

The response of the Ministry of Internal affairs on the report “Open Procurement data in the Netherlands”

1. Background

The Ministry of Internal affairs of the Netherlands commissioned the Open Contracting Partnership (OCP) to evaluate the current public procurement data publication levels from the perspective of the Dutch Government’s commitment to publish its procurement data to the greatest extent possible (gap analysis).

July 2024 the OCP issued their report, also including how the Netherlands compare to the rest of the EU-countries. Based on the gap analysis and the EU benchmarking exercise, the report proposes recommendations to improve central-level and state-wide public procurement data environments.

One of the recommendations is the need to formulate a vision on open public procurement data. This is the starting point of the policy response. With this vision in mind the possibilities to follow up the other OCP recommendations were considered, and a follow-up was formulated for the coming three years.

2. Vision on open procurement data

Openness on public procurement contributes to the strengthening of our democracy. If everyone can see what the government is buying, and from whom, this gives an assurance that the taxpayers money is spend the right way. An effective dialogue between the government and stakeholders in the society about procurement information, aiming at getting the best social result, will further increase public trust in the outcome of government procurement.

From 2011 the Dutch Government is a member of the Open Government Partnership (OGP). One of the obligations of this membership is to make action plans aiming at a more open and responsive government. Since 2011, four plans are putting into effect. The fifth plan, “Actieplan Open Overheid 2023-2027”, emphasizes the value of openness, accountability, listening to civilians and improving processes based on feedback.

One of the 17 action points of the current action plan is “Open Procurement”. From the perspective of Open Government, it is important to improve the information relationship between the government and the civilians, by means of digital platforms and dialogue. The foundation of this vision for open public procurement data, is a platform through which all public procurement data can be assessed by all. And the visitors are actively invited to participate in the dialogue on the procurement strategy.

A first version of this platform, www.zakendoenmethetrijk.nl, was launched December 2022. Now the aim is an easily accessible site, where stakeholders:

- In a timely manner are informed about coming tenders,
- Are given the opportunity to participate how the tenders are placed on the market,
- Will find the information who won the contract and why,
- Are informed whether the winning parties delivered what they promised.

Thereby the chance that the government is getting the best offer is enlarged. This in addition to the expected, positive effect of Open Procurement on the strengthening of our democracy.

3. Scope Open Procurement Data

The perspective for the platform is what may eventually be published once all practical challenges have been met. This is to take place within the boundaries of applicable laws and regulations, considering the effects on market forces and the administrative burden for the central government.

In the policy response to the report "Open public procurement by default", the scope of the platform has been defined by twelfth data fields. Executing this policy does not happen overnight. It involves a vast amount of information and will take several years for the platform to have reached maturity. Therefore, the decision was made to first focus on the information for generic public procurement through category management (circa 25% of public procurement).

With the experiences gained on publishing information about category management, we can see if the scope can be extended to the whole of public procurement. If so, the broader scope can be an objective of the next "Actieplan Open Overheid".

4. Outcome of the gap-analysis

For each step in the procurement process, the OCP identified which data are needed to fulfill the requirements of the twelfth data fields. Then, for each data field, a score was determined: green if the required data are sufficiently available, yellow if too much data is missing and red if there are no data at all.

For category management seven data fields got the score yellow, the five other data fields the score red. So, there is a lot of work to do.

Compared to other EU-countries, the Netherlands are performing better when it comes to the re-use of procurement data and to make these data machine readable. On the other side contract data are mostly missing, especially when it comes to the link between the budget and realized expenditure.

5. Recommendations OCP

The OCP advocates a long-term policy of improving the quality of procurement data, better analysis of these data and adjustment of the data to the needs of civilians and the market. To put this policy into practice, the OCP makes the following recommendations:

- a. Take care of a unique code to generate datasets for category management,
- b. Improve the collection of data by organizing available data and to make these data centrally available,
- c. Guarantee that the digital system for storing the data remains up to date,
- d. Prioritize the collection of contract-related data,
- e. Learn from other EU-countries how they manage to collect data that are missing in the Netherlands right now,
- f. Complete the TenderNed-data with the newly collected data.

6. Follow-up of the recommendations

The follow-up of the OCP-recommendations is based on the formulated vision on open procurement data. At that, a distinction is made between the remaining duration of the "Actieplan Open Overheid 2023-2027" and the period afterwards. For now, the focus is on the possibilities in the coming three years to expand and improve the procurement data for category management. With the experiences gained in this process, an analysis will be made of the desirability and opportunities of broadening the scope to all procurement of the Dutch government. The outcome of this analysis will determine whether a contribution can be made to the next "Actieplan Open Overheid".

During the process of weighting the options for category management to move forward, the balance is sought between the relative importance of the procurement data and the administrative burden of generating these data. Resulting in target dates for the actions. In certain cases, further research is needed to explore how the data can be collected and after that what the risks are when these data are published. Target dates have also been determined here. The outcome for each data field is:

Nr.	Datafield	Action	Target date
2.1	Overview of planned tenders.	Mandatory completion of all data in the tender calendar.	Q2-2025
2.2	Market consultation documentation and report of the main outcomes.	There will be a paragraph for each category with the main outcomes of actual market consultations and links to the documents. To be published on www.zakendoenmethetrijk.nl .	Q3-2025
3.1	All data fields used for announcing tenders.	On hold, the scope of this data field cannot be reduced to category management alone.	Next plan
3.2	All tender documents	In addition to the public documents for category management tenders above the EU-threshold, an effort will be made to publish documents below the threshold as well.	Q1-2026
4.1	For each contract: <ul style="list-style-type: none"> ➤ Name Supplier ➤ Contract Value ➤ Use of exclusions grounds (Yes/No) 	To be published on www.zakendoenmethetrijk.nl .	Q1-2027
4.2	Relative advantage of the winning supplier	All scores are published, without revealing the names of the suppliers.	Q1-2026

Nr.	Datafield	Action	Target date
5.1	Partners of a contracted consortium	Research on how this information can be collected and after that being published.	Q1-2026
5.2	Beneficial owners of contracted suppliers	Research on how this information can be collected and after that being published.	Q1--2026
5.3	Owner countries list and SBI codes of contracted suppliers	Research how information about owner countries can be collected and after that being published. Calculate the costs of providing the SBI codes for contracted suppliers by category management. After that, decide if the costs weight up to the need for this information.	Q2-2026
6.1	Percentage of contract value invoiced and realization of contract milestones	These data will be collected for each category. To be published on www.zakendoenmethetrijk.nl .	Q1-2027
6.2	Contract amendments and short motivations	These data will be collected for each category. To be published on TenderNed or www.zakendoenmethetrijk.nl .	Q1-2027
6.3	Contract extensions and short motivations	These data will be collected for each category. To be published on TenderNed or www.zakendoenmethetrijk.nl .	Q3-2025

If the target dates above are met, a meaningful step is taken when following up the OCP-recommendations. Also, this result gives a concrete interpretation of the Dutch vision on open procurement data, thereby enhancing the insight of external and internal stakeholders. This helps by broadening the basis for a constructive dialogue between the government and the society, which will strengthen our democracy and will increase the confidence from the taxpayer that the money is well spend.

From the EU-perspective, the additional open procurement information about the contracts of the Dutch government will close the gap between the Netherlands and the other EU-countries. Combined with the Dutch advantage on the other procurement information, the Netherlands will be one of the frontrunners when it comes to procurement by category management.