹ Official website of the FEDRO. *Nationalstrassen- und Agglomerationsverkehrs-fonds (NAF)*. <https://www.astra.admin.ch/astra/de/home/themen/strassenfinanzierung/naf.html> [29/09/2021]

⁵⁰ Official website of the DETEC. *Nationalstrassen- und Agglomerationsverkehrs-Fonds (NAF)*. <https://www.uvek.admin.ch/uvek/de/home/verkehr/investitionen/naf.html> [29/09/2021]

⁵¹ Official website of the DETEC. *Ausbauschritt 2035 der Bahninfrastruktur*. <https://www.uvek.admin.ch/uvek/de/home/verkehr/investitionen/Ausbauschritt2035.html> [29/09/2021]



Source: DETEC. *Ausbauschritt 2035 der Bahninfrastruktur*. <https://www.uvek.admin.ch/uvek/de/home/verkehr/investitionen/Ausbauschritt2035.html>

Overall, the tenders for and from SBB are particularly relevant for public procurement. SBB AG is the largest public transport company in Switzerland and one of the country's largest employers. Its public service activities include passenger transport and rail infrastructure. The Swiss Confederation is the sole shareholder of SBB AG. The owner's interests are safeguarded by the Federal Council. In doing so, the Federal Council considers SBB's entrepreneurial autonomy and recognizes the Board of Directors' freedom of decision with regard to business strategy and policy. The role of the Confederation as owner is separate from its function as purchaser, regulator, and supervisory authority.⁵²

The Federal Council has thus defined the co-operations and shareholdings for SBB AG as follows:

The Federal Council expects SBB to enter into co-operative ventures (shareholdings, alliances, the establishment of companies and other forms of collaboration) in Switzerland and abroad only if they support the core business in Switzerland or have another strategic-industrial logic and contribute to the achievement of strategic goals and to sustainably securing or increasing the value of the company. The co-operations must be closely supervised in terms of management, and sufficient account must be taken of the risk aspect.⁵³

⁵²Official website of the DETEC. *Strategische Ziele für die SBB*. <https://www.uvek.admin.ch/uvek/de/home/uvek/bundesnahe-betriebe/sbb/strategische-ziele.html>[29/09/2021]

⁵³Official website of the DETEC. *Strategische Ziele für die SBB*. <https://www.uvek.admin.ch/uvek/de/home/uvek/bundesnahe-betriebe/sbb/strategische-ziele.html>[29/09/2021]

The contracts that are subject to publication above the established WTO threshold are advertised on the simap.ch platform. Pre-publications can also take place. On September 15th 2021, for example, the corrosion rehabilitation for the Eurocity fleet was put out to tender. Due to the planned period of use of the Eurocity fleet until 2040 and the associated technical operational capability, corrosion rehabilitation must be carried out on the wagons. The work put out to tender by SBB will take place at the supplier's factory over the period 2022-2028.

The deadlines for these tenders, in this case for example, are published over a period of probably 40 days from pre-publication. Another example of pre-publication in the area of rail infrastructure is the platform system project. SBB has been commissioned by the federal government to expand the platform system at Basel SBB station from 2023 to 2025. The 180-million-franc package includes an additional platform on the south side and a temporary footbridge to the west of the existing one. To be able to apply for this public tender, for example, the date of March 8th 2022 has already been mentioned on the website simap.ch.

The federal government has also adopted the concept of "Mobility Pricing" to break traffic peaks and achieve a more even utilization of transport infrastructures. Mobility pricing goes hand in hand with digitalization. The federal government contacted cantons and cities to gauge interest in a pilot project. As a result, 13 ideas or project outlines were submitted to the federal government. DETEC is in the process of finalizing and fleshing them out. Based on this, feasibility studies will be carried out for some of these project outlines. The aim is to clarify which of the proposed pilot projects can be implemented.

The feasibility studies should be available by 2022. They will run in parallel with the legislative process so that the pilot projects can start quickly, as soon as the new law comes into force. Currently, this is planned for the beginning of 2024. The mobility pricing instruments are a long-term concept. The federal government expects a time horizon of 15 years.⁵⁴

In the area of **energy and the environment**, Switzerland is also dedicated to implementing a sustainable strategy that has been set for 2050. On May 21st 2017, voters approved the revised Energy Act. Its purpose is to reduce energy consumption, increase energy efficiency and promote renewable energies. It also bans the construction of new nuclear power plants. In this way, Switzerland is trying to reduce its dependence on imported fossil fuels and strengthen local renewable energies. Switzerland expects this to create new jobs and investments.⁵⁵

To achieve the goals of the Energy Strategy 2050 and Switzerland's long-term climate strategy, comprehensive electrification is needed in the transport and heating sectors. With the Federal Act on a Secure Electricity Supply with Renewable Energies, the Federal Council is proposing the necessary amendments to the Energy Act and the Electricity Supply Act. It has thus created a legal framework that provides planning security and investment incentives for the expansion of renewable electricity production and its integration into the market.⁵⁶

⁵⁴Official website of the DETEC. *Mobility*

Pricing. <https://www.uvek.admin.ch/uvek/de/home/verkehr/mobility-pricing.html> [29/09/2021]

⁵⁵ Official website of the DETEC. *Grundsätze der Energiepolitik*.

<https://www.uvek.admin.ch/uvek/de/home/energie/grundsätze-der-energiepolitik.html> [29/09/2021]

⁵⁶Official website of the DETEC. *Grundsätze der Energiepolitik*.

<https://www.uvek.admin.ch/uvek/de/home/energie/grundsätze-der-energiepolitik.html> [29/09/2021]

The purpose of the Energy Act is to strengthen domestic renewable energies. These include traditional hydropower and renewables such as solar, wood, biomass, wind and geothermal. Switzerland is moving forward with the concept that the more renewable energy available, the less Switzerland will be dependent on fossil fuel imports, which amounted to 75% of total energy consumption in 2015.⁵⁷

The Energy Act now contains binding target values for the years 2035 and 2050. The target values specify the targeted expansion of hydropower and other renewable energies as well as the reduction of energy and electricity consumption per capita. This makes the law more binding in so far as concerns the goals of security of supply and climate policy and thus creates planning security for investments. The existing support instruments for renewable electricity production are limited to the end of 2022 and 2030. They have now been extended to 2035 - aligned with the statutory target of 2035 - and designed to be more market-oriented.⁵⁸

For example, large photovoltaic plants are to be promoted by means of competitive tenders. The feed-in tariff system will be phased out as planned and replaced by investment contributions. This will ease the administrative burden and enable more new capacity to be built per Swiss franc of subsidy. More financial resources are available for large hydropower plants. The support instruments will continue to be financed via the grid surcharge of 2.3 Swiss cents per kilowatt hour. The grid surcharge will not be increased but will be levied for a correspondingly longer period.⁵⁹

To counteract the effects of the phase-out of nuclear energy, in addition to the targeted increase in renewable electricity production (target value by 2050: 39 TWh), the addition of 2 TWh of climate-neutral electricity production that can be reliably called up in winter is also required by 2040. The Federal Council wants to finance such plants, primarily large storage power plants, with a "winter surcharge".⁶⁰The most important measures in the Energy Act are listed on the DETEC website, [embedded here](#).⁶¹

For example, 10 public calls in the field of photovoltaic systems can already be viewed on the [simap.ch](#) website for the year 2021. One of them is a pre-publication that was published on August 27th 2021 by the Building Construction Office of the Canton of Zug. This example project involves the contracting of 239 photovoltaic systems, their supply and installation in an open procedure.

The different contractors are mostly public, partly public energy and water providers of the cantons or solar providers - Building and Environmental Protection Directorate Canton Basel-Landschaft Central Procurement Office, Building Construction Office Canton Zug, Energie Wasser Bern, reechgmbh, Building and Environmental Protection Directorate Canton Basel-

⁵⁷ Official website of the DETEC. *Erneuerbare Energien fördern*.

<https://www.uvek.admin.ch/uvek/de/home/uvek/abstimmungen/abstimmung-zum-energiegesetz/erneuerbare-energien.html> [01/10/2021]

⁵⁸ Official website of the DETEC. *Grundsätze der Energiepolitik*.

<https://www.uvek.admin.ch/uvek/de/home/energie/grundsätze-der-energiepolitik.html> [29/09/2021]

⁵⁹ Official website of the DETEC. *Grundsätze der Energiepolitik*.

<https://www.uvek.admin.ch/uvek/de/home/energie/grundsätze-der-energiepolitik.html> [29/09/2021]

⁶⁰ Official website of the DETEC. *Grundsätze der Energiepolitik*.

<https://www.uvek.admin.ch/uvek/de/home/energie/grundsätze-der-energiepolitik.html> [29/09/2021]

⁶¹ Official website of the DETEC. *Die wichtigsten Massnahmen im Energiegesetz*.

<https://www.uvek.admin.ch/uvek/de/home/energie/grundsätze-der-energiepolitik.html> [30/09/2021]

Landschaft Central Procurement Office, Building and Transport Department of Canton Basel-Stadt, Cantonal Procurement Office (i.A.ProRhen), Building and Environmental Protection Directorate Canton Basel-Landschaft Central Procurement Office, Elektrizitätswerk der Stadt Zürich (ewz), EnergieUster AG, die werkeversorgungwallisellen ag.

In addition, various organizations offer financial support and advice for innovative research and development projects in the energy sector. The report "Offers of innovation promotion in the energy sector" on the website of the Swiss Federal Office of Energy (SFOE) provides an overview of the most important offers of innovation promotion for companies and public research institutes.⁶² Detailed information on the SFOE funding programs in the areas of research and cleantech can be found under the navigation points "SWEET funding program", "Research programs", "Pilot and demonstration program" and "Networks and start-up funding".⁶³ SWEET - "SWiss Energy research for the Energy Transition" - is a funding program of the Swiss Federal Office of Energy (SFOE). The aim of SWEET is to promote innovations that contribute significantly to the successful implementation of the Energy Strategy 2050 and the achievement of Switzerland's climate targets.⁶⁴

The SWEET program started at the beginning of 2021 and the funding program will run until 2032. Research Challenges are defined for each call, to which project proposals can be submitted. Consortia from various colleges, universities and partners from industry and the public sector are eligible.⁶⁵

SWEET focuses on application-oriented research in relevant subject areas and on the implementation of results in practice. Funding is provided for trans and interdisciplinary research and innovation projects, so-called consortia projects. Pilots and demonstrators are essential, so it is important to involve stakeholders outside the research community. A central aspect of the program is the collaboration of different stakeholders - Universities, the ETH Domain and Universities of Applied Sciences co-operate with institutions in the public sector - federal, cantonal, and municipal -, the private sector as well as organizations.⁶⁶

SOUR (SWEET Outside-the-box Rethinking) is a complementary program within the framework of SWEET. It specifically promotes unconventional, original, and alternative and high-risk research approaches and potential "game changers" for the future Swiss energy system. SOUR, in contrast to SWEET, thus focuses on riskier projects that are still based on little or no preliminary work and data. The small and agile SOUR projects last a maximum of 18 months and,

⁶² Official website of the SFOE. *Überblick Innovationsförderung*.

<https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/ueberblick-innovationsfoerderung.html> [27/09/2021]

⁶³ Official website of the SFOE. *Überblick Innovationsförderung*.

<https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/ueberblick-innovationsfoerderung.html> [27/09/2021]

⁶⁴ Official website of the SFOE. *Überblick SWEET*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/foerderprogramm-sweet/ueberblick-sweet.html> [27/09/2021]

⁶⁵ Official website of the SFOE. *Überblick SWEET*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/foerderprogramm-sweet/ueberblick-sweet.html> [27/09/2021]

⁶⁶ Official website of the SFOE. *Überblick SWEET*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/foerderprogramm-sweet/ueberblick-sweet.html> [27/09/2021]

unlike SWEET projects, are not implemented by consortia but by individual researchers or a small team. The SOUR projects are based on the SWEET calls for proposals.⁶⁷

SWEET includes several calls on different Research Challenges throughout the program period:

- SWEET Call 1-2020: "Renewable Energy Integration" (call closed; as of 27/09/2021).
- SOUR Call 1-2021: "Integration of Renewable Energies" (call closed; as of 27/09/2021)
- SWEET Call 1-2021: "Living & Working" (The pre-proposal phase of the call is closed; 4 consortia have been invited for the full proposal phase; as of 27/09/2021)
- SWEET Call 2-2021: "Critical Infrastructures" (Call in progress; as of 27/09/2021)⁶⁸

Regarding SWEET Call 2-2021: "Critical Infrastructures", this is a solicitation from the Swiss Federal Office of Energy (SFOE) and the National Centre for Climate Services (NCCS). The "Call Guideline" with all associated forms is available on the website of the Swiss Federal Office of Energy.⁶⁹

Various projects are also described and published in the magazine of the Swiss Federal Office of Energy "energeia".⁷⁰

Also, the SFOE launched a pilot and demonstration program - a call for proposals to promote applications and field tests in the electromobility sector: "Market testing of innovative electric vehicles and machines". Under this competitive call for proposals, funding contributions will be awarded to projects dealing with the testing of innovative electric solutions in the fields of freight transport, mobile machinery and special vehicles. The aim of these projects is to increase energy efficiency by electrically substituting existing vehicles and machines with combustion engines, to reduce environmental emissions and to further develop the market for such solutions.⁷¹

In total, all strategic funding programs and calls for proposals of the SFOE are published on the website, [embedded here](#).⁷²

The **IT or ICT sector** plays an important and networking role in public procurements (for example, in "Mobility Pricing").

⁶⁷Official website of the SFOE. *Überblick SWEET*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/foerderprogramm-sweet/ueberblick-sweet.html> [27/09/2021]

⁶⁸Official website of the SFOE. *Überblick Ausschreibungen*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/foerderprogramm-sweet/ueberblick-ausschreibungen.html> [27/09/2021]

⁶⁹Official website of the SFOE. *Überblick Ausschreibungen*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/foerderprogramm-sweet/ueberblick-ausschreibungen.html> [27/09/2021]

⁷⁰Magazine of the Swiss Federal Office of Energy. *Energeia*. <https://energeiaplus.com/2021/07/14/sour-ausschreibung-4-projekte-erhalten-den-zuschlag/> [27/09/2021]

⁷¹Official website of the SFOE. *Markterprobung von innovativen Elektrofahrzeugen und -maschinen*. <https://www.bfe.admin.ch/bfe/de/home/forschung-und-cleantech/pilot-und-demonstrationsprogramm/ausschreibung-2021.html> [27/09/2021]

⁷²Official website of the SFOE. *Calls for tenders*. <https://www.bfe.admin.ch/bfe/en/home/news-and-media/calls-for-tenders.html> [27/09/2021]

Overall, Switzerland is pursuing an ICT strategy that currently runs from 2020 to 2023. The ICT strategy focuses on aligning federal IT as much as possible with business needs and supporting administrative business in the digital transformation. It also contributes to the implementation of other Federal Council strategies, in particular the Digital Switzerland Strategy and the eGovernment Strategy Switzerland. The ICT Strategy 2020-2023 formulates areas of action and alignment goals in the following four areas:

- A. Information, data and process management
- B. Innovation and change management
- C. Customer and service orientation
- D. Interaction between business and ICT⁷³

The ICT Strategy 2020-2023 is implemented through various activities in the form of programs, projects or assignments that are bundled into strategic initiatives. These are managed via the master plan, which is periodically updated and submitted annually to the Federal Council.

The Master Plan 2020 documents the initial portfolio for strategy implementation. According to it, the Federal Council wants to anchor ICT at the top management level, increase the customer centricity of administrative services, implement the *Once Only principle* (enter data only once), implement *hybrid clouds* for the federal administration, test *new technologies*, build up expertise in *data science* and improve the conditions in the areas of *financial incentives, management expertise and procurement*.⁷⁴

The master plan is available online on the Federal Council's website and specifies, for example, the strategic initiatives, implementation goals, measures, and dependencies.⁷⁵

Switzerland also created the ICT sourcing strategy, which sets a framework to define, manage and lead ICT sourcing within and outside the federal administration in the planning horizon 2018-2023. The vision and the strategic ICT sourcing principles provide the framework for the future target picture "Sourcing 2023" in order to continuously optimize internal service provision and external service procurement to meet the needs of the federal administration. The measures required to implement the ICT sourcing strategy are planned and commissioned in the master plan for the federal ICT strategy. This ensures the implementation as well as the integration of the ICT sourcing model in the federal ICT planning and management.⁷⁶

The strategic principles are as follows:

- Principle 1: Focus on core competencies, business alignment and innovative strength
- Principle 2: Cost-effectiveness and efficiency enhancement
- Principle 3: Standardization, bundling and reduction of complexity

⁷³Official website of the Federal Council. *IKT-Strategie des Bundes 2020–2023*.

<https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-78679.html>
[28/09/2021]

⁷⁴ Official website of the Federal Council. *IKT-Strategie des Bundes 2020–2023*.

<https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-78679.html>
[28/09/2021]

⁷⁵Official website of the Federal Council. *IKT-Strategie Bund 2020-2023*.

<https://www.bk.admin.ch/dam/bk/de/dokumente/dti/ikt-vorgaben/strategien/ikt-strategie-bund/ikt-masterplan-2020-de.pdf.download.pdf/ikt-masterplan-2020-de.pdf> [28/09/2021]

⁷⁶The Federal Council. *IKT-Sourcing-Strategie des Bundes 2018–2023*.

<https://www.newsd.admin.ch/newsd/message/attachments/51617.pdf>

- Principle 4: Co-ordinated, agile and rapid, but also sustainable service delivery⁷⁷

The core aspects of the ICT sourcing model are:

- Sourcing service categories: Defined sourcing service categories, for unified, complementary, homogeneous ICT sourcing tailored to the needs of the administrative unit.
- Sourcing control: The control of the sourcing service categories, with defined competencies, responsibilities, and tasks.
- Sourcing options: The future direction, in the form of non-exhaustive "sourcing options", of the sourcing service categories and external service procurement.

Each sourcing service category contains grouped ICT services where the requirements, needs, service recipients and service providers are different. They include task-related / specialist ICT services and task-neutral ICT services. The task-neutral ICT services (sourcing service categories 3 and 4) are provided across the board for the federal administration by as few service providers as possible.⁷⁸

The four sourcing service categories are shown and described below. This is an overview with the most important information and examples of sourcing projects:

	Task-related / specialist ICT services		Task-neutral ICT services	
	Sourcing service category 1 Subject-specific ICT services	Sourcing service category 2 Cross-functional ICT services ("Center of Expertise")	Sourcing service category 3 Standardized ICT services	Sourcing service category 4 Basic ICT services
Description	Department- and office-specific ICT services that require a high level of expertise from the respective department (environment, processes, etc.) and whose use is limited in principle to a department or its administrative units, offices and stakeholders. Internal and external services are integrated and orchestrated into specialized ICT services.	Specific specialist services with a cross-cutting effect that cover the needs of several departments. Bundled in the form of a topic-specific "Center of Expertise" (CoE). A specialist department, user group or specialist community manages the CoE. The service is provided by a commissioned service provider (the one with the greatest expertise in the respective area) for all service recipients (without having to make significant individual adjustments).	Standardized ICT services that are provided centrally and that the departments are the main are the main customers. In most cases, these ICT services are standard services. However, this sourcing service category also makes it possible to provide and make available standardized ICT services, and provide standardized ICT services which do not necessarily have to be a need to be a standard service. If service is a standard service, depending on the market model, there is a compulsory purchase of these ICT services.	Basic ICT services that are provided centrally and for which the service providers are the main customers. These form the basis for department-specific ICT services, the CoEs, and standardized ICT services. If a standard service is involved, there is a compulsory purchase obligation for these ICT services, depending on the market model.
Examples	<ul style="list-style-type: none"> • RIPOLE (computerized police searches, search system, FDJP), FIS-LW / FIS-Heer (military command systems, DDPS), etc. 	<ul style="list-style-type: none"> • Geodata, biometrics, translation software, SAP / Finance, BUR (Business and Enterprise Register, FSO), etc. 	<ul style="list-style-type: none"> • Office automation, data communication mobile services, business administration system in the federal administration / content management systems, identity and access management solutions, etc. 	<ul style="list-style-type: none"> • Includes ICT services such as data center and e.g. data center and infrastructure services, network services, help desk, etc.
ICT planning fields	Planning fields of the Federal Chancellery and departments	Planning fields of the Federal Chancellery and departments / Federal support processes	Planning field Nationwide ICT basic services ("ICT standard services")	Planning field Federal ICT basic services ("shared ICT services")

Source: IKT-Sourcing-Strategie des Bundes 2018–2023. <https://www.news.admin.ch/news/message/attachments/51617.pdf>

⁷⁷The Federal Council. *IKT-Sourcing-Strategie des Bundes 2018–2023*.

<https://www.news.admin.ch/news/message/attachments/51617.pdf>

⁷⁸The Federal Council. (2018). *IKT-Sourcing-Strategie des Bundes 2018–2023*.

<https://www.news.admin.ch/news/message/attachments/51617.pdf>

The criteria/principles can also be found in the ICT sourcing strategy.⁷⁹

The sourcing options show the future orientation of the sourcing service categories in terms of internal service provision and external service procurement. At the same time, internal service provision is to be increasingly supplemented by externally sourced ICT services. In the case of external service procurement, flexibility/characteristics (XaaS, self-service, on-demand) and cost transparency are often seen as the main advantages. On the one hand, certain components should be sourced externally across the board - if it makes sense from the federal government's point of view (e.g. "commodities"); in other areas, such as specialist and general specialist services, external service sourcing is seen more as a complementary addition to the core competencies of the service providers.

Listed below are the trends of commissioning external contractors in public procurement:

Specialized ICT services:

- Complementary external services that are used in one or more of the components of ICT projects and programs (design, development, operation, further development, maintenance, and support) of all specialist solutions. These are primarily skills, competencies, and resources.

Overarching specialist ICT services ("centre of expertise"):

- Same as subject-specific ICT services (see above). These are primarily skills, competencies, and resources.

Standardized ICT services:

- Design, development, operation, enhancement, maintenance, and support of standardized solutions / applications.
- Any "commodity" ICT service (e.g. office automation, SAP, GEVER, CMS, etc.) where it is demonstrably more efficient, economical and / or of higher quality to source it externally. The feasibility and economic viability must be clarified in detail.

Basic ICT services:

- Server, data centre services and cloud solutions in a "self-service" model.
- Project/program resources for strategic projects, large-scale ICT projects and key ICT projects (e.g. project/program manager, "requirements engineer," etc.). Focus is on joint, co-ordinated framework agreements, which are provided by one office in a co-ordinating manner for the entire federal administration).⁸⁰

⁷⁹The Federal Council. (2018). *IKT-Sourcing-Strategie des Bundes 2018–2023*.

<https://www.news.admin.ch/news/message/attachments/51617.pdf>

⁸⁰The Federal Council. (2018). *IKT-Sourcing-Strategie des Bundes 2018–2023*.

<https://www.news.admin.ch/news/message/attachments/51617.pdf>

o Regional breakdown

A/ Canton of Vaud

Although the two projects mentioned below have a closing date for the submission of bids of 10 and 11 November 2021, they are good examples of projects to which European firms could submit a bid:

Renewal of the Flendruz railway station:

Invitation to tender for multidisciplinary services of general project management, engineering, civil engineering, railway engineering and various specialities as well as the management of the works for the partial phases SIA 32 to SIA 53 of the Flendruz Station Renewal Project.

CONTRACTOR: Compagnie du Chemin de Fer Montreux Oberland Bernois SA

Closing date for submission of tenders: 11.11.2021

Duration of the contract, the Framework Agreement, or the dynamic purchasing system: 03.01.2022 to 30.06.2026

"Eco-Quartier des Plaines-du-Loup" - Construction of a new EMS (medical-social establishment)

Title of the contract project: "Métamorphose - Ecoquartier des Plaines-du-Loup - Pièce urbaine D, Construction d'un nouvel EMS - Fenêtre Bois-Métal"

Closing date for submission of tenders: 10.11.2021

Project execution period: May 2022 to June 2024

CONTRACTOR: Fondation Bois-Gentil, Fondation de l'Orme

B/ Canton of Zurich

The Zurich Office of Information Technology is responsible for all procurements in basic ICT services in the Canton of Zurich. ICT procurements of cantonal and specialist applications can be carried out independently by the directorates and the State Chancellery, subject to compliance with central requirements.

ICT security management is implemented throughout the administration as part of the overarching information security. ICT security is ensured with recognized standards and organizational measures that are continuously adapted to changing requirements.

The following are indicators for the planned development of cantonal IT⁸¹:

General indicators	B21	P22	P23	P24	P25
ICT expenses per administrative employee (in thousand CHF)	-21.9	-23.8	-24.6	-25.8	-26.6
ICT program					
W1: Degree of centralization of basic ICT supply (in %)	71	100	100	100	100
W2: Degree of standardization of basic ICT services (in %)	46	71	85	92	92
W3: Degree of diffusion of administration-wide ICT processes (in %)	53	85	100	100	100

Source: Canton of Zurich. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf 2022.

https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs-und-finanzplan/kef_2022-2025.pdf

⁸¹Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. Page 33et seq.

https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs-und-finanzplan/kef_2022-2025.pdf
[30/09/2021]

NB: Indicators W1 and W3 follow the digital workplace implementation plan (DAP). Indicator W2 reflects the standardization of the infrastructure - digital workplace, network, and data centre.

The consolidated development and financial plan 2022-2025 also includes projects (ICT-related) that are significant from a strategic or financial perspective in the State Chancellery/directorates of the canton of Zurich.⁸²

One reason for the high procurement spending in the IT sector is also because the canton of Zurich is the most important economic engine in Switzerland. The canton employs over one million people and thus 20% of all employees in the country.⁸³

One project example for Zurich is the Digitalization Initiative of the Zurich Higher Education Institutions (DIZH). The participating universities and the canton are allocating CHF 4 million, with which the initiative aims to strengthen the competitiveness of Zurich as a location in the field of digitization. DIZH was launched in 2020 and is scheduled to run until 2029. For the initiative, the University of Zurich, the Zurich University of Applied Sciences, the Zurich University of the Arts, and the University of Teacher Education are collaborating in the areas of research, innovation and education promotion. The projects are dedicated to the topics of health, education, mediation, Decentralized Autonomous Organizations (DAOs) and sustainability.⁸⁴

Another example in IT is a call for tenders from the Zurich Office for Information Technology, which was looking for companies to support the canton in the area of IT security. 26 offers were received. The office has awarded contracts to 5 companies and published them on simap.ch. The companies will receive framework contracts for two years with the option that the contract will be extended twice for one year, according to the tender. The procurement volume amounts to about CHF 7.2 million. This amount corresponds to the highest bid price among the successful bidders and thus defines the procurement volume from the entire pool, according to the corresponding publication on simap.ch.⁸⁵

Particularly in the consolidated development and financial plan 2022-2025 of the Canton of Zurich, revealing information can be found regarding future investments.⁸⁶

⁸²Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. Page 33 et seq. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

⁸³Official website of the canton of Zurich. *Zürcher Wirtschaft in Zahlen*. <https://www.zh.ch/de/wirtschaft-arbeit/zuercher-wirtschaftszahlen.html> [28/09/2021]

⁸⁴ Official website of the DIZH: <https://dizh.ch/en/home-in-english/>[28/09/2021]

⁸⁵Jochum, K. (2021). *Kanton Zürich holt externe Security-Experten*. inside-it.ch. <https://www.inside-it.ch/de/post/kanton-zuerich-holt-externe-security-experten-20210722> [30/09/2021]

⁸⁶Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

For example, the financial development between the years 2016 and 2025 could be seen and anticipated. Expenses in 2022 increase by around CHF 685 million compared to the 2021 budget. From 2021 to 2025, expenses increase by CHF 1.2 billion. This results in an average growth of 1.8% per year. Compared to the 2021-2024 period, the expense is higher by an average of CHF 0.6 billion per year in the plan years 2022-2024. The main reasons are the amendments to the Supplementary Benefits Act⁸⁷ and the Roads Act in accordance with the referendum on September 27th 2020⁸⁸, and the cantonal financial equalization scheme.⁸⁹

Investment expenses totalling around CHF 5.3 billion, or an average of CHF 1.3 billion per year, are planned for the period 2022-2025. In 2021, a one-off loan of CHF 145 million is set aside for the construction of the new children's hospital. Furthermore, capital expenditure will decline from 2022 onwards, particularly in public transport, due to the completion of the "Limmattalbahn", a local tramway line. The increase in 2024 is mainly due to building construction projects (University of Zurich, University Hospital Zurich, "Kasernenareal"). From 2021-2024, capital expenditures of approximately CHF 5.6 billion were set.⁹⁰

Below is a graph to make the trend visible:

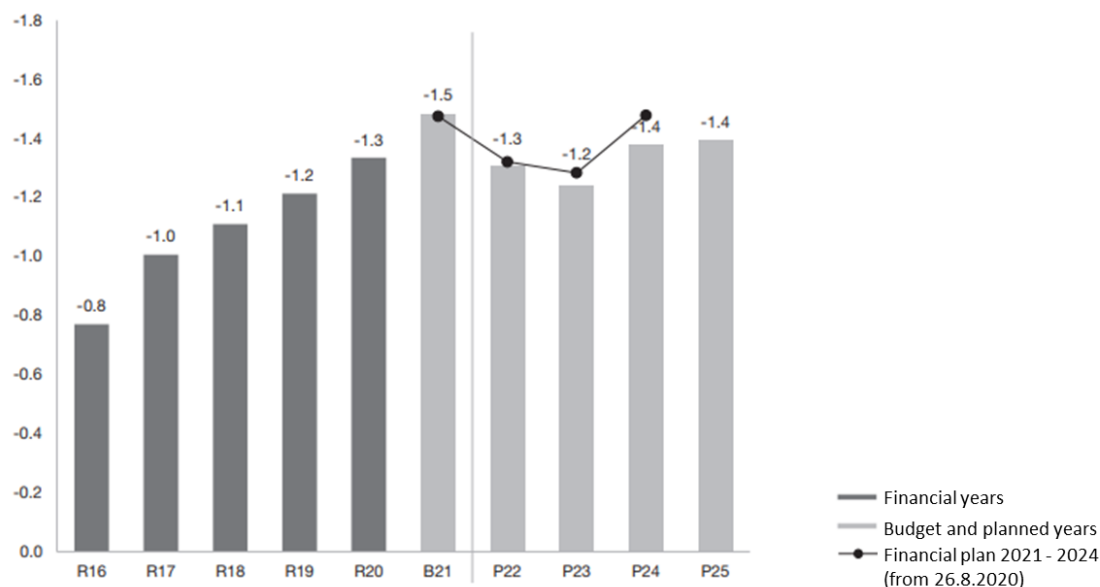
⁸⁷Official website of the canton of Zurich. *Zusatzleistungsgesetz (ZLG)*. https://www.zh.ch/de/politik-staat/gesetze-beschluesse/gesetzessammlung/zhlex-ls/erlass-831_3-1971_02_07-1971_01_01-111.html [01/10/2021]

⁸⁸Official website of the canton of Zurich. *Kantonale Volksabstimmung*. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/wahlen-abstimmungen/abstimmungen/abstimmungszeitungen/Abstimmungszeitung_2020-09-27.pdf [01/10/2021]

⁸⁹Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

⁹⁰Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

Development of capital investments 2016-2025 (in billions of Swiss francs)



Source: Canton of Zurich. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf 2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs-und-finanzplan/kef_2022-2025.pdf

The investment calculation is as follows:

	R20	B21	P22	Δabs.	Δ%	P23	P24	P25
Capital budgeting								
Investment income	190	157	142	-15	-9.7	158	170	173
Investment expenses	-1334	-1484	-1309	176	11.8	-1239	-1378	-1395
Balance investment account	-1144	-1327	-1166	160	12.1	-1081	-1207	-1222

Source: Canton of Zurich. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf 2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs-und-finanzplan/kef_2022-2025.pdf

According to the government policy guidelines, around CHF 5 billion are to be invested between 2020 and 2023, a significant proportion of which is to be spent on building construction. Several major real estate projects are planned for the coming years, and maintenance work to improve the condition of buildings is to be intensified. This will primarily affect the Education Directorate and the University of Zurich at several locations, as well as the Construction Directorate in connection with renovations and overall refurbishments.⁹¹

In the 2022-2025 investment period, an average of around CHF 420 million per year has been allocated. Of this, the lessee model accounts for the largest share and the delegation model for one-third. From 2024 onwards, increased investment requirements can be expected due to several planned major projects soon to be implemented. This is mainly due to additional demand, but also to the preservation or reduction of the existing substance and avoidance of a new maintenance backlog. Examples of such large-scale projects are the new “Forum UZH”

⁹¹Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf 2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs-und-finanzplan/kef_2022-2025.pdf [30/09/2021]

building in the Zurich Centre university area, the overall repairs of several cantonal schools in the city of Zurich, campus projects at the locations of the universities of applied sciences, and the urgent renovation and overall repair of the administrative buildings of the Federal Customs Administration (FCA), the military base, and district facilities. This trend is expected to continue due to the continued growth in the Canton's population and the additional infrastructure needs it will trigger. Projects will also have to be planned over the medium to longer term, which will cause the investment requirements shown to grow to a sustained high level towards the end of the period under review.⁹²

Around a quarter of the forecast total project investment will be dedicated to large-scale projects above CHF 100 million. Within this project category, the majority is again attributable to projects of the Education Directorate in the tenant and delegation model (secondary and vocational schools, and universities of applied sciences). A total project investment of less than CHF 20 million is forecast for around 80% of all projects. Small projects under CHF 3 million form the largest project category. The 2022 to 2025 planning includes capital expenditures of CHF 2.5 billion.⁹³

The various major projects for the Canton of Zurich in the area of building construction up to 2033 are described in the consolidated development and finance plan 2022-2025. The progress of the projects, their duration and volume are also noted here. In summary, according to current planning, six projects are in the "requirements planning" and "order/contract definition" processing stages and five projects are in the preliminary study phase. A further five projects are in the project planning phase. In addition, the major project "New Police and Justice Centre" will be completed and put into operation next year.⁹⁴

⁹²Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

⁹³Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

⁹⁴Official website of the canton of Zurich. *Budget & Finanzplanung*. Konsolidierter Entwicklungs- und Finanzplan 2022–2025: Budgetentwurf2022. https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/steuern-finanzen/kantonsfinanzen/konsolidierter-entwicklungs--und-finanzplan/kef_2022-2025.pdf [30/09/2021]

- Identification of public development plans (which could lead to public procurement opportunities)

In Switzerland, there is an implementation strategy for the total revision of public procurement law for the strategy period 2021-2030.

The main objectives of the bill for the total revision were, on the one hand, the harmonization of the procurement regulations of the Confederation and the cantons and, on the other hand, the implementation of the revised WTO Agreement on Government Procurement (GPA 2012) in national legislation.⁹⁵

The legislature also partially reweighted the basic principles of public procurement law: the law aims to ensure the economically, ecologically, and socially sustainable use of public funds, the transparency of the procurement process, equal treatment and non-discrimination of bidders, as well as the promotion of effective and fair competition, in particular through measures against unlawful competition agreements and corruption.

In the course of the very extensive parliamentary deliberations, the legislature made further substantive amendments to the bill - the contract is now awarded to the most advantageous bid (previously, the determination of the most economically advantageous bid was the focus of procurement). This and various other amendments underscore the general thrust of the total revision of procurement law, which is to focus more on quality and sustainability considerations in addition to the bid price.⁹⁶

The Federal Councillors were clearly in favour of taking greater account of these aspects in the future and of a reorientation in public procurement. To this end, a change in the federal government's procurement culture must be brought about. It is the task of the procurement and requirements departments to apply the innovations introduced by the legislature in a targeted manner and to create the conditions for this change. In implementing the goals and intentions formulated by the legislature in the course of the parliamentary debates, the Federal Council takes up and concretizes these requirements for the procurement authorities of the Confederation. To this end, it sets out directions and goals for the implementation of the revised procurement law in this implementation strategy.⁹⁷

⁹⁵Federal Office for Buildings and Logistics. Procurement strategy of the federal administration.(2020). *Umsetzungsstrategie zur Totalrevision des öffentlichen Beschaffungsrechts für die Strategieperiode 2021–2030.*

https://www.kbob.admin.ch/dam/kbob/de/dokumente/Themen%20und%20Trends/revidiertes-beschaffungsrecht/Beschaffungsstrategie_Bund_Deutsch_A4.pdf.download.pdf/Beschaffungsstrategie_Bund_Deutsch_A4.pdf

⁹⁶Federal Office for Buildings and Logistics. Procurement strategy of the federal administration.(2020). *Umsetzungsstrategie zur Totalrevision des öffentlichen Beschaffungsrechts für die Strategieperiode 2021–2030.*

https://www.kbob.admin.ch/dam/kbob/de/dokumente/Themen%20und%20Trends/revidiertes-beschaffungsrecht/Beschaffungsstrategie_Bund_Deutsch_A4.pdf.download.pdf/Beschaffungsstrategie_Bund_Deutsch_A4.pdf

⁹⁷Federal Office for Buildings and Logistics. Procurement strategy of the federal administration.(2020). *Umsetzungsstrategie zur Totalrevision des öffentlichen Beschaffungsrechts für die Strategieperiode 2021–2030.*

<https://www.kbob.admin.ch/dam/kbob/de/dokumente/Themen%20und%20Trends/revidiertes->

With regard to the strategy, the focus will be on the following topics:

- **Sustainable Development Strategy 2030:**
In the area of sustainable public procurement.
- **ICT strategy of the Confederation:**
In the area of procurement in ICT projects.
- **Digital Switzerland strategy:**
In the thematic area of digitalization.
- **Building culture strategy:**
In the area of procurement in construction and real estate management.
- **Climate strategy 2050:**
In the area of climate or environment.
- **Energy Strategy 2050:**
In the area of energy or environment.
- **Swiss Biodiversity Strategy:**
In the area of environment.⁹⁸

Based on the requirements of the completely revised procurement decrees and the areas defined, the Federal Council sets the following strategic procurement goals for the strategy period 2021-2030.

Goals of quality-oriented procurements:

- Construction work, goods and services are awarded on the basis of appropriate and suitable qualitative requirements. The quality characteristics of a service are increasingly at the centre of bid evaluation.
- When procuring non-standardized services, the procurement and requirement departments always include suitable quality-related award criteria in addition to the price criterion and attach an appropriately high value to the quality features of a service.
- The procurement and requirement departments use the room to manoeuvre available to them and select suitable criteria which take into account the characteristics of the respective procurement object accordingly. This is to make a differentiated and appropriate evaluation of the quality characteristics possible.

Goals of the lasting procurements:

- Public funds are economically, ecologically, and socially sustainable within the framework of public procurements.
- The procured services meet high economic, ecological, and social requirements over their entire life cycle.
- The procurement and demand units take sustainability aspects into account throughout the entire procurement process.

[beschaffungsrecht/Beschaffungsstrategie_Bund_Deutsch_A4.pdf.download.pdf/Beschaffungsstrategie_Bund_Deutsch_A4.pdf](#)

⁹⁸Federal Office for Buildings and Logistics. Procurement strategy of the federal administration.(2020). *Umsetzungsstrategie zur Totalrevision des öffentlichen Beschaffungsrechts für die Strategieperiode 2021–2030.*

https://www.kbob.admin.ch/dam/kbob/de/dokumente/Themen%20und%20Trends/revidiertes-beschaffungsrecht/Beschaffungsstrategie_Bund_Deutsch_A4.pdf.download.pdf/Beschaffungsstrategie_Bund_Deutsch_A4.pdf

- As a rule, the procurement and requirement departments formulate suitable sustainability-oriented technical specifications, suitability criteria and award criteria that apply to the respective procurement object.

Goals of innovative procurements:

- The procurement of innovation-oriented solutions is promoted. Already in the context of the defining requirements, an examination is carried out into whether realization variants exist for which innovative solutions appear to be beneficial.
- Innovation is demanded in the procurement procedures. The procurement and requirements departments select and design procurement procedures in such a way that there is room for innovative solutions.
- They select criteria that favour innovative achievements.
- The procurement of particularly sustainable and resource-saving services is actively supported with innovative procurements.

Goals of supplier-friendly procurements:

- Bidders, in particular SMEs, can submit simplified bids because the procurement authorities also apply procurement regulations that are harmonized by the federal government and the cantons throughout Switzerland as efficiently as possible.
- The procurement authorities generally design the procurement procedures in such a way that SMEs also have the opportunity to participate.
- The procurement and requirements departments actively work to ensure that procurement procedures are designed as far as possible to suit suppliers and to keep the administrative burden to a minimum.

Goals of digitized, standardized, and user-friendly procurement processes:

- Procurement processes are harmonized and standardized within the federal government, they are also efficient, and follow a digitized and user-friendly workflow.
- The procurement and demand units of the federal government monitor the involvement of important suppliers with a nationwide and systematically integrated supplier management system.
- The procurement and requirements offices promote digital collaboration within the federal administration and with the suppliers.
- The delegation competencies are used in accordance with the situation while complying with the applicable requirements.

Goals for the reform of public procurement reporting:

- Reporting on public procurement is clear, stringent and takes place periodically.
- The various existing reports and instruments will be reduced and merged in the future.
- In this context, procurement controlling serves not only as an instrument for reporting, but also as an instrument for strategic control and management support.⁹⁹

⁹⁹Federal Office for Buildings and Logistics. Procurement strategy of the federal administration.(2020). *Umsetzungsstrategie zur Totalrevision des öffentlichen Beschaffungsrechts für die Strategieperiode 2021–2030.*

https://www.kbob.admin.ch/dam/kbob/de/dokumente/Themen%20und%20Trends/revidiertes-beschaffungsrecht/Beschaffungsstrategie_Bund_Deutsch_A4.pdf.download.pdf/Beschaffungsstrategie_Bund_Deutsch_A4.pdf

Hereafter, the authors of this study have listed examples of upcoming projects.

The authors have identified several public development plans in the targeted sectors that could lead to public procurement opportunities for European SMEs:

ENVIRONMENT SECTOR

The 4 projects presented have been identified as potentially interesting, as, a priori, no call for tender has been published yet.

Prés-de-Vidy Eco-district (City of Lausanne - Canton of Vaud): Located in the south-west of Lausanne, not far from Lake Geneva.

This Eco-district will accommodate housing for some 2,500 inhabitants, will offer activities, schools will be built, sports facilities and establishments such as businesses and shops.

The first buildings are planned for 2022.

2021-2022: Launch of the allocation plans

2023-2024: Launch of the architectural competition and entry of the allocation plans

2028: The first residents move in.

<https://www.lausanne.ch/officiel/grands-projets/metamorphose/pres-de-vidy.html>

"Weitblick" project for the City of Solothurn (Canton of Solothurn/Solothurn)

The building plots in the first stage of the Weitblick project are currently being put out to tender at the end of 2021. The contract for building plot 3 (application pending) could be awarded in the first half of 2022.

Contact: Coopérative WeitWohnen Soleure

c/o Marianne Schläfli

Niklaus-Konrad-Strasse 23

CH - 4500 Soleure

Tel.: +41 32 623 45 65

Mail:info@weitwohnen.ch

Eco-districtproject - Stromboli, Bern

Owner / Developer:npg AG für nachhaltiges Bauen

Status: Application for building permit

Opening: From spring 2024

Type: Car-free

Location: Holligerhof, Bern

Number of flats: 46

Number of parking spaces Residents: 0 spaces

Visitors: 8 spaces for the entire site (there are a total of about 330 flats on site)

-> 1 space is allocated to Stromboli

Parking spaces per unit: 0.065

Guaranteed car-free vis-à-vis the authorities: Simple and uncontrolled mobility concept (creation of parking spaces throughout the neighbourhood in accordance with the regulations)

For the tenants: Renunciation of the car

Portrait: Co-operative living in Holliger Bern

Six Bernese co-operatives have joined forces in the Holliger project. One of the six partners, npg AG, is building a co-operative apartment building with a striking south-facing "common terrace". It serves both as an extension of the living room and as an access to the building. The ground floor and the basement consist of duplexes, which have the same qualities as small terraced houses. The flats in the tower and longitudinal building are arranged around a central kitchen-

ProSME: supporting European SMEs to participate in public procurement outside the EU

living room, to which the individual rooms are attached. Inside, the flats can be connected to each other by "secret doors", if necessary.

Further Information: npg AG, Stromboli, Holliger - <https://www.npg-ag.ch/>

Details: <https://habitat-mobilitedurable.ch/exemples/ch-quartiers-en-projet/berne-stromboli/description-detaillee/>

Eco-district project "Industriestrasse", Lucerne

Owner / Developer: Co-operation Industriestrasse Lucerne - Association of Co-operatives, Lucerne

Status: Pre-project phase

Opening: 2024

Type: Few cars

Location: Industriestrasse, Lucerne

Number of flats approx.: 140

Number of parking spaces: 36

Parking spaces per unit: 0.26

Car-free guarantee vis-à-vis the authorities: Obligation in the building lease agreement with the City of Lucerne to make the area car-free.

For the tenants: Is laid down in the rental contract and in the rental regulations.

Portrait: Co-operation Industriestrasse - living, working and cultural space in the centre

On the Industriestrasse site, a non-profit living, working and cultural space is being created which, thanks to its diversity, will have a stimulating effect on the district. The emphasis is on providing affordable space for all forms of use - without speculation. In the interest of a good mix of different living, working and cultural offers, the co-operation cultivates a dialog with the neighbourhood, the participating non-profit housing developers as well as public and private partners - now and in the future.

Further information: www.kooperation-industriestrasse.ch

Details: <https://habitat-mobilitedurable.ch/exemples/ch-quartiers-en-projet/lucerne-industriestrasse/description-detaillee/?L=1>

ICT SECTOR

infodienst-ausschreiben.ch, Europe's largest tender database, provides information about software and IT tenders in Switzerland: https://www.infodienst-ausschreibungen.ch/branch/software_it-dienste

TRANSPORT SECTOR

infodienst-ausschreiben.ch provides information about public tenders in the field of transport services in Switzerland: <https://www.infodienst-ausschreibungen.ch/branch/transport>

- Identification of multilateral projects' pipeline to the country

As already stated in part 3 of this study, Switzerland is home to numerous international organizations, especially the UN system agencies based in Geneva. These bodies finance many public tenders and use international competitive tenders or long-term agreement procedures. These tenders follow their own regulations and allow for open competition - they represent a good opportunity for foreign firms.

Since these organisations do not finance projects executed in Switzerland, they have not been considered in the scope of this study.

5. Competitive framework in each sector

The authors intend to present in this chapter a list of companies that are awarded public contracts regularly in Switzerland. It is mostly companies that are registered in Switzerland that are awarded contracts. Yet many of these companies are subsidiaries of foreign groups or companies.

The so called “flanking measures” might explain the predominance of local companies in the top suppliers ranking. As stated in the instruction to the study, it is a must for any company executing a service contract in Switzerland and generating at least CHF 100,000 per annum globally to appoint a local representative for tax matters. The manpower cost must also be calculated considering Swiss salary standards and a company is not allowed to deploy any staff who deliver a service contract in Switzerland more than 90 days per year. For certain contracts, these rules are very limitative and make it almost impossible for a foreign company to be awarded the contract. One solution is therefore to create a local subsidiary or to find local partners and bid as a sub-supplier or member of a consortium.

- Main local bidders and international bidders

In the procurement controlling of the federal administration, the 40 suppliers with the highest turnover for public procurement were recorded. These statistics show that only six suppliers in this top 40 ranking come from abroad. Nevertheless, it must be noted that companies listed as Swiss companies can also be companies that do not have their headquarters in Switzerland, but may be for example a branch or subsidiary. The six foreign suppliers listed come from Germany (4), France (1) and Israel (1).¹⁰⁰

¹⁰⁰Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

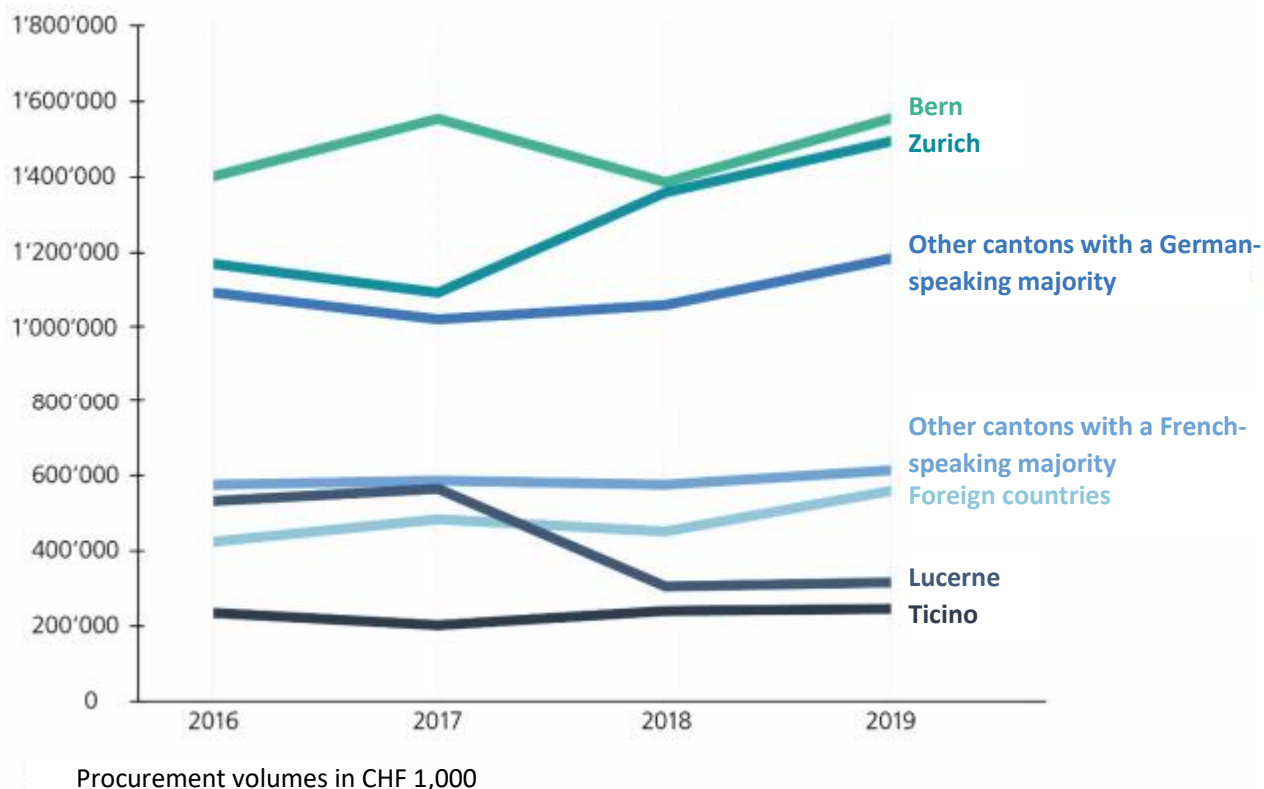
Procurement payments in CHF 1,000

Supplier	Kanton	Land	1'000 CHF
RUAG Switzerland AG	BE	CH	217'355
RUAG Ammotec AG	BE	CH	118'850
General Dynamics European Land Systems - Mowag GmbH	TG	CH	110'643
Implenia Switzerland AG Tunnelling & Civil Engineering - Zurich	ZH	CH	98'353
Mercedes-Benz Switzerland AG	ZH	CH	97'806
Atos AG	ZH	CH	92'624
Marti AG, Bauunternehmung	ZH	CH	83'449
RUAG Switzerland AG RUAG Defence	LU	CH	74'137
Swisscom (Switzerland) AG	BE	CH	65'960
Global IT AG	ZH	CH	62'479
Marti Tunnel AG	BE	CH	54'245
Frutiger AG	BE	CH	51'373
saltech AG	SO	CH	45'033
Iveco-Magirus AG	n/a	DE	43'571
Securitas AG Swiss Guarding Company	BE	CH	41'215
Marti Gesamtleistungen AG	BE	CH	40'502
Rheinmetall Waffe Munition GmbH	n/a	DE	39'800
Air Total (Suisse) SA	GE	CH	36'784
Marti AG - Bern, Moosseedorf	BE	CH	36'302
Anliker AG Bauunternehmung	LU	CH	35'369
Krauss-Maffei Wegmann GmbH & Co. KG	n/a	DE	34'450
Hans Weibel AG Bauunternehmung - Bern	BE	CH	34'354
Thales LAS France SAS	n/a	FR	34'260
Hans Weibel AG Bauunternehmung - Châtel-St-Denis	FR	CH	33'972
Mancini & Marti SA	TI	CH	29'867
ELTA Systems Ltd	n/a	IL	28'277
ORS Service AG	ZH	CH	25'288
Thales Suisse SA	ZH	CH	25'248
SoftwareONE AG	NW	CH	24'399
PORR SUISSE AG	UR	CH	24'025
Pilatus Aircraft Service AG	NW	CH	23'932
Swiss Post	BE	CH	23'870
AirPlus International AG	ZH	CH	23'585
Ennio Ferrari SA	TI	CH	23'282
swenex - swiss energy exchange Ltd	LU	CH	22'591
Helvetas Swiss Intercooperation	ZH	CH	22'309
BTP Services SA	NE	CH	22'228
Walo Bertschinger AG & Specogna Bau AG	ZH	CH	22'049
Dynamit Nobel Defence GmbH	n/a	DE	21'834
Rampini & Cie SA	GE	CH	21'774
Result of the 40 highest-turnover creditors of the federal administration of Switzerland			1'967'444
Overall result of procurement payments 2019			6'108'595

Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

The geographical distribution of suppliers can also be assigned to the various cantons. However, the Federal Administration states that some figures refer to individual branches or to the geography of incoming payments (linked to the company) if they are centralised, so in this case the geographical distribution of value added could not be evaluated.¹⁰¹

¹⁰¹Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.17. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>



Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

Suppliers from the cantons of Bern (25.4%) and Zurich (24.4%) are in first place, together accounting for almost 50% of all procurement volumes. The federal administration sees the reason for the high procurement volumes in Bern on the one hand in the geographical proximity to its own infrastructure and on the other hand the payments to RUAG's federally affiliated operations, which have increased.¹⁰²

In the case of the canton of Zurich, the level of procurement payments can be explained by its economic strength and in particular the increase due to the general increase in construction activity in the national roads sector.¹⁰³

The French-speaking cantons (Vaud, Geneva, Fribourg, Neuchâtel, Valais, and Jura) account for 10% of procurement payments and remain relatively stable compared to 2018.¹⁰⁴

The federal administration also states that 9% (CHF 559 million) of the payments in 2019 went to companies based abroad. Around CHF 266 million of these payments went to companies based in Germany and corresponds to CHF 68 million more than in 2018. The companies in the armaments sector, which are also on the list of the 40 suppliers with the highest sales, are

¹⁰²Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁰³Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁰⁴Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.17. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

primarily responsible for this increase (Iveco-Magirus AG, Rheinmetall Waffe Munition GmbH, Krauss-Maffei Wegmann GmbH & Co. KG and Dynamit Nobel Defence GmbH).¹⁰⁵

- Sectoral breakdown

Most of the suppliers with the highest volume of turnover in the entire federal administration – irrespective of the procurement area – are defence and construction companies.¹⁰⁶

In the construction sector, the main suppliers are Implenia AG and Marti AG, which together account for 9.1% of the construction industry.¹⁰⁷

In the goods sector, the suppliers with the highest turnover are in the armaments sector. They supply vehicles, aviation systems, weapons and ammunition.¹⁰⁸

In the ICT sector, RUAG supplies IT and telecommunications equipment for the command and control and operational systems of the armed forces, including maintenance, and accounts for 10% of the statistics, followed by the company Atos AG, which provides various services for the military as well as the civilian federal administration, such as software systems and security radio networks. The company Global IT mainly supplies the Federal Administration with IT and telecommunications resources. The Federal Office of Information Technology is the largest ICT provider for the Federal Administration and is responsible for the standard services of data and voice communication, using communication technology from Swisscom AG. Mowag GmbH equips its carrier vehicles with tactical reconnaissance systems for the DDPS.¹⁰⁹

In the area of services (excl. consulting and ICT), the company ORS Service AG provides support services in the asylum shelters of the Confederation on behalf of the State Secretariat for Migration (SEM). Air travel is handled by AirPlus International AG. Post CH AG provides various postal services. The Helvetas association accompanies and implements Swiss Agency for Development and Cooperation (SDC) and Federal Department of Economic Affairs, Education and Research (EAER) projects in the context of international cooperation. SBB provides transport services for federal employees.¹¹⁰

In the area of consulting, MCI Suisse SA provides support and advice in the organisation of major events. Planval AG manages and operates the national network office "regiosuisse" on behalf of SECO and supports the implementation of the New Regional Policy (NRP). The Aero Club of

¹⁰⁵Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.17.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁰⁶Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.15.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

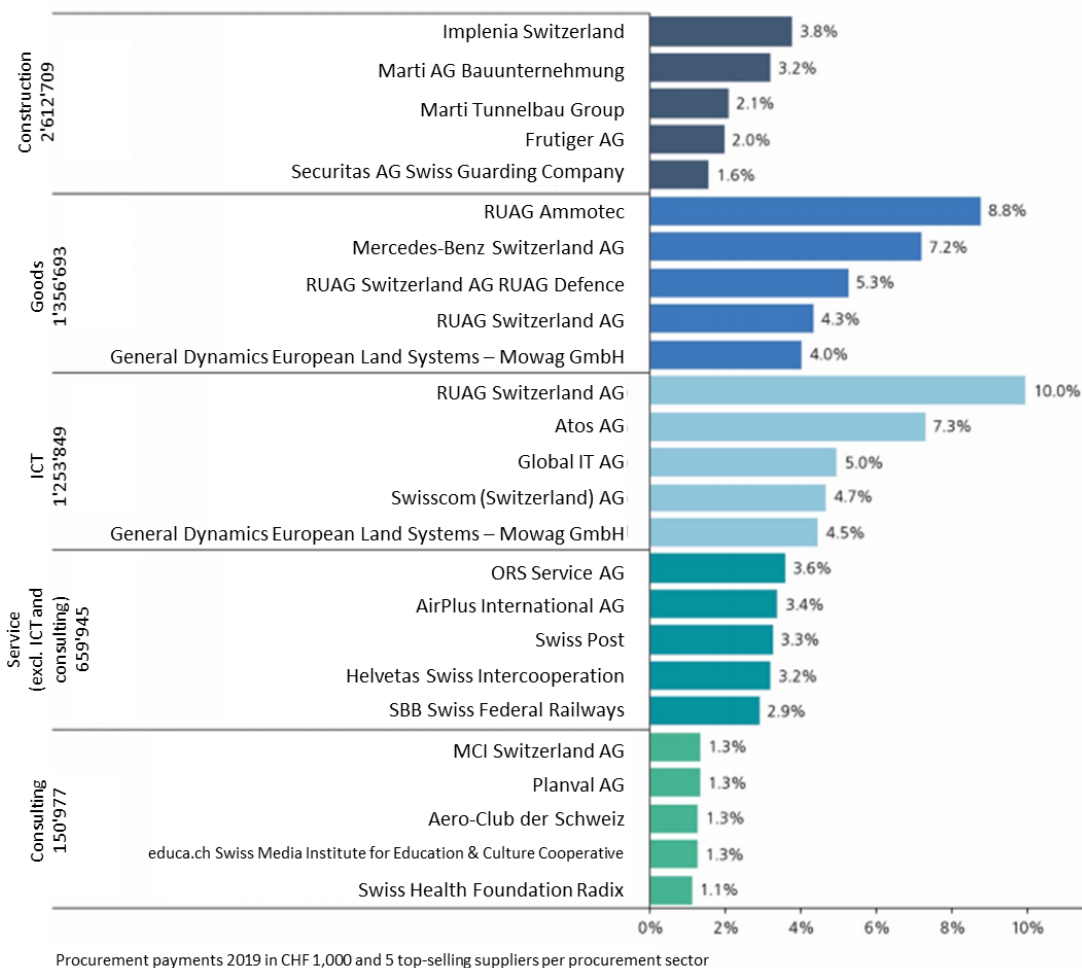
¹⁰⁷Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.15.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁰⁸Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.15.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹⁰⁹Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.15.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹¹⁰Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.p.15.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

Switzerland organises flight and jump courses for the air force within the framework of SPHAIR (a training platform of the Swiss Air Force) and supports the recruitment of the corresponding functions. The specialist agency educa.ch fulfils performance mandates from the cantonal directors of education and the federal government (State Secretariat for Education, Research and Innovation) in the area of ICT and education. The Swiss Health Foundation RADIX is the sponsor of the Swiss Office for the Coordination of Addiction Facilities “infodrog”, which provides services for the Federal Office of Public Health in the area of developing and implementing addiction policy.¹¹¹



Source: Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

¹¹¹Federal administration of Switzerland. (2020). *Reporting Set Beschaffungscontrolling 2019 – BVerw.* p.16. <https://www.bkb.admin.ch/bkb/de/home/bkb/beschaffungscontrolling-bverw.html>

6. Main stakeholders (professional organizations, chambers of commerce, sectoral clusters...)

SWITZERLAND GLOBAL ENTERPRISE - <https://www.s-ge.com/en/who-we-are>

Switzerland Global Enterprise (S-GE) is the official Swiss export and investment promotion organisation with offices throughout Switzerland and in 31 countries.

FEDERATION DES ENTREPRISES ROMANDES - <http://www.fer-sr.ch/>

Founded in 1947 in Murten, its headquarters are in Geneva. It brings together six cantonal interprofessional employers' associations (Geneva, Fribourg, Neuchâtel, Jura, and Valais), representing almost all the French-speaking cantons. The FER has over 45,000 members.

The representative of French-speaking Switzerland in FODERE:

FODERE (Forum for the Development of Enterprises in European Regions) brings together the employers' organizations of five regions: French-speaking Switzerland, the Auvergne Rhône-Alpes region, Catalonia, Piedmont and Baden-Württemberg. FODERE was created in 1987 on the initiative of the Union patronale de Rhône-Alpes (now Medef Auvergne Rhône-Alpes) to monitor and anticipate European developments. Each year, a forum is organized around a theme; these meetings allow members to build up a significant information network: <http://fodere.eu/fr/>

CHAMBERS OF COMMERCE AND INDUSTRY (CCI)

Switzerland has 20 Chambers of Commerce and Industry. For some years now, they have been organizing themselves to create a common database to enable the search for national and international companies based in Switzerland. This is Swissfirms - www.swissfirms.ch.

There is a charge for acquiring the address lists, but consultation of the data is free.

Unlike some European countries, there is no obligation for companies to be members of a chamber of commerce. Therefore, the number of members in a Swiss Chamber of Commerce and Industry is not representative of the number of companies listed in a Canton.

For example, the Canton of Geneva has more than 33,000 companies and the CCI Geneva has 2,400 members.

Nevertheless, the Swiss CCIs can be an interesting contact when looking for business partners.

This link gives access to the contact details of all the Swiss Chambers of Commerce and Industry: <https://www.sihk.ch/chambers>

UNION LEMANIQUE DE L'ARTISANAT ET DES METIERS - <http://www.ulam.info/ULAM.html>

The Union Lémanique de l'Artisanat et des Métiers (ULAM) was established in 1993 by an agreement between the economic and professional organizations of the crafts and trades of the French-Swiss Lake Geneva region:

- Chambre de Métiers et de l'Artisanat de l'Ain,
- Chambre de Métiers et de l'Artisanat de la Haute-Savoie,

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- Fédération Patronale Vaudoise,
- Union des Associations Patronales Genevoises,
- Union valaisanne des arts et métiers.

ULAM is recognised as a privileged interlocutor to represent the economic interests of the crafts and trades with the "Conseil du Léman" - a co-operation charter has been signed between the two structures.

ULAM's partners work together regularly to set up joint actions, especially in the cross-border field, such as the publication of brochures, cross-border exchanges in the field of vocational training and meetings between professionals.

Taking into account the 3 sectors selected for the ProSME project for Switzerland, the following is a non-exhaustive description of associations, professional federations and clusters in the fields of Intelligent Transport, ICT and the Environment:

INTELLIGENT TRANSPORT SYSTEMS

its Switzerland – Intelligent Transport Systems - <https://www.its-ch.ch/>

Platform for the promotion of intelligent transport systems, which brings together both public and private partners in the sector. This platform pays particular attention to applications related to road transport.

innolab Smart Mobility– <https://www.innolab-smart-mobility.ch/>

The aim is to develop an innovation ecosystem for mobility in Switzerland by contributing to Goal 1 "Future Mobility Switzerland": *Switzerland is an international leader in the application of mobility innovations.*

SVI – Swiss Association of Transport Engineers and Experts – <https://www.svi.ch/fr/portrait/>

Professional organization for transport specialists working in private offices or in public administration.

VSS - Swiss Association of Road and Transport Professionals –

<https://www.vss.ch/fr/association/mission>

The VSS brings together around 2,400 professionals, companies and institutions from the private and public sectors involved in the planning, design, construction, operation, maintenance, use and deconstruction of transport infrastructure and the materials used in this context. The composition of the VSS membership reflects the contents of the VSS core business, i.e. the road and transport sector (infrastructure, vehicles, human aspects, environment, financing and data collection and management).

LOGISTIKCLUSTER Region Basel- <https://www.logistikcluster-regionbasel.ch/ueber-uns/>

ICT

Swico - the association for digital companies - <https://www.swico.ch/fr/association/>

Swico is the trade association for the ICT and Internet sector and represents the interests of established companies and start-ups at the political, economic, and social levels.

Asut - the leading association of the Swiss telecommunications industry -

<https://www.asut.ch/asut/de/page/about.xhtml>

SWISSICT - <https://www.swissict.ch/about/>

With more than 2,500 members, Swissict is the largest ICT network in Switzerland and promotes current topics such as sourcing & cloud, open source, innovation, lean, agile & scrum, industry 4.0 and e-health.

DIGITALSWITZERLAND – <https://digitalswitzerland.com/what-is-digitalswitzerland/>

This is a cross-sectoral initiative for the whole of Switzerland that aims to strengthen and anchor Switzerland as a global location for digital innovation. More than 220 members of non-political partner associations and foundations are working together across the board to achieve this goal.

ELECTROSUISSE – <https://www.electrosuisse.ch/fr/a-propos-de-nous/>

Electrosuisse is the leading association for electrical engineering and energy and information technology.

ENVIRONMENT

Aeesuisse - Umbrella organization of the renewable energy and energy efficiency industry -

<https://aeesuisse.ch/de/organisation/ueber-uns/>

The Swiss EEA is the umbrella organization for companies and represents the interests of 32 trade associations and around 35,000 companies and energy suppliers in the fields of renewable energy and energy efficiency.

ENERGIE-CLUSTER - <https://energie-cluster.ch/cluster>

This cluster acts as a networker, mediator of ideas and technologies, think tank, training, and knowledge transfer platform. It is recognised throughout Switzerland.

The Energy Cluster brings together the private and public sectors as well as research, development, and education institutions, strengthens the Swiss economy and promotes innovative CO2-neutral products and solutions.

Energie-Cluster.ch contributes to the implementation of the Swiss Energy Strategy 2050, the obligations of the Paris Agreement and the 17 UN Sustainable Development Goals.

SWISSMEM - Environmental Technologies segment - <https://www.swissmem.ch/fr/produits-et-prestations-de-services/reseaux/groupes-specialises/technologie-environnementale.html>

The "Environmental Technology" industry sector comprises companies that manufacture plants or components for the application of environmental technologies. With these highly developed technologies, they offer comprehensive solutions in the fields of waste, water, noise and energy,

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BUILDING INNOVATION CLUSTER - <https://building-innovation.ch/en/who-are-we/>

Supports the members of the Cluster in their innovation approach in sustainable construction and energy efficiency by offering:

- Networking and meetings opportunities at events
- A monitoring of information and technology in the energy and building sector

S-WIN - SWISS WOOD INNOVATION NETWORK – <https://www.s-win.ch/fr/a-notre-propos/#ziele>

Network of innovative wood technologies for the decarbonisation of society.

SWISSOLAR - <https://www.swissolar.ch/en/about-swissolar/portrait/>

Swissolar is the Swiss Solar Energy Professionals Association. It represents the Swiss solar industry, i.e. all the companies and institutions that are part of the solar economy, as well as organizations that support the concerns of the solar economy.

SWISS PLASTICS CLUSTER- <https://swissplastics-cluster.ch/>

The mission of the cluster is to improve the competitiveness and productivity of its members through the active promotion of plastics technologies, to foster public-private partnerships, to provide appropriate continuing education for staff, to create networking and business opportunities between members and to provide high value-added services for members.

CleantechAlps–<https://www.cleantech-alps.com/fr/cleantech-alps/>

CleantechAlps encompasses all technologies, industries and services that contribute to the protection and conservation of natural resources.

7. Conclusions: forecast of business opportunities in public procurement for European SMEs

Switzerland has put in place several mid- and long-term policies that involve investments in infrastructures – roads, railways, IT infrastructure, energy management, buildings for public administrations – and therefore there are numerous public procurement opportunities for European SMEs.

Although Switzerland is a proximity market, in the heart of Europe, and it has signed several bilateral agreements with the EU, its legislation makes it difficult for non-Swiss companies to be qualified for and win public contracts.

It is very important for European SMEs to study Swiss legislation and in particular the so called “flanking measures” so as to be prepared for bids and to understand the requirements of the Swiss authorities or public companies when it comes to delivering a service in Switzerland as a foreign company.

The advice of the authors is for a European SME to look for local partners with which it will be able to jointly participate in a tender, as a sub-supplier or by building a consortium. Another possibility of course is to create a subsidiary in Switzerland, this however is more expensive and riskier if the SME has little experience of the Swiss market.

The European Commission is providing a Public Procurement Guide for Switzerland in which the procurement rules and procedures are described. This guide is complementary to the present study and the authors suggest that interested SMEs should read it in order to grasp the full picture of public procurement in Switzerland. The European Commission also provides a local contact list on which European SMEs can identify advisory offices and other entities able to provide support and advice for entering the Swiss public procurement market.

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