

Agnieszka Wachowska, Piotr Nepelski

The Public Procurement Office ("PPO") has presented a report on the functioning of the public procurement system in 2021. The PPO's reports provide a lot of useful information to assess the state of the public procurement sector. The sector, like the economy as a whole, is going through a turbulent period: first caused by the COVID-19 pandemic, currently by the war in Ukraine and by high inflation.

However, as the report shows, public procurement is doing better than it was in 2020.

From the most interesting news, the report appears that:

- the value of contracts awarded using the provisions of the Public Procurement Law ("PPL") in 2021 was approximately **PLN 184.6 billion** (an increase of approximately PLN 1.1 billion compared to 2020);
- the value of contracts awarded pursuant to the provisions of the PPL constituted approximately **7.04% of the 2021 gross domestic product (GDP)**;
- the value of the public procurement market in 2021 (both contracts awarded under the PPL and exemptions from the application of the PPL) amounted to approximately **PLN 297.8 billion** (an increase of approximately PLN 16.8 billion compared to 2020);
- construction works accounted for 39% (in 2020 - 43%), supplies 31% (in 2020 - 31%) and services 30% (in 2020 - 26%) of the value of contracts awarded;
- the number of appeals lodged to the National Appeals Chamber in 2021 was 3,811 (an increase of 266 over 2020), whereby:
  - 48% of appeals were judgement on the merits;
  - 52% of appeals were decided formally (return, discontinuance, rejection of appeal).
- appeals in the IT sector accounted for 12.99% of the total number of appeals lodged to the National Appeals Chamber (this sector remains, along with construction works, the sector most frequently causing appeals);
- in 2021, an average of 2.53 tenders were submitted in public procurement procedures with values above the EU thresholds;
- the average duration of public procurement procedures with a value below the EU thresholds was 39 days (the report does not answer the question of how long public procurement procedures above the EU thresholds lasted).

As we see, the contractors should look very carefully at the public procurement procedures being announced. Especially in the face of a possible recession in upcoming time.