

Streamlining professionalisation in public procurement: Romanian competency frameworks as a case study (Part A)

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Șerban Filipon

*Department of Procurement Consulting, Integrate Investment,
Bucharest, Romania, and*

Violeta Simionescu

*Department of Teacher Training, Universitatea Tehnica de Constructii Bucuresti,
Bucharest, Romania and Integrate Investment, Bucharest, Romania*

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Abstract

Purpose – Competency frameworks can support public procurement capacity development and performance. However, literature on connecting professionalisation with national procurement contexts is limited. This paper aims to explain and conceptualise recent Romanian experience with developing bespoke competency frameworks at national level for public procurement that reflect the features of the Romanian public procurement system. The approach used could guide in broad-brush, *mutatis mutandis*, other (national) public procurement systems with comparable features, mainly those seeking a shift from a rather administrative function of public procurement towards a strategic function.

Design/methodology/approach – This case study reflects on the methodology used for analysing the Romanian public procurement environment in EU context to develop bespoke professionalisation instruments, and on ways to integrate competency management approaches in Romanian public procurement culture. That methodological mix has been mainly qualitative and constructionist, within an applied research approach. It combined desk research with empirical research and included legal research in this context.

Findings – A principled, methodological and pragmatic approach tailored to the procurement environment in question is essential for developing competency frameworks capable to resonate to and address the specific practical needs of that procurement system.

Social implications – Competency frameworks can uphold societal objectives through public procurement.

Originality/value – Using valuable insights into the development of the Romanian public procurement competency frameworks, the paper provides a conceptual framework for instilling competency management approaches to public procurement professional development where the latter is governed by a rather distinct,



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public administration, paradigm. This conceptual framework can guide other public procurement systems and stimulate further research.

Keywords Public procurement, Competency framework, Procurement personnel, Competency management, Strategic function of public procurement, Professionalisation, Education and training, Procurement context, Procurement research, Public procurement law and policy, Romania, Eastern Europe

Paper type Case study

This article is published in two Parts.

This Part A – which covers Section 1 and Section 2 to sub-section 2.3.2 – includes the introduction to the article, and it then proceeds to describing and conceptualising the case study in respect of: the context of the Romanian public procurement system; competency management as an approach to addressing public procurement professionalisation; the development of the Romanian public procurement competency frameworks at national level in terms of the reasons for generating two such competency frameworks, the main elements involved, and adaptations needed in light of the administrative environment and constraints.

Part B – which starts with sub-section 2.3.3 of Section 2, and includes Sections 3 and 4 – continues the description and conceptualisation of the case study by: addressing the methodology used for the development of the Romanian public procurement competency frameworks at national level, the principled approach used, as well as the structure and internal logic of the competency frameworks; then, the results are analysed and discussed in terms of uses and potential uses of the competency frameworks in domestic context, lessons learnt, and potential relevance of certain approaches outside Romania; finally, concluding remarks and recommendations are provided.

1. Introduction

This article analyses recent efforts towards a major overhaul in professionalisation of public procurement in Romania, resulting in new approaches and programmatic instruments to be applied nationwide. Whilst a case-study, the article goes beyond describing *what* has recently been done in Romania. Rather, it provides a conceptual and practical framework of *how* public procurement professionalisation in Romania has been approached, and *why* it has been approached that way, within its own context.

More precisely, the article investigates and reports on the development of generic instruments for public procurement professionalisation in Romania, that consider, reflect and address the specific features of this public procurement system, with a focus on the preparation process of the national generic *competency frameworks* for public procurement. The internal logic and methodologies developed for the preparation of bespoke public procurement professionalisation solutions at national level are likely to provide orientation in some respects, *mutatis mutandis*, for some other European countries and/or, possibly, further afield. However, we are not suggesting a “universal” approach towards professionalisation since specific solutions need to be calibrated to the features of each individual public procurement system. The article draws lessons from the preparation process concerning the national competency frameworks for public procurement, considers reasonable expectations on future evolutions, potential wider implications for other countries, makes certain recommendations and suggests subjects for future research deriving from this case-study.

After this introductory section, the article continues in Section 2 with essential data concerning two main dimensions shaping our case-study, and how these were incorporated into conceiving the Romanian public procurement competency frameworks at national level. The

first dimension addresses the relevant “procurement environment” (Arrowsmith *et al.*, 2000, pp. 18–23), in our case the Romanian public procurement system within the EU context (s. 2.1). The second dimension relates to a potential change of paradigm from traditional human resource management towards “competency management” in public procurement, a strategic approach that can be applied both at national level and at contracting authority/entity level (s. 2.2). In this context, a competency framework represents a central tool that defines and lists a sum of competencies, which include knowledge and skills, supporting an institution or profession pursue its *strategic* objectives (e.g. European Commission, 2020a, p. 19; PAHRODF, 2017, p. 17). On this background, Section 2 then explains (in s. 2.3) the overall process pursued, including the challenges and reasoning involved, and solutions identified, in developing the *two national* public procurement competency frameworks: for the function of public procurement councillor; and for the function of public procurement system councillor.

Section 3 analyses and discusses the results of the development of generic professionalisation instruments at national level in Romania in the area of public procurement, with particular regard to competency frameworks. The section addresses (in s. 3.1) uses and intended uses of the national competency frameworks and the need for pragmatism in their application that includes customisation at various levels (e.g. World Bank and NAPP, 2020, pp. 20–22; World Bank and NAPP, 2021b, pp. 27–29). The section then draws lessons learnt from the preparation “journey” (s. 3.2), and explores potential wider relevance of certain approaches to other countries (s. 3.3). Section 4 concludes on the Romanian experience with procurement competency frameworks so far, provides certain recommendations, and considers expected evolutions and potential further research.

Recent years witness a revival and expansion of competency management in the public sector (for example, Government of Western Australia, Department of Finance, Public Sector Commission, 2018; Policy Profession [UK], 2021; Royal Civil Service Commission [Bhutan] *et al.*, 2019; Government Commercial Function [UK], 2015; Treasury Board of Canada Secretariat (2018); Scottish Government, 2021; and see also, for further examples, European Commission, 2020b). Ensuing the 2017 Recommendation on public procurement professionalisation (European Commission, 2017a), a European competency framework for public procurement professionals was prepared (European Commission, 2020a), hereinafter referred to as *Procur Comp*^{EU}. Romania was involved in this process and, to our knowledge, it is also amongst the first EU Member States to have developed *nationally tailored* competency frameworks for public procurement, as well as a nationally tailored generic training curriculum, pursuant to this initiative at EU level.

As this article is set up as a case-study, it reflects the methodological approach used in practice for the development of the national public procurement competency frameworks. Essentially, the methodological mix can be described as applied research, with a constructionist and predominantly qualitative approach, integrating procurement management research and legal research in context (World Bank and NAPP, 2021/06 c) (s. 2.3.3). The publication of this case-study is timely: the developed professionalisation instruments were accepted by National Agency for Public Procurement (NAPP) (Romanian: Agenția Națională pentru Achiziții Publice) [1], a review on behalf of the European Commission, public consultations, and dissemination sessions were completed. The competency frameworks and related materials are available in Romanian via <https://anap.gov.ro/web/rezultate-sipoca-625/>.

Considering the relatively recent push for competency management approaches in public procurement, and more generally in the public sector, the Romanian experience can be regarded as pioneering. In particular, the competency framework addressing “public procurement system councillors” working in the National Agency for Public Procurement,

and focussing on procurement policy, monitoring, and ex-ante control at national level is, to our knowledge, unique of the kind (World Bank and NAPP, 2021/06 b).

2. The case study

2.1 Background

2.1.1 *Features of the Romanian public procurement system.* The Romanian public procurement system is largely decentralised, with an estimated 15,000 contracting authorities/entities (PwC, 2016, p. 180), which continues to be a relevant figure at the time of writing this article (2023) as no significant changes have occurred in the meanwhile in the structure of the Romanian public administration. Of these contracting authorities/entities, approximately 3400 were active – meaning they concluded public procurement contracts – during 2020 (NAPP, 2020, p. 8) and nearly 3,300 during 2021 (NAPP, 2021, p. 8). These include both large purchasers and many small ones, some of which might have limited procurement activities, below the EU thresholds (e.g. Directive 2014/24/EU, arts.4–6). Table 1 shows the total numbers of active contracting authorities and entities (during the past three years for which data is available at the time of preparing the article).

Using data from 2021 (the most recent data available at the time of writing the article), Table 2 provides a breakdown of the numbers of active contracting authorities and entities by their type of activity (selection).

Romanian public procurement regulation covers procurements above and below those thresholds, albeit under different procedures (e.g. Law 98/2016, as further amended). Usually, public procurement is carried out through the national electronic facility for public procurement (www.e-licitatie.ro/pub). Centralised procurement is a relatively recent development in Romania and an evolving trend, while joint procurement is rarely used. Romania ranks amongst the largest markets in Eastern Europe, and the overall estimated value of public procurement procedures organised in Romania in 2021, similarly to that of the previous year, 2020, was – the equivalent in national currency “Lei/Ron” – of nearly 12bn Euros (NAPP, 2020, p. 9; NAPP, 2021, p. 9) [2].

Beyond figures and institutions, it is the history and evolution of the Romanian public procurement system, its legal and administrative culture that provide an in-depth profile influencing approaches to professionalisation. The Romanian public procurement system has been relying heavily on legally enforceable and detailed regulation of public procurement. As a former centralised economy, prior to 1989, Romania started to regulate public procurement in its current concept – i.e. that of government or public institutions purchasing from a *free market* (Trepte, 2004, p. 19) – from the 1990s, gaining impetus in the 2000s under the prospect of joining the European Union (in 2007), and as an EU member state thereafter (e.g. *Integrate Investment, 2020*, p. 12).

Romanian law belongs to the civil law system, and its French traditions. Legal norms are usually codified in normative instruments issued by Parliament or, in limited cases, by

Year	Total no. of active contracting authorities and contracting entities	Total no. of active contracting authorities	Total no. of active contracting entities
2021*	3,272	3,124	148
2020	3,443	3,282	161
2019	3,820	3,673	147

Notes: *Latest available data as of 16 October 2023

Sources: Created by authors, using data collected/collated from: NAPP (2021, 2020, 2019); data publicly available

Table 1.
Number of active contracting authorities and entities

Type of activity**	Contracting authorities*	
	No. of contracting authorities	% of total active contracting authorities
General services of public administration	1687	54.00
Others (unclassified)	398	12.74
Health	365	11.68
Education	190	6.08
Public order and safety	157	5.03

Type of activity**	Contracting entities*	
	No. of contracting entities	% of total active contracting entities
Water	44	30
Railway, tramway or bus services	32	22
Production, transport and distribution of gas and heat	20	14
Airport activities	14	9
Electricity	14	9

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Table 2.
Breakdown of the
numbers of
contracting
authorities and
entities by type of
activities – selection,
2021

Notes: *Information relates to 2021, which is the most recent data available as of 16 October 2023; **only the first five categories are presented in the table, with highest numbers of active contracting authorities or, as applicable, contracting entities for the relevant type of activity

Sources: Data collected from: NAPP (2021), p. 8; data publicly available at <https://anap.gov.ro/web/indicatorii-de-monitorizare-a-eficientei-procedurilor-de-achizitie-publica-finalizate-prin-contract-2021/>

Government [3]. A Court judgment is usually compulsory and enforceable only in respect of the specific legal case it settles. Procurement practice in Romania affords limited consideration to interpreting jurisprudence. Practical experience of the authors suggests a prevailing literal interpretation of regulations by practitioners, largely leaving aside other types of legal interpretation methods that could support identifying bespoke procurement solutions that are performant and strategic.

Analysis of primary and secondary sources [4] indicates that public procurement law and regulation are in many cases regarded by procurement personnel in Romania as an all-job, *factotum* mechanism (Integrate Investment, 2020; World Bank and NAPP, 2021/06 c). Procurement activity tends to be conceived as confined and limited to what legal instruments expressly provide for, and quite often regarded as an administrative rather than strategic function. Focus continues to be on the application of a procurement procedure, and less so on the overall procurement cycle, strategic objectives and/or value. Procurement planning, contract management, procurement performance in the sense of *effectiveness* (La Chimia and Trepte, 2019), as well as digital transformation in procurement, appear to need significant strengthening in Romania.

Understanding the real meaning of legal rules provides a prerequisite for good practice in public procurement. In this connection, Trepte (2007, p. 604) states, generally, that: “Procurement is a profession which requires the exercise of professional and technical judgement. It cannot be reduced to the application of a formula”. However, the massive use of the open tender procedure in the Romanian public procurement practice for procurements with estimated values above the thresholds provided by the EU directives, in correlation with the extremely limited use of other procurement procedures (for such procurements), and in particular of procedures (with publication) involving negotiations or dialogue with candidates or tenderers, which has remained a constant trend throughout the years (e.g. NAPP, 2020, p. 7 and pp. 10–11; also confirmed for 2021: NAPP, 2021, p. 7 and pp. 9–10), is self-explanatory of the prevailing approach towards public procurement that professionalisation needs addressing to shift focus towards better performance,

innovation and digital transformation. [Table 3](#) shows the very limited use of procedures with publication involving negotiation or dialogue.

In transposing the EU procurement directives, domestic instruments tend to filter options provided for by the directives and supplement these with layers of detailed regulation, including primary, secondary and tertiary legislation, amendments to which have been quite frequent. [Table 4](#) illustrates (in a simplified manner) a selection of national legal instruments regulating public procurement in the context of EU law.

The potential for enhanced legal certainty by providing explicit regulation may be overshadowed by increased complexity of regulation. The number of legal cases in public procurement in Romania remains high, with around 3,000 public procurement complaints lodged to the National Council for Solving Complaints (NCSC) yearly [Romanian: Consiliul

Table 3.
Numbers of open tender procedures, and of procedures with publication involving negotiations or dialogue with tenderers or candidates, by year

Year	No. of open tender procedures	No. of procedures, with publication, involving negotiations or dialogue with candidates or tenderers (including breakdown, where applicable)
2021*	4,182	0 (zero) <i>[assumed, since there is no report of any]</i>
2020	3,560	19 (of which: 18 competitive negotiation, and 1 competitive dialogue)
2019	3,542	16 (of which 16 competitive negotiation)

Note: *Latest available data in NAPP reports as of 16 October 2023

Sources: Created by authors, using data collected/collated from: [NAPP \(2021, 2020, 2019\)](#); data publicly available

Table 4.
Selection of national legal instruments regulating public procurement in the context of EU law (simplified presentation)

EU law level	EU regulatory instruments: for example, Directive 2014/24/EU (on public procurement), Directive 2014/25/EU (on utilities procurement), [directives need to be / are transposed in domestic legislation of EU Member States]	Court of Justice (of the European Union) – Case Law
National law level	Primary legislation: for example, - Law 98/2016 (on public procurement), - Law 99/2016 (on utilities procurement), [transpose directives <i>and</i> include additional provisions]	CJUE Case Law directly applicable in Member States
	Secondary legislation: for example, - Government Decision 395/2016 (approving implementing norms for the public procurement law), - Government Decision 394/2016 (approving implementing norms for the utilities procurement law)	
	Tertiary legislation: for example, - NAPP Instruction 1/2021 on amending public procurement contracts, utilities procurement contracts, framework agreements, - NAPP Instruction 1/2017 on similar experience as a qualification/selection criterion concerning the technical and professional capacity.	

Source: Created by authors

Național de Soluționare a Contestațiilor], e.g. 3,233 complaints in 2022, 3,426 complaints in 2021 (NCSC, 2022, p. 11), 2,977 in 2020 (NCSC, 2021, p. 11), 2,803 in 2019 (NCSC, 2019, p. 10) and 3,642 in 2018 (NCSC, 2019, p. 13). Table 5 shows the numbers and percentages of decisions by NCSC admitting/rejecting complaints, presented by year for the last three years. The percentage of NCSC decisions remaining final and irrevocable, as resolved by the NCSC – either due to the decisions not being appealed by the parties or, where appeals are lodged, because a Court of Appeal rejects appeals – has been of 97.43% for the period 2006–2022.

Using data from 2022 (the most recent data available at the time of writing the article), Table 6 provides a list of the most challenged aspects in complaints, in terms of the number of complaints, and being mainly structured around two categories: complaints against the requirements/conditions imposed by contracting authorities/entities in the tender documents; and complaints against award decisions by contracting authorities/entities. While the table presents a selection of aspects having been challenged, in conjunction with the numbers of public procurement cases referred to above – and, in particular, the number of admitted cases – it gives an indication of the amplitude of the phenomenon. It also case-

Table 5.
Numbers and
percentages of
decisions by NCSC
admitting/rejecting
complaints, by year

Year	No. and percentage of decisions by NCSC admitting complaints	No. and percentage of decisions by NCSC rejecting complaints
2022*	1,403 (43.21%)	1,844 (56.79%)
2021	1,263 (43.46%)	1,643 (56.54%)
2020	1,000 (40.77%)	1,453 (59.23%)

Note: *Latest available data in NCSC reports as of 16 October 2023

Sources: Created by authors, using data collected/collated from: NCSC (2022, 2021); data publicly available

Type of aspect challenged**	No. of challenges
<i>Challenged aspects relating to requirements/conditions imposed by contracting authorities/entities in tender documents*</i>	
Restrictive requirements concerning technical specifications	253
Other reasons concerning the tender documentation	187
Restrictive requirements concerning qualification criteria	151
Other challenges concerning the documentation	78
Not dividing the procurement by lots, in case of similar products or works	50
<i>Challenged aspects relating to award decisions by contracting authorities/entities</i>	
Rejection of the complainant's tender as non-compliant or unacceptable	844
Non-compliant nature of the tenders submitted by other tenderers	350
Unacceptable nature of the tenders submitted by other tenderers	319
Other reasons concerning the result of the procurement procedure	227
Tenders submitted by other tenderers who no longer meet one or more of the qualification requirements	95

Table 6.
Numbers and
percentages of
decisions by NCSC
admitting/rejecting
complaints, by year

Notes: *Information relates to 2022, which is the most recent data available as of 16 October 2023; ** only the first five types of aspects in terms of the number of times they were challenged are presented in the table

Sources: Data collected/collated from: NCSC (2022, p. 22 and p. 36); data publicly available via www.ncsc.ro/raport-de-activitate/

shows that regulation, whilst essential in public procurement, cannot on its own solve all matters and “answer all questions” that arise in the practice of procurement. In the longer term, public procurement professionalisation could contribute (among other factors) to tempering down numbers of complaints by supporting a better quality of the tender documents and decisions throughout procurement processes.

In addition to domestic hard law there are guidance documents published by the NAPP, including an online guide to public procurement (<https://achizitiipublice.gov.ro/workflows/view>) that provides tools and templates for planning and carrying out procurement processes. However, responses to questionnaires rolled out through NAPP’s website and addressed to procurement officers [5] suggested that the application rate of some of the tools in practice was relatively low (for example, of some tools for planning the procurement portfolio and process: [World Bank and NAPP, 2021a](#), p. 31; see also, [Integrate Investment, 2020](#), p. 28). Given the extensive domestic regulation – which is also quite prescriptive in some respects – and guidance, it may not be surprising that rather limited consideration has been afforded in procurement practice to the scope of EU law, including the case law of the Court of Justice of the European Union, or to strategic procurement [6].

These brief insights into the procurement context indicate that the “traditional” Romanian approach towards public procurement (described in this section) needs an overhaul. Public procurement policy in Romania has been oscillating at times, and the National Public Procurement Strategy for the period 2015–2020 (approved by Government Decision 901/2015) had a role in streamlining approaches to professionalisation. To summarise, the main “challenges” of the professionalisation measures in Romania have been: a shift from a narrow focus on legal compliance to legal compliance as a prerequisite for strategic procurement, enhanced value, innovation and performance; using the regulatory framework smartly to integrate commercial, economic and management aspects in procurement processes; multi-disciplinary integration, cross-departmental and cross-organisational cooperation.

In a welcoming development, the consolidated version of the draft National Public Procurement Strategy for the period 2023–2027 (of May 2023) which underwent public consultation in March 2023 (accessible in Romanian via <https://anap.gov.ro/web/proiect-strategie-nationala-in-domeniul-achizitiilor-publice-pentru-perioada-2023-2027/>) includes a strong emphasis on professionalisation, significantly building on the competency frameworks and the overhauled generic training curriculum (occupational standard) for public procurement, as it is further explained in sub-section 3.1. The National Public Procurement Strategy 2023–2027 was adopted through Government Decision on 12 June 2023 and, according to the press release concerning the normative acts adopted in that Government meeting, “The Romanian Government, through the National Agency for Public Procurement, undertakes a firm commitment to implement the strategy thoroughly and to constantly monitor progress made” (our translation; <https://gov.ro/ro/stiri/informatie-de-presa-privind-actele-normative-adoptate-in-cadrul-edintei-guvernului-Romaniei-din-12-iunie-2023>; similarly, <https://anap.gov.ro/web/guvernul-a-adoptat-noua-strategie-nationala-in-domeniul-achizitiilor-publice/>).

2.1.2 Procurement personnel in Romania. The main problems having persisted in Romania relate to the lack of a comprehensive and systematic professional development framework aligned with the needs and objectives of the national public procurement system in the EU procurement context, and capable to adjust to the rapid dynamics of the public procurement field. In effect, the personnel involved in public procurement activities cannot benefit from the professional recognition and praise they need and deserve. In line with the National Public Procurement Strategy 2015–2020, the NAPP has embarked in recent years

in efforts to tackle the systemic professionalisation issues in public procurement in Romania, with support from the World Bank and the EU.

Empirical evidence collected through targeted questionnaires indicated that procurement practitioners in Romania perceived a huge need for training, and manifested genuine interest in some very relevant and actual topics (Integrate Investment, 2020, p. 20; see also, World Bank and NAPP, 2021a, pp. 101–105). The procurement educational/training offer has been, unrelentingly, rather limited in the country, with many of the public procurement courses addressing “almost exclusively legal and procedural aspects” (European Commission, 2020b, p. 124) and having been based on the outdated 2007 occupational standard for “public procurement expert”. The mere classification of the public procurement expert occupation under “engineering professionals” heading in the National Classification of Occupations (NCO) suggests the approach of that previous standard. However, a major overhaul resulted into an entirely new, significantly enhanced and developed occupational standard, including the national generic training curriculum, that was approved and published in August 2021 [7]. This also involved a reclassification of the occupation corresponding to NCO/ISCO-08/ESCO “business and administration professionals”, “management and organization analysts”, as appropriate nowadays, which was approved through Order no. 38/2022 of the Minister of Labour and Social Solidarity, and of the President of the National Institute of Statistics.

Additional considerations arise from the administrative environment. First, the Romanian Administrative Code (Government Urgency Ordinance 57/2019) recognises two categories of public officers (functions) specialising in public procurement: the public procurement councillor, and the public procurement system councillor (art.392(1); and Annex 5 of the Administrative Code). The function of public procurement system councillors relates to personnel who work in public procurement authorities/entities, such as central or local authorities, public institutions, or utilities [8], and who carry out procurement processes and activities (tasks) of the purchasing organisation in question. On the other hand, the function of public procurement system councillor relates to personnel carrying out tasks referring to the design and implementation of national public procurement policy, or tasks relating to monitoring and managing the overall functioning of the national public procurement system; in the current administrative system, the work of public procurement system officers relates to carrying out the main functions of the NAPP (and thus they work in NAPP). However, both categories of public procurement functions are classified in law as “execution” (operational) public officers. Thus, procurement councillors cannot have management functions, such as head of procurement department in a contracting authority/entity.

Second, Romanian contracting authorities/entities can hire public officers, as well as the so-called “contractual personnel” (Administrative Code, Part VI, Title III), including for public procurement activities. The latter category are not public officers and separate rules apply to them in public administration. Whilst for the public officer function of public procurement councillor there are four professional degrees (beginner, assistant, principal and superior; Administrative Code, art.393(2)), the corresponding contractual personnel occupation, namely, the occupation of public procurement expert, does not differentiate amongst professional degrees – which had certain implications in the development of the competency frameworks as it is explained in s.2.3.2.

2.1.3 Intervention. The main project that has tackled professionalisation is called “Support in the implementation of the National Public Procurement Strategy through the consolidation of the capacity of the National Agency for Public Procurement and of Contracting Authorities” [9]. This project was co-financed by the European Union, through the European Social Fund, under

the Administrative Capacity Operational Programme (Structural Instruments, 2014–2020, Romania). It contemplated “professionalisation of the personnel involved in the field of public procurement through the consolidation of the legal and institutional framework for the development of their career, competency and knowledge” (our translation). Professionalisation objectives were supported by a World Bank (WB) reimbursable advisory services (RAS) type of project. This article focuses on the development of Romanian competency frameworks for public procurement, a process that was interconnected with other results of the project such as the development of the new occupational standard, including the new generic training curriculum for public procurement.

2.2 *A change of paradigm in public procurement talent management?*

An approach that has seen an increasing use in professionalising public procurement in the last years, and more widely in the public sector, in the EU and further afield, is referred to as competency management, or derived terminology such as competency-based human resource management, or strategic human resource management (Royal Civil Service Commission [Bhutan] *et al.*, 2019; European Commission, 2020b). This approach starts from the concept of “competency”, that can be described as including the knowledge and skills needed by personnel to carry out efficiently and effectively a certain task or discharge a certain responsibility (*ProcurComp^{EU}*, p. 8). Some descriptions of competency also delve into more subjective facets of “competency”, such as attitudes, motives, thinking styles or values (e.g. PAHRODF, 2017, pp. 23–31; Royal Civil Service Commission [Bhutan] *et al.*, 2019, p. 3).

A main feature of competency management is that it seeks to identify, define and operate competencies needed considering the *strategic* objectives of an organisation or profession. It concerns the type of talent and capability deemed necessary to achieve strategic, long-term objectives. Vice versa, it permits a realistic assessment of organisational or professional strategic objectives from the perspective of potential availability or limitation of competency. Competency management can facilitate better adaptation of an organisation (or profession) to relevant market dynamics and challenges. Further, it seeks to enhance alignment of individual professional objectives of staff, involvement of staff in the life of the organisation and better planning of individual career paths.

Whilst focusing “on people” (Royal Civil Service Commission [Bhutan] *et al.*, 2019, p. 2), competency management tends to operate with an “abstract” sum of competencies (i.e. knowledge and skills) contemplated/assessed as the talent needed (collectively) to pursue the strategic objectives of the organisation or profession, *as well as* to carry out current tasks and responsibilities and meeting operational/short-term objectives. This sum of competencies – that may be articulated as a *competency framework* – is neither the sum of *existing* skills and knowledge in the organisation or profession, nor is it an amalgamation of the current tasks and responsibilities, though a competency framework would have an impact on definition and changes to tasks and responsibilities assigned to job roles.

In fact, it is essential that tasks and responsibilities be not confused with competencies during the design *and* implementation of a competency framework, as is awareness of the fact that a competency framework does not directly generate or allocate tasks and responsibilities or a certain authority (decision making) level to the staff it applies to [10]. Nor does a competency framework apply (mechanically) in every aspect to each and every member of the professional community it refers to. A competency framework is a strategic management instrument that should be used pragmatically, as a reference, at various layers in the management and operation of an organisation (and on a case-by-case basis); it needs interpretation and adaptation to specific circumstances.

As the title suggests, a competency framework represents a talent “masterplan”. Metaphorically, it can be associated to a jigsaw puzzle frame that can evolve in time, whereas just some of the “pieces” to create the full (desired/needed) “talent” image are existing in-house, others need adjustment (or development), and yet others need to be “sourced” from outside the organisation or even from outside the profession. In some cases, encouraging or generating educational/training offer(s) on a relevant market is needed to enlarge the pool of available competencies.

However, a competency framework is usually implemented through distinct talent management instruments derived therefrom, including competency-based job descriptions, recruitment processes, training strategies and programmes or performance improvement mechanisms taking account of the competency framework. But the terminology and content of a “competency framework” could differ in various contexts. For example, *ProcurComp^{EU}* groups together a few interrelated instruments, namely a “competency matrix”, a “self-assessment tool”, and a “generic training curriculum”. The competency matrix breaks down competencies into knowledge and skills that are needed to carry out procurement activities competently. A similar terminology (i.e. “matrix”) can be found in [Government of Western Australia, Department of Finance, Public Sector Commission \(2018\)](#). In other cases, such as [Scottish Government \(2021\)](#), the “framework” includes just what *ProcurComp^{EU}* refers to as the “matrix”. Similarly, the Romanian competency frameworks include only “matrixes”, whereas, considering domestic regulation, the generic training curriculum belongs to the new occupational standard for the occupation of “public procurement expert” (though closely interconnected with the competency framework for public procurement councillors).

Whilst competency management is used in various sectors of economy, it is relevant for public procurement for several reasons. First, the balance of general objectives, though complex and specific to individual procurement systems, tends to be relatively stable for medium to longer timeframes. Second, the regulation of public procurement, despite possible changes to some details, provides for a certain degree of predictability, in broad-brush, at least in the EU and other advanced procurement systems. Third, while public procurement is a very dynamic field both in terms of practice and research, the core commercial process underlying procurement processes also offers a degree of predictability as regards competency needs. Fourth, multi-disciplinarity of the public procurement field requires comprehensive streamlining of competencies focusing on practice, since there is no single discipline, such as law, economics or management that can answer *alone* all questions arising in public procurement. However, the fit between competency management and administrative cultures varies by country and so do the paths and velocity toward competency-based talent management in various public procurement systems.

2.3 Development of Romanian competency frameworks at national level in public procurement: challenges, reasoning and solutions

2.3.1 Two national public procurement competency frameworks: the basics. For the development of the Romanian public procurement competency frameworks at national level, taking account of Romania’s EU membership, the mix of strategic objectives has been derived mainly from EU and national programmatic documents, and from relevant legal instruments. EU documentation included the Commission recommendation on professionalisation of public procurement ([European Commission, 2017a](#)), its accompanying collection of good practice ([European Commission, 2017b](#)), and the Commission communication entitled “Making Public Procurement work in and for Europe” ([European Commission, 2017c](#)). The EU law concerning public procurement has also been considered from the perspective of the policy it incorporates. This includes not just “the procurement directives”, such as directives 2014/24/EU, 2014/25/EU,

etc. but also the provisions from EU Treaties with implications on public procurement, and relevant case-law of the Court of Justice of the European Union. National sources included the National Public Procurement Strategy 2015–2020, the national public procurement legislation transposing the directives, and legislation concerning the domestic institutional system relating to public procurement.

However, the exercise did not envisage assessing or balancing potential tensions amongst the various public procurement objectives, whether at EU or national level. Whilst there is significant literature on this complex subject (e.g. [Arrowsmith, 2012](#); [Kunzlik, 2013](#); [Schooner et al., 2008](#); [Treppe, 2004](#)), the process of constructing competency frameworks in public procurement rather involves distinguishing objectives and interconnections among them that are capable to guide talent management on a longer term. Therefore, the aim is to generate those competencies that enable officers to deal properly in practice with multiple, potentially conflicting and evolving procurement priorities and objectives. From a professionalisation perspective, a key could consist in capacitating officers to integrate governance and commercial considerations into procurement processes in their daily activities, purposely to achieving compliance and performance, including pursuance of wider societal objectives and innovation.

For the purposes of the current Romanian public procurement professionalisation effort, a competency framework has been defined/described, as a management instrument that defines:

[...] knowledge and skills needed by persons within an organisation, profession, function, or occupation, in order to carry out efficiently and effectively her or his job or professional duties, in accordance with the strategic objectives of that organisation, profession, or function. (Our translation)

[[World Bank and NAPP, 2020](#), pp. 5–6 and n.4 thereto; adapted from [European Commission, 2017b](#), p. 18]

Thus, the two basic “cells” of the Romanian public procurement competency frameworks are knowledge and skills. In this context, knowledge has been defined as “information that is directly applied in carrying out job-related/professional duties, regarding facts, principles, theories and practices related to a certain field of work or study” (our translation) ([World Bank and NAPP, 2020](#), p. 17), an approach derived from [Council of the European Union, 2017](#), Annex I(f), and [Royal Civil Service Commission \[Bhutan\] et al \(2019, p. 2\)](#), that also includes learning outcomes acquired through formal education or experience ([World Bank and NAPP, 2021/06 c](#), p. 6). Yet, skills have been described as “observable and measurable” abilities “to carry out a certain job-related/professional duty, usually acquired through professional training” (our translation) (*ibid*; adapted from [Royal Civil Service Commission \[Bhutan\] et al., 2019, p. 2](#); see also *ProcurComp^{EU}*, p. 6). This description of skills inherently includes less visible aspects of competency, such as attitudes or values, since these will become manifest in the carrying out of the “skill”. Such more subjective aspects of competency can be further addressed and refined at the level of individual contracting authorities as part of their talent management function.

Knowledge and skills need to be assembled into a comprehensive and logical instrument. Thus, “a closely interconnected grouping of knowledge *and* skills that are noticeable and measurable, and that generate the capacity to carry out job-related/professional duties efficiently and effectively” (our translation) define a *competency* in the national public procurement competency frameworks ([World Bank and NAPP, 2021/06 c](#), p. 6; see for example the mere structure of the “Competency Matrix” in part II of *ProcurComp^{EU}*). Competencies in both *ProcurComp^{EU}* and the Romanian national procurement competency frameworks include technical/specific “procurement” competencies such as sustainable procurement or preparing tender documents, and “soft” (“horizontal”) competencies such as

those relating to adaptability, or analytical and critical thinking [11]. However, the “technical” and “soft” categories of competency should be regarded as closely interconnected rather than distinct. Considering the prevailing features of the Romanian public procurement environment and personnel, a main concern for competency frameworks at national level has been developing commercial acumen skills, related for example to procurement planning, lifecycle, management, strategy and performance.

Given the generic nature of a competency framework, the Chartered Institute of Professional Development recommends: “[...] to balance detail with flexibility and avoid an overly prescriptive and non-inclusive approach” [12]. This is even more needed in the case of nationwide competency frameworks. For example, the competency framework for the function of public procurement councillor is envisaged to support professionalisation of a variety of contracting authorities/entities, from large to small, central to local, from the public sector and the (regulated) utilities sector, for a variety of professional roles and staff backgrounds. Clearly, some elements of such an instrument might be less relevant for smaller authorities/entities, whereas other elements may need to be supplemented or detailed in the case of major procurers, or of centralised purchasing bodies (e.g. specific knowledge and skills concerning category management or techniques for recurrent or aggregate purchases).

As shown (s.2.1.2), the 2019 “Administrative Code” has generated two new categories of public officer: public procurement councillor and public procurement system councillor. This has been an important first step towards professionalisation in public procurement given that, prior to the Administrative Code, there was no specific category of public officer assigned to procurement under the Romanian law. Whilst the Administrative Code provides for the general conditions for accessing and promoting in a public office, and for performance assessment for such functions, it does not include procurement specific content. This “task” thus falls onto the NAPP, in its capacity as the country’s main public procurement policy body [13].

The distinction in the Administrative Code could be regarded as an initial “pointer” towards two separate competency frameworks. But the matter was subject to further consideration on substance. An option might have been to design and develop a single competency framework integrating both categories of procurement public officer. This would have resulted into combining an instrument primarily addressing the national level and a very large number of institutions (i.e. contracting authorities/entities in the case of public procurement councillors) with an instrument primarily targeting a specific institution (i.e. NAPP in the case of public procurement system councillors). It is not a question of whether such mixture is possible (we consider it would be) but a question of what would likely be the most appropriate and effective approach in relation to the domestic public procurement environment that procurement professionalisation targets.

There is no doubt that domestic purchasing organisations and NAPP are part of the same Romanian public procurement system. Substantively, both functions require a good command of core public procurement competence. But from a talent management perspective, the picture is nuanced: some specific competencies are needed for managing a national public procurement system that might not necessarily be exercised in the context of a contracting authority/entity, and vice versa; and the perspective on common objects of consideration could be different. Examples of the first type of difference include national public procurement policy making and assessment, legal drafting, or international cooperation at policy level. Examples of the second type of difference include various aspects of the procurement process, or green procurement, or procurement of innovation – in such cases, the skills of public procurement councillors should be targeted at the application of law and policies to specific procurements in specific circumstances, whereas the skills of public procurement system councillors should be directed, for instance, towards drafting policy in those matters. On a similar line of thinking, the angle on digital

transformation is also contrasting: for public procurement councillors, competencies would focus on using the available electronic means and systems, or facilitating the implementation of new ones, as relevant for improving the procurement processes and performance at the level of the contracting authority/entity [see, [World Bank and NAPP \(2021/06 a\)](#), competency 4]; while competencies of public procurement system councillors would range to supporting the development or introduction of new – national or international – electronic procurement means or systems, or articulating a wider technological vision at national level related to the digital strategy in public procurement, including innovation [see [World Bank and NAPP \(2021/06 b\)](#), competency 10].

Thus, the purpose of developing two competency frameworks for public procurement at national level in Romania has been to emphasise the various facets of procurement that are most relevant for *each* of the two public procurement functions, *in terms of knowledge and skills*. The two competency frameworks can be regarded as two sides of a coin. The core public procurement content is there for both frameworks, but it is differently shaped on each side to address more clearly and specifically the two functions. This feature also enables professional mobility between contracting authorities/entities and NAPP, and vice-versa (s.2.3.5).

2.3.2 *Adaptations in mapping out and addressing some skills.* The Administrative Code classifies public offices/officers according to various criteria. By the level of duties, it distinguishes high public functions, managerial public functions and execution public functions (art.387(1)). By the level of education/studies, it identifies three classes of public function: class I, II, and III (art.383(1)(b)). Class I public functions requires higher education, first cycle (bachelor’s) degree or equivalent as a minimum (art.386(a)). Levels of studies required for the other two classes are lower than this (art.386(b)&(c)). The functions of “public procurement councillor” and “public procurement system councillor” are defined as class I, execution public functions (art.392(1); Annex 5). Thus, procurement councillors are required to have higher education, as defined above, but they do not hold management functions (as shown in s.2.1.2). On the other hand, no specific public procurement management function has been recognised in Romanian law so far. [Table 7](#) illustrates main categories of public functions regulated by the

Table 7. Categories of public functions provided for by the administrative code, with examples (categories relevant to the public procurement councillor function and to that of public procurement system councillor function are highlighted)

High public functions	Management public functions	Execution public functions		
		Class I	Class II	Class III
For example: - General secretary or deputy general secretary in central public administration authorities or public institutions [art.389(a) and art.369(a) of the Administrative Code] - Governmental inspector [art.389(d) of the Administrative Code]	For example: - General director - Deputy general director - Director - Deputy director - Executive director - Deputy executive director - Head of service - Head of office [in the authorities or public institutions as provided for in art. 390 of the Administrative Code]	For example: - councillor; - legal councillor; - auditor; - expert; - inspector; - public procurement councillor; [as per art. 392(a) of the Administrative Code] - public procurement system councillor [as per Annex V, section II, letter B, point 10 of the Administrative Code]	For example: - specialised reviewer [in Romanian, ‘referent de specialitate’ – as per art.392(b) of the Administrative Code]	For example: - reviewer [in Romanian, ‘referent’ – as per art.392(c) of the Administrative Code]

Source: Created by authors, using provisions of the Romanian administrative code

Administrative Code, with examples, and highlights where the Public Procurement Councillor function and the Public Procurement System Councillor function stand in the overall picture.

The purpose of this article is not to discuss the options and approach taken by the Administrative Code towards public procurement functions, but rather to analyse how the existing law “infrastructure” has been used as an opportunity for public procurement professionalisation. The determination in law of the public procurement functions without including specific managerial functions (and support functions) for public procurement may be regarded as a limitation for the purposes of public procurement professionalisation. But the provision for the two execution public procurement functions (of class I) in the Administrative Code can also be seen as an important step forward (s.2.3.1). In the array of educational and task/responsibility levels that public procurement staff might have or be responsible for, class I execution functions consist of a significant median range. Thus, the approach to developing professionalisation instruments has sought “irradiating” skills and knowledge towards the two ends of the array, namely, towards procurement management personnel and procurement support staff, indirectly, even though these last two categories are not currently expressly covered. This approach was conceived as a way to address the current limitation in law and “crack-the-nut” in professionalisation. It involved a wide coverage of “technical skills” pertaining to public procurement in the competency frameworks for the public procurement “execution functions”, which could enable the managerial personnel to exercise their function with rather minimal implication in technical procurement matters. The current situation is not ideal, but we argue it is as good a professionalisation start as practicable within the existing legal and project frame. To achieve this, certain types of skill classified into managerial proficiency levels in competency frameworks from other countries, including *ProcurComp^{EU}*, or deriving from managerial functions, were adapted and integrated into the (domestic) competency frameworks for execution functions. Skills capable to support sound decision-making processes (such as knowledge-based decision making) can clearly be beneficial to “execution functions” pertaining to procurement councillors even though they are not managers and decision-takers.

It is also relevant to revisit the concept of “professional degree”, and how it relates to that of proficiency level. As shown (s.2.1.2), for “execution functions” the Administrative Code defines four professional degrees: beginner, assistant, principal, and superior (art.393(2)). Given the way the beginner degree is regulated, as a provisional status, it was not considered relevant for being addressed specifically in the Romanian public procurement competency frameworks (World Bank and NAPP, 2020, pp. 15–16). Instead, the three professional degrees pertaining to execution officers confirmed as definitive members of the civil service structured the level of skills for each competency in the national public procurement competency frameworks: assistant, principal and superior. We point out that “superior” does not involve managerial functions, which are not covered by “execution functions”. While the Administrative Code regulates conditions for progression from one professional degree of an execution public function to the subsequent degree (arts 478–479), from a *competency framework* perspective the structuring of desirable skills by professional degrees should rather be regarded as *proficiency levels*. Table 8 illustrates professional degrees corresponding to execution public functions, as well as highlights the professional degrees (proficiency levels) covered by the competency frameworks for the Public Procurement Councillor function and Public Procurement System Councillor function, in context of main categories of public functions.

Just as an overall competency framework stands for a generic and abstract reference for competencies at a national, professional, or institutional level, so do the three levels of desired skills corresponding to the three professional degrees for each competency. The skills defined for a certain professional degree describe more of an aspiration and aggregate picture of skills

that would be needed, generically, in an organisation or at national level, for that professional degree, enabling pursuance of strategic procurement objectives. Specific job profiles can be constructed by choosing relevant competencies and proficiency levels to match various job roles such as, procurement officer, contracts officer and category officer. While a job profile for, say, a “principal” public procurement councillor will generally be oriented by the skills for the “principal” professional degree (or proficiency level), that job profile would also include skills pertaining the other professional degrees (alias proficiency levels), to reflect the specific features of that particular job profile. See further, *mutatis mutandis ProcurComp^{EU}* (p. 6 and pp. 70–74).

To exemplify how some of the adaptations and adjustments were operated for the Romanian competency frameworks to match with the domestic context, we draw a comparison with proficiency levels of *ProcurComp^{EU}*. This (latter) instrument comprises four levels: basic, intermediate, advanced and expert. The “expert” level generally comprises skills relating to managerial/strategic functions that, as explained, procurement councillor execution functions in Romania do not cover. To accommodate this situation in terms of professionalisation, at detailed level, certain managerial skills have been adjusted to reflect abilities supporting decision-making and procurement management processes, and incorporated mainly in the Romanian “superior” professional degree/proficiency level. Also, to facilitate application of the competency framework to public procurement experts as well (contractual personnel who are not public officers, see s.2.1.2), technical/specific procurement skills have been presented jointly for the principal and superior professional degrees in the competency framework for public procurement councillors, as the public procurement expert occupation does not differentiate among professional degrees (World Bank and NAPP, 2020, p. 18), and the “assistant” proficiency level is likely to be less relevant for the procurement expert occupation.

This article continues in Part B.

Table 8. Professional degrees (proficiency levels) expressly covered by the competency frameworks for the public procurement councillor function and public procurement system councillor function, regarded in the context of main categories of public functions

High Public Functions	Management public functions	Execution public functions					
		Class I				Class II	Class III
		Professional degree: Superior	Professional degree: Principal	Professional degree: Assistant	Professional degree: Beginner		
N/A	N/A	Yes	Yes	Yes	No	N/A	N/A

Source: Created by authors, using data from – World Bank and NAPP (2020, 2021/06a, 2021/06b); the Romanian administrative code

Authors’ statement

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Notes

1. NAPP is the Romanian Government body responsible, at national level, for public procurement strategy and policy, for legislation drafting, for supervising and monitoring the national public procurement system, for public procurement training policy and professionalisation plan, as well as for ex-ante control of public procurement procedures – Government Urgency Ordinance 13/2015 (Romania) as further amended.
2. Using: the average exchange rate for 2021 published by the National Bank of Romania at www.curs-valorar-bnr.ro/curs-valorar-mediulunar-2021 (accessed 26 September 2023), 1 Euro = 4.9204 lei, for the estimated value of procurement procedures organised in 2021, of approximately 58.49bn lei (NAPP, 2021, p. 9); and the average exchange rate for 2020 published by the National Bank of Romania at www.curs-valorar-bnr.ro/curs-valorar-mediulunar-2020 (accessed 12 June 2023), 1 Euro = 4.8371 lei, for the estimated value of public procurement procedures organised in 2020, of approximately 57.27bn lei (NAPP, 2020, p. 9).
3. Article 115 of the Romanian Constitution (as republished in 2003).
4. Large scale questionnaires, interviews, analysis of job descriptions, analysis of procurement documents, reports, etc. that were conducted/reviewed as part of the professionalisation project referred to in section 2.1.3 of this article.
5. December 2019 – January 2020; in Romanian, <http://anap.gov.ro/web/chestionar-privind-profesionalizarea-si-dezvoltarea-carierii-in-domeniul-achizitiilor-publice-responsabil-achizitii-publice/> (accessed 12 June 2023).
6. However, the recent push by NAPP for strategic procurement should be noted – see e.g., the inclusion of strategic procurement as a main objective of the National Public Procurement Strategy 2023-2027 (available in Romanian in the consolidated version of May 2023, pursuant to public consultations, via <https://anap.gov.ro/web/anap-lanseaza-in-consultare-publica-proiectul-strategiei-in-domeniul-achizitiilor-publice-2023-2027/> (accessed 12 June 2023); the 2023-2027 Strategy was adopted through Government Decision on 12 June 2023 – relevant press releases in Romanian at <https://gov.ro/stiri/informatie-de-presa-privind-actele-normative-adoptate-in-cadrul-edintei-guvernului-Romaniei-din-12-iunie-2023> (accessed 12 June 2023); and <https://anap.gov.ro/web/guvernul-a-adoptat-noua-strategie-nationala-in-domeniul-achizitiilor-publice/> (accessed 12 June 2023). See also, on the push towards strategic procurement, the content of training offered by NAPP to locally elected officials, presented in summary via <https://anap.gov.ro/web/lansarea-programului-de-perfectionare-in-domeniul-achizitiilor-publice-pentru-alesii-locali/> (accessed 09 June 2023).

7. By the National Authority for Qualifications (Ministry of Education), the overhauled standard is available in Romanian via www.anc.edu.ro/standarde-ocupationale-2014-2019/ (search on that link for 'expert achizitii publice').
8. For definition of contracting authorities/entities, see e.g. Directive 2014/24/EU, art. 2(1)1-4, Directive 2014/25/EU, arts. 3 and 4, as transposed in Law 98/2016 (Romania), art. 4, and Law 99/2016 (Romania), arts. 3(1)(e) and 4.
9. SIPOCA 625. For a brief presentation in the Romanian language refer to <http://anap.gov.ro/web/prezentare-sipoca-625/>; for the English version of the presentation see <https://anap.gov.ro/web/en/sipoca-625-2/> (accessed 12 June 2023).
10. Such aspects deserved clarifications when developing the Romanian public procurement competency frameworks.
11. Note however the specific use of the terms 'soft' and 'horizontal' to structure different groupings of competencies in *ProcurComp^{EU}* (e.g. p. 29). The Romanian competency frameworks do not use the term 'soft' competencies *per se* (instead calling these type of competencies 'horizontal'), whereas what *ProcurComp^{EU}* refers to as 'horizontal' competencies are a sub-group of 'procurement specific' competencies.
12. Chartered Institute of Professional Development (CIPD), UK, "Competence and Competency Frameworks" www.cipd.org/uk/knowledge/factsheets/competency-factsheet/ (accessed 12 June 2023).
13. Government Emergency Ordinance No. 13/2015 (Romania) as further amended, concerning the setting up, organisation, and operation of the NAPP, in particular arts. 2 and 3(a), (f), (f¹).

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About the authors

Șerban Filipon (MCIPS) is senior public procurement and management consultant with Integrate Investment, Bucharest, Romania. He has a PhD in public procurement law at the University of Nottingham (2018), and an MSc in procurement management, with distinction, at the University of Strathclyde (2006). He has 20 years of experience in public procurement practice and research, including in operations, management, policy, regulatory and strategic matters in procurement, mainly within internationally funded projects. Geographically, his experience relates to Romania, the UK and Australia. He is the author of an academic book on public procurement published in the UK in July 2023. Șerban Filipon is the corresponding author and can be contacted at: serban.filipon@in-in.ro

Violeta Simionescu (MBA, MCIPS) is a Lecturer in economics at the Technical University of Civil Engineering (UTCB), Bucharest, Romania, within the Teacher Training Department and director at Integrate Investment, Bucharest, Romania. She is also acting as senior public procurement, processes or projects management consultant for initiatives of international financial institutions addressing public procurement systems. She possesses extensive experience exceeding two decades in public procurement. Beside effectively managing procurement projects of varying complexities and scales for public or private organisations, she is involved in performing policy formulation and capacity-building initiatives at the level of public procurement systems.

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