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THE PERSPECTIVES OF SMALL AND MEDIUM-SIZED ENTERPRISES ON PARTICIPATION IN PUBLIC PROCUREMENT OF INNOVATION

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Abstract. The modernisation of the public sector can be observed in the public administration systems of many European countries. The use of the most up-to-date and advanced models of new public management is aimed at replacing traditional centralised hierarchical management with a more efficient modern management system that requires less resources and is oriented towards the development of the information society and the expansion of services. The Innovation Union initiative of the European Union (hereinafter 'EU') is one of the seven objectives of the Europe 2020 strategy for ensuring a smart, sustainable, and inclusive economy. Small and medium-sized enterprises (hereinafter 'SMEs') account for approximately 99.5% of all businesses in Lithuania, and are one of the main factors in the economic growth of the country. One of the advantages of including SMEs in the public procurement of innovation is that SMEs tend to grow much faster than large companies, as they take advantage of innovative financing tools and the more favourable business environment created by institutions. The authors maintain that, when contracts are awarded to SMEs, the revenue of the government, along with its level of innovation, increases, and this process also promotes entrepreneurship and contributes to the creation of jobs and economic development. The methodological approach in this paper is based on the analysis of relevant issues and both theoretical (analysis and synthesis, systematic, comparative) and empirical (secondary data and document analysis) qualitative research.

Keywords: public procurement, small and medium-sized enterprises, innovation, new public management.

Reikšminiai žodžiai: viešieji pirkimai, smulkus ir vidutinis verslas, inovacija, naujoji viešoji vadyba.

Introduction

Following the restoration of the independence of the Republic of Lithuania and the emergence of a free market in the country, the necessity of regulating procurements carried out via public funds arose, as a result of which a number of legal acts regulating the field of public procurement were adopted. In 2013, when Lithuania chaired the activities of the European Public Procurement Network, the dissemination of good public procurement practices and the resolution of practical problems were outlined as major priorities. Public procurement has been identified as one of the instruments that can contribute to the priorities of Europe 2020 – a strategy for smart, sustainable, and inclusive growth. Innovation is one of the most important factors for the economic growth of a country, and it also has a direct impact on society and the private sector.

The objects of research in this article are public procurements of innovation.

The goal of the article is to analyse the results of public procurements for innovation, and the legal impact on SMEs in Lithuania.

The following tasks were set in order to achieve this aim:

- 1. To describe the concept and interdisciplinarity of public procurement.
- 2. To empirically determine the opportunities and prospects of SMEs participating in the public procurement of innovation in Lithuania.

The methodological approach in this paper is based on the analysis of relevant issues and both theoretical (analysis and synthesis, systematic, comparative) and empirical (secondary data and document analysis) qualitative research. The methodology of qualitative research is based on the "Research Methods in Public Administration and Public Management: An Introduction" research manual (van Thiel 2014).

Research on the theme of the possibilities of implementing innovation in public procurement can be more widely found in international literature (Edquist et al. 2015; Knutsson and Thomasson 2014; Edler and Yeow 2016; and others). According to Knutsson and Thomasson (2014), public sector organizations are classed as large buyers, thus they can influence the market through demand for innovations, especially in collaboration with different entities of the public sector. However, the impact of this on the market does not always depend on the size of the organization. Often, small local authorities are better strategic thinkers than large ones, and have no less knowledge on the formation of market opportunities. Patrucco and Luzzini (2016) analysed and assessed the effectiveness of the management systems of public procurement activities in local government. According to their research, public procurement plays a strategic role in public governance (public policy and administration), and can also be used as a necessary tool for the introduction of control and diagnostic systems. In the context of the modernization of public governance, the importance of public procurement as an instrument of local government to support the development of SMEs in the market is emphasized (Loader 2016). The European Commission aims to improve public procurement practices, promote demand for innovative goods and services in Europe, and foster the uptake of innovation in the EU. The Government of the Republic of Lithuania seeks to improve the management of institutional capacity, to effectively manage budget

funds, and to improve public procurement for both the public and private sectors. Wider research provides insights into new management decisions on public procurement law in Lithuania and the practice of their application since the Lithuania'n Republic's entry into the EU. This article is orientated towards the theoretical and practical legal issues of the public procurement of innovation, which receive limited discussion in the specific academic management literature as the main analyses were conducted either before preparations to enter the EU commenced or in the immediate aftermath of Lithuania's accession. It is necessary to promote societal interest in the problem of implementing innovation in public procurement, stressing that success in the fight against the problem of a lack of transparency depends upon the will of society to support this endeavour.

Topics and Interdisciplinarity of the Concept of Public Procurement

In a broad sense, public procurement is defined as the process of procuring the goods, services, and works required by public sector organisations - such as central and local authorities - to carry out their activities and perform their functions. Public procurement can be defined as *a process* that involves specific actions to acquire specific goods, services, or works, as well as an operational function of an organisation that includes procurement processes and methods, the structure of the staff and the organisation of procurement, and the flow of information in implementing the organization's strategy (Thai 2006). Although Thai) argues that public procurement definitions must be integrated into a single concept, three aspects that define public procurement need to be distinguished: managerial - defined as the process and the function of an organisation in procuring goods, services, and works; legal - defined as the procedures for public procurement; and *economic* - defined as a significant part of the economy being directed towards the fulfilment of the objectives of a country. Pursuant to the Law on Public Procurement of the Republic of Lithuania, *public procurement* is defined as the purchase of goods, services, or works by one or more contracting authorities with the aim of concluding a public sales-purchase contract with a supplier or suppliers, regardless of whether the goods, services, or works are intended for a public purpose. Public procurements relate to the acquisition of goods and services and the ordering of works, which are usually purchased or ordered by public entities (e.g., public or local authorities and the agencies subordinate to them). Hereinafter, the concepts of the 'service recipient' (a contracting authority) and the 'service provider' (a supplier) shall be used.

According to the scientific literature and accepted vocabulary, public procurement is characterizsed by individual *management elements* by which the potential of the purchasing power of a country is used to influence service providers operating in the market and the characteristics of the goods, services, and works they offer (see Table 1). Public procurement policy is an instrument aimed at ensuring the link between policy objectives and measures, and the real impact thereof. According to Medina-Arnaiz (2010), public procurement is a means of supplying goods and services and a powerful legal instrument that enables service recipients to pursue secondary or non-commercial goals. However, the integration of the principles of law, psychological aspects, and ethical and political attitudes, which have direct impacts on the formation of business cycles in the economy, cannot be ignored (Rossiaud and Locatelli 2010).

Criterion	Measure and / or instrument	Author(s) (year)	Explanation
ality	Fixing	Afonso, Schuknecht, and Tanzi (2010); Barrett (2016)	 Realised vs. fixed savings level; Savings through a new contract with the service provider, following new agreements or other initiatives; Ratio of the fixed (awarded) contract value vs. the estimated contract value.
Price and quality	Value		Public and private partnership, as a separate form of effective cooperation;Compatibility problem in individual strategies.
Pri	Time		Procurement cycle duration (from acquisition to performance of the contract).
	Satisfaction		Compliance of service providers with the technical specification;Customer satisfaction.
	Investments	Knutsson and Thomasson (2014); Edquist et al. (2015)	 Building capacity for service recipients and service providers; A tool to attract investments.
lity	Demand	Pelkonen and Valovirta (2015); Edquist et al. (2015)	 A political tool, a specific demand adjustment tool. Possibility to promote specific markets (e.g., public procurement in the public services market).
Sustainability	Barriers, obstacles	Amann and Essig (2015); Clough (2015)	Complexity;Time costs;Risks.
	Programmes	Walker and Brammer (2012); Amann et al. (2014)	Number of potential and participating service providers in the public procurements taking place in individual programmes.
	Electronic public procurement	Walker and Brammer (2012)	A tool for sustainable development;The risk of eliminating smaller local service providers.

Table 1. The identification of public procurement measures and instruments

Criterion	Measure and / or instrument	Author(s) (year)	Explanation
	Behaviour of entities involved in public procurement	Wall and Martin (2003)	Development of a public procurement system: a national public procurement system; operational activities of service recipients; activities under individual contracts.
gement	Management techniques	Patrucco, Luzzini, and Ronchi (2016)	Management of processes;Efficiency of processes and organisations;Focus on goals and strategy.
Performance management	Growth and development	Barrett (2016)	 Effective communication (including information systems); Better understanding by decision makers; Operational integration, more flexible adaptation; Complexity in different environments.
đ	Subcontract- ing	Moretti and Valbonesi (2015)	 Public procurement supply chain management; Market improvement; Management of market agreements; Prerequisites: qualification, strategy (additional subcontracting or division of subcontracting, if necessary).
Control of actions	Rules	Costantino et al. (2012)	 Procedures, their importance and control. Focus on the most economically advantageous tender evaluation criterion: transparency, competition, and procedures.
	Budget savings	Costantino et al. (2012); Bergman and Lundberg (2013)	Focus on the amount of funds spent on public procurement;Avoiding using the lowest price as a criterion for evaluation of tenders.

Source: Compiled by the author.

Public procurement is closely linked to partnerships and strategic alliances, and involves long-term social exchanges between service providers and service recipients, mutual trust, personal relationships, commitments, altruism, and joint problem-solving. However, various researchers have identified factors that reduce the effectiveness of these activities in public governance. *Uncompetitive markets* is the first of these factors, and is characterized by a focus on price – regardless of the quality of goods, services, or works – a lack of experience on the part of service recipients, and an intention to purchase the cheapest products, services, or works. The *disproportionate power of government* in maintaining contractual relationships and highlighting the differing importance of service providers is another factor that reduces effectiveness. *Differences in the experience and resources of service providers* with the aim of concluding a contract with the service recipient within the shortest possible time and gaining profit also play a role in this regard. The final factor that reduces effectiveness is the *allocation of costs*

based on the fulfilment of contractual obligations and the establishment of fines to service providers for potential forfeit (Giedraityte and Raipa 2016). First, it is necessary to define the start- and the end-points of the public procurement process. According to the scientific literature, public procurement begins with the planning of the procurement process and the decision to carry out the procurement, taking into account the need for certain goods or services at a given time (Viešieji pirkimai 2000). The public procurement process can be defined as a system of elements that is both affected by and itself affects a variety of social, economic, political, legal, and other factors. This economic activity is used in the context of existing market supply or demand, but can also shape these attributes. When linking the concept of public procurement to the efficiency of this process, it is proposed to divide it into three phases: (1) procurement planning, which involves identifying the need for procurement; (2) the organisation and performance of public procurement procedures, and the conclusion of a public purchase and sale contract; and (3) the implementation of a public purchase and sale contract and the disposal of the product at the end of its use-life. For the procurement process to be effective, the planning phase will only be possible when the service recipient clearly knows their needs. Although considering planning to be the start-point of the public procurement process is a common thing in practice, this error is related to the insufficient application of modern management principles to the activities of service recipients.

There are factors that influence the efficiency of public procurements during their processes. Standardisation of these factors could reduce the duration of tendering and the amount of resources needed, and thus reduce costs for service recipients. The authors maintain that the public procurement system can operate efficiently when the individual elements of such a system function jointly, ensuring synergy between the intended results of these elements. All technical documents must be taken into account in the public procurement process in order to assess the ability of service providers to participate in the public tendering. The following aspects concerning the selection of service providers should be mentioned: whether the service provider can offer the complete set of goods or services needed by the service recipient at a given moment (e.g., a building, a partial building, products and materials at all levels); whether the service provider can offer specific services (e.g., planning, design, engineering calculations); who should invest to achieve the most favourable result - the service recipient or the investor; and whether it is necessary to purchase the goods or services - there may be an option to lease them. Increasing competition improves the quality of customer service, while a shortened supply chain makes goods or services cheaper. The scientific literature also emphasises the importance of time and quality in the public procurement process. Procrastination and delays in the implementation of a public purchase and sale contract by a service provider have a direct impact on ensuring control in a country and, consequently, increase the risks associated with public procurement due to both objective and subjective circumstances. Qualitative expression and its evaluation in public procurement are related not only to the reliability of the implemented engineering orders based on applicable quality standards, but also to reputation, the fulfilment of financial obligations, financial discipline, and responsibility. Public procurement is a power widely used by governments to achieve additional goals

set by social and environmental protection policies. Thai (2006) summarises and identifies the following key factors affecting public procurement: market factors, political factors, legal factors, social, economic, and other factors, and internal factors.

Schotanus and Telgen (2007), upon analysing the scientific literature on the horizontal relationships concerning buyer-buyer cooperation, concluded that theoretical research in this field is far behind practice, and envisaged great potential for scientific research. In the public sector, public procurement covers the dominant role of public procurement offices, law and order-related processes, health and social services, education, defence, transport, and environmental protection issues. Therefore, in order to achieve public procurement objectives and to satisfy civil society, public procurement within public sector organizsations is much more extensive than in the private sector. The scientific literature identifies three models of public procurement centralisation: (1) full centralisation – where the central purchasing unit makes all major decisions concerning public procurements; (2) full decentralization – the opposite of full centralisation, where all major decisions are made within the organizsational unit; and (3) a hybrid structure - a compromise model, where parts of the procurement process are distributed to the central and decentralised procurement units. The hybrid centralisation structure is used in the Republic of Lithuania - i.e., service recipients organizse and implement certain parts of the public procurement procedure, and services recipients themselves deal with other parts. When implementing public procurement procedures, public sector organizsations are integrated into a single system, the elements of which are funded by the state and municipal budgets or controlled by state or municipal authorities.

Opportunities for Innovative Practices in Public Procurement

The arguments for public procurement as a separate tool to promote innovation policy at both the EU and national level, as well as the importance of innovation policies for improving the management of the public procurement process, can be observed in the works of many researchers since the 1970s. However, only since 1990 has innovation policy been perceived as a means to act on and improve the performance of the innovation system. In Lithuania, the public procurement of innovation is not a topic of debate in the work of researchers, and it is noteworthy that public procurement – as a tool for promoting innovation in the activities of service recipients and, thereby, of service providers – has been the main research object of international researchers and practitioners for more than a decade now (Edler and Yeow 2016; Edquist et al. 2015; Edquist and Zabala-Iturriagagoitia 2012). One of the reasons for the low demand for the public procurement of innovation in Lithuania is the narrow and legalistic understanding of the public procurement process.

New public management is inherent in qualitative expression when applying elements of usefulness and sustainability in decision-making and implementation processes. Based on the EU directives of 2014, the European Commission, along with the Procurement of Innovation Platform, developed the "Guidance for Public Authorities of Public Procurement of Innovation" for service recipients. The "Guide on Dealing with Innovative Solutions in Public Procurement – 10 Elements of Good Practice" – developed by the

European Commission in 2007 remains the objective for service recipients in the context of modern public governance (meta-governance). One of the advantages of including SMEs in the public procurement of innovation is that SMEs tend to grow much faster than large companies, taking advantage of innovative financing tools and the more favourable business environment created by institutions. The authors of this paper maintain that when contracts are awarded to SMEs the revenue of the government, along with its level of innovation, increases, which also promotes entrepreneurship and contributes to the creation of jobs and economic development. According to Grandia (2014) and Grandia et al., (2015), one can distinguish the impact of three organisational perspectives on the promotion of the public procurement of innovation: upper-management support, expertise, and commitment (see Table 2).

Co	Condition		Risk assessment Service provider's experience		Challenges for SMEs
	Expertise	Commitment	1. Evaluation of the opportunity to participate.	 Opportunity to repeat the work done due to connections; Reputation; Individual demand and its reten- tion. 	 Invitations to tender are sent based on previous entries; Barriers related to prepay- ments.
Upper-Management Support			2. Determination of contract requirements, decision on participation in the tender.	 Difficulties for affiliated companies to cooperate with the service recipient and service provider; Participation where not prohibited, especially in case of prestigious procurements. 	 Lack of resources to act as the general contractor; Subcontracting, as an opportunity to participate; Promoting mutually-desirable cooperation.
			3. Preparation and submission of the tender.	 Technical specifications require knowledge; The complexity of the tenders due to doubts about the final price; Prescriptive requirements must be acceptable; Large companies or managed companies are more attractive for contract implementation. 	 Public sector contracts are much more stringent than private sector contracts; It is difficult to calculate the value of a tender due to un- clear technical specifications; Existence of minimum requirements.
			 Contract award based on the purchase value. 		 Price is often the main criterion for evaluating tenders; Non-compliance with quality requirements.
			5. The result: success or failure.	The nature of the work may cause unexpected deviations from the technical specification.	 Optimal impact when taking a subcontractor position; Poor feedback following unsuccessful contract imple- mentation.

 Table 2. Terms and conditions for SMEs' participation

 in the public procurement of innovation

Source: Compiled based on Grandia et al. 2014; Grandia 2015; Loader and Norton 2015.

Loader and Norton (2015) drew attention to the specifics of the relationship between SMEs and service recipients and new challenges in assessing the need for the participation of such enterprises in public procurement in the context of modern public governance. A service provider's eligibility to participate in the public procurement of innovation is primarily determined by their experience, interest in demand for innovation, focus on scientific research, planning opportunities for developing entrepreneurship, and the emphasis on access to financial support. It is necessary to consider the issue of the removal of public servants and politicians from the public procurement procedure, imposing certain fines or removal from office. One of the key opportunities of the integration of electronic business and electronic government is the application of service recipients' uniform standards to service providers, and their control over the centralised public procurement system. It is recommended to develop a system of motivation, to determine the impact of the results of the evaluation of public procurement specialists on their motivation, and to change the salary system depending on the results of the public procurement performed – including, for example, via the evaluation of efficiency and rationality, or based on the money saved in a particular public procurement. The results of wider qualitative research allow us to state that service providers are not always interested in participating in public procurement tenders, and at the same time service recipients' websites often contain very limited information. It is recommended that service providers respond more actively to market changes and initiate policy makers in providing specific tools to service providers, which will enable them to ask for more publicity and fairness in service recipients' actions. The new public management relates public procurement to self-organising procedural governance, mainly focusing on the process itself, which includes not only service recipients and providers, but also public institutions and organisations, as well as subjects of public procurement policy.

Conclusions

- 1. Public procurement as a research subject can be analysed from legal, economic, and managerial perspectives. Based on the analysis of the scientific literature, it can be concluded that management paradigms encourage the complex analysis of public procurement and suggest that its process is detailed in different stages: the emergence of need; public procurement planning; public procurement initiation; the execution of public procurement procedures; contract signing; monitoring; and control. Public procurement can be defined as the procurement of goods, services, and works by a public institution (the recipient of services) performed in accordance with the procedures established by law, the purpose of which is the conclusion of a public procurement sales contract with a company (the provider of services).
- 2. Public procurement is a new practice in the public sector, including within Lithuania. Although the emergence of public procurement is associated with saving and efficiently allocating public funds, the practice of public procurement shows that the ideas of new public management have only partially been taken up by the public sector. It can be concluded that the involvement of civil society in influencing

the public procurement process is an integral part of new public management, and a must for the elaboration of new public procurement models. Public procurement as an instrument is not widely used in the public procurement procedures followed by service recipients and service providers. The key management tools that create a supportive environment and increase the role of public procurement as a separate instrument to drive demand for innovation in the Lithuania include: (1) centralised control, risk mitigation, and an emphasis on transparency, as well as financial support to innovative service providers; and (2) deregulation when implementing specific public procurement characteristics. As an example of the latter, purchase value results often tend to be used for transferring decision-making power to service recipients, their managers, the agendas of politicians, the expectations of service providers, the media, and the community.

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Smulkaus ir vidutinio verslo įmonių dalyvavimo inovatyviuosiuose viešuosiuose pirkimuose perspektyvos

Anotacija

Viešojo sektoriaus modernizavimas pastebimas daugelio Europos šalių viešojo administravimo sistemose. Pasitelkiant naujausius ir pažangiausius naujosios viešosios vadybos modelius siekiama pereiti nuo tradicinio centralizuoto hierarchinio valdymo prie efektyvesnio šiuolaikinio valdymo. Viešieji pirkimai išskirti kaip vienas iš instrumentų, galinčių prisidėti prie 2020 m. Europos pažangaus, tvaraus ir integracinio augimo strategijos prioritetų. Smulkus ir vidutinis verslas (toliau – SVV) sudaro apie 99,5 % viso verslo Lietuvoje ir yra vienas pagrindinių šalies ekonominio augimo veiksnių. Vienas iš SVV įtraukimo į inovatyviuosius viešuosius pirkimus pranašumų yra tas, kad SVV linkusios daug sparčiau augti nei didelės įmonės, naudotis naujausiomis finansavimo priemonėmis ir institucijų sukurta palankesne verslo aplinka. Sudarant sutartis su SVV įmonėmis, didėja valdžios pajamos, kartu auga jos novatoriškumas, tai taip pat skatina verslumą ir prisideda prie darbo vietų kūrimo bei ekonominės plėtros. Galima išskirti trijų organizacinių perspektyvų poveikį skatinant inovatyviuosius viešuosius pirkimus: aukščiausios vadovybės palaikymą, kompetenciją ir įsipareigojimą. Straipsnio tikslas – išanalizuoti SVV dalyvavimo inovatyviuose viešuosiuose pirkimuose teisinio poveikio rezultatus Lietuvoje. Metodologinis požiūris grindžiamas aktualių teorinių (analizė ir sintezė, sisteminė, lyginamoji analizė) ir kokybinio empirinio tyrimo (antrinių duomenų ir dokumentų analizės) analize.

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