

Forward

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This volume is entirely dedicated to the relationship between digital tools and public procurement. The aim is to offer the reader an academic overview on the main topics discussed at the member States' level.

As will be soon demonstrated, the themes are similar in all European States, and the way of addressing them is also alike.

This is the inevitable (and interesting) consequence of the homogeneity of the problems and goals of public procurement (i.e. addressing community's needs, providing services, works and supplies). Also, the analogy among the national regulatory systems comes from the fact that all are implementing the common European procurement Directives' background.

Presenting the readers different papers from academics and practitioners from different jurisdictions will thus contribute a profitable exchange of ideas and argumentative paths in a territory where this appears to be fruitful, given the presence of a common normative and conceptual substrate. The collected articles demonstrate the great timeliness of the debate and the tendency of legal (supranational and national) systems to welcome technological evolution, to embrace and promote the use of digital tools in procurement, as well as to regulate their employment.

The public procurement sector is certainly crucial due to its connection with the economies of European countries and because it is positively or negatively influencing the ability of public authorities to provide to the needs of our communities. In this context, digital tools are an opportunity to increase quality of life for all. Precisely, public action in public procurement is expected to be to be highly performative and capable of employing every useful technique to carry out the selection of suppliers and partners in an informed, detailed, impartial manner, and with a high level of competence to best achieve programs of common interest.

This volume is demonstrating clearly that the use of digital tools offers extraordinary synergy with some key principles of public contracting, allowing to select the best contractor within an impartial and "certified" way and obtaining an exact and prompt

response to the public needs.

It is not just about providing platforms for document collection or improving public organizational processes. The digitalization we are referring to is much more complex and pervasive. It is capable of completely altering the information acquisition system and, therefore, any kind of investigation managed by a public authority.

It changes the way in which the tender documents are formed and the object of the contract is selected (a good contracting must be able to specify the public demand accurately and predict timelines and costs with equal accuracy); it alters the competitive confrontation and the working dynamics within the evaluation body; it transforms the type of concerns of the contracting authority (from corruption prevention to cognitive bias); it deepens and specifies the relationship with economic operators, potentially changing the dimension of contracts (which will hardly continue to be only bilateral), potentially transforming the traditional logic of bilateral contracts into (legal) collaboration platforms with real-time information exchange, accessible to the entire supply chain; it even changes public procurement litigation, in which, to give just one example, there are increasingly references to information presented as evidence in court and processed by digital analysis tools (consider documentary productions processed from data related to road routes provided by Google Maps).

In essence, what seems to emerge from the contributions in this volume is that public procurement, to be truly consistent with digital tools, must transform into something else, repositioning itself within a new way of conceiving the public demand phase and the control of contract execution. Therefore, beware of simplistic approaches. This time the story is truly new.

