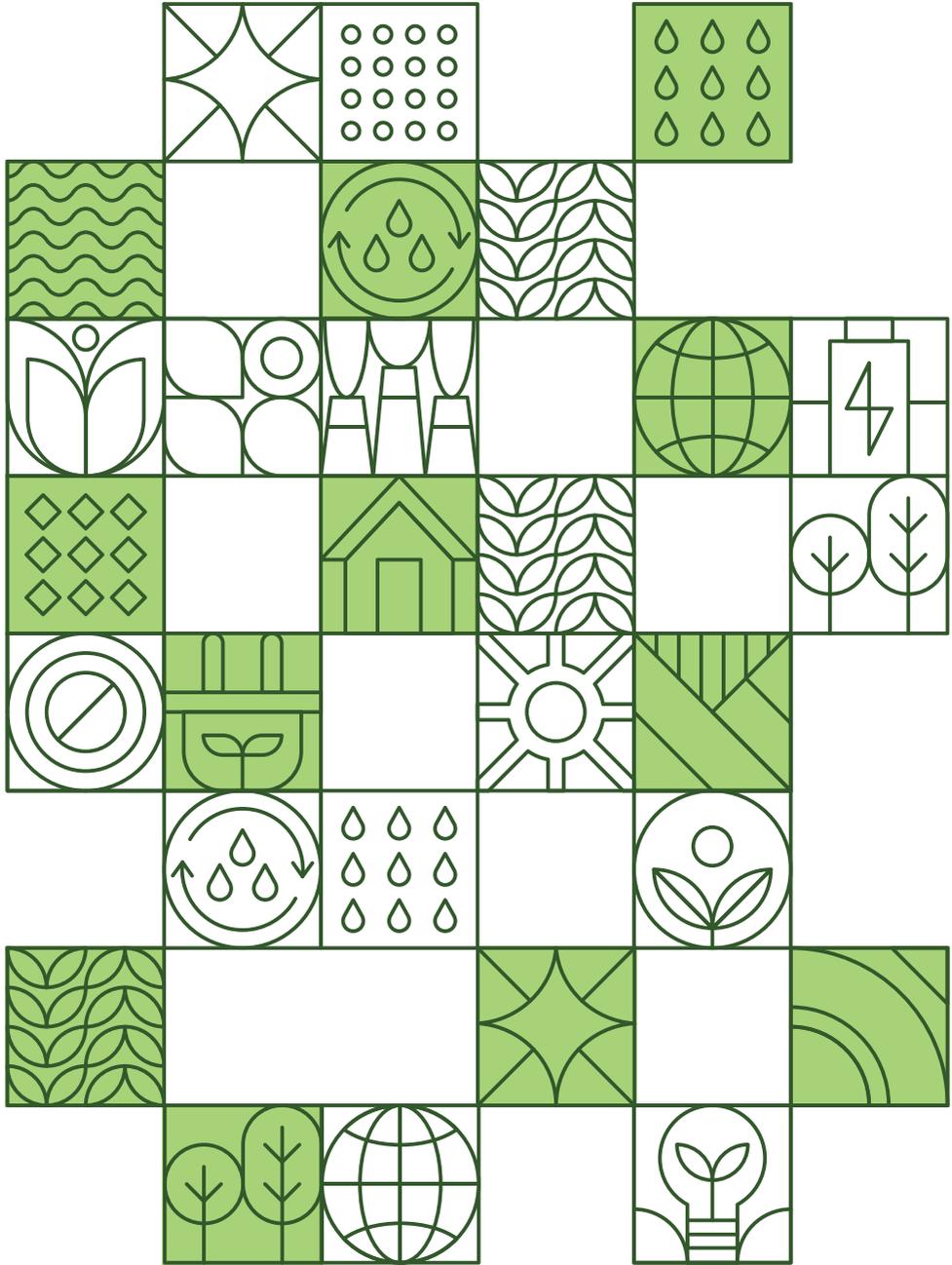


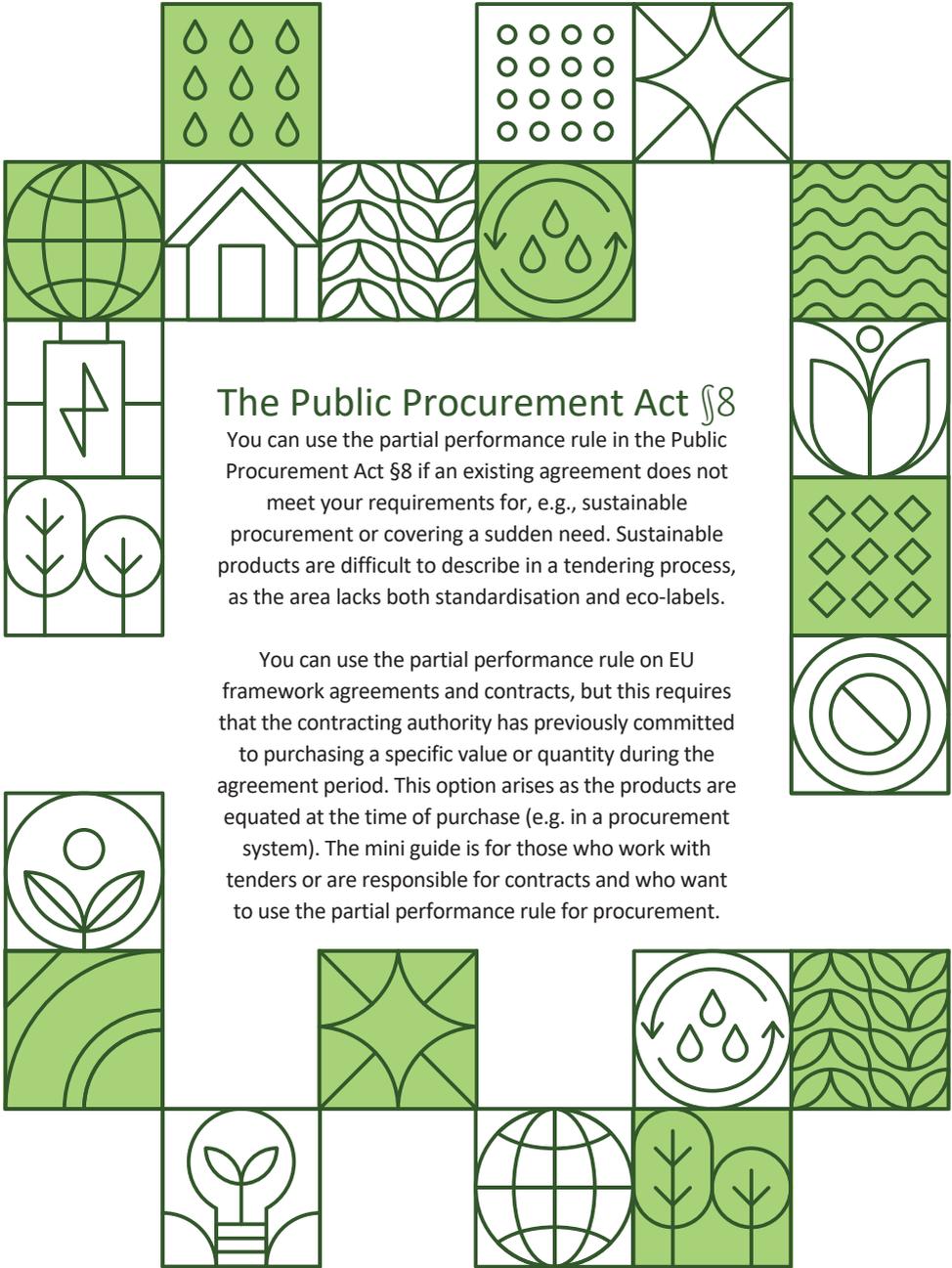


**Did you know that  
you can use the rule  
of partial  
performance to  
become more  
sustainable?**

**Do you work with tenders or contract management?  
Would you like to be more sustainable in your  
purchasing? Then you can use the partial performance  
rule to supplement your tender range.**

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## The Public Procurement Act §8

You can use the partial performance rule in the Public Procurement Act §8 if an existing agreement does not meet your requirements for, e.g., sustainable procurement or covering a sudden need. Sustainable products are difficult to describe in a tendering process, as the area lacks both standardisation and eco-labels.

You can use the partial performance rule on EU framework agreements and contracts, but this requires that the contracting authority has previously committed to purchasing a specific value or quantity during the agreement period. This option arises as the products are equated at the time of purchase (e.g. in a procurement system). The mini guide is for those who work with tenders or are responsible for contracts and who want to use the partial performance rule for procurement.

## Examples of using the partial performance rule

The following three examples show completed templates for using the rule in different scenarios



# Example 1

Use of the partial performance rule in tenders for standard ranges of furniture and inventory

## Brief description of the tender (general description):

A public contracting authority is tendering a contract for furniture and inventory in a standard range. The contract value is set at DKK 5,000,000.

## Reasons for applying the partial performance rule:

A public contracting authority has just adopted a procurement policy that supports the green transition. The contracting authority therefore wishes to purchase upcycled and used furniture and inventory. In addition, the contracting authority wishes to purchase teaching tables made from FSC-certified wood for a local primary school. As upcycling and reuse are not part of the contract and are difficult to specify, the contacting authority wishes to use the rule on partial performance to make the purchases.

Contract value
5.000.000

*Enter the total contract value for the tender to which the partial performance rule is to be applied*

Amount (max. 20%) that can be purchased using the partial performance rule:
1.000.000

*The total amount when applying the rule may not exceed 20 % of the total contract value and a maximum of DKK 595,344 per partial performance.*

Product/ service:	Used desks	Used canteen chairs	Used office chairs	Upcycled shelving units	Upcycled office chairs	Teaching chairs made for FSC-certified wood	
<i>Specify the product or service for each individual sub-contract</i>							
<b>Amount</b>	Amount in DKK	Amount in DKK	Amount in DKK	Amount in DKK	Amount in DKK	Amount in DKK	<b>Remaining amount:</b> <i>Remaining total amount</i>
<b>Total per sub-contract</b>	100.000	300.000	250.000	75.000	75.000	150.000	<b>50.000</b>
<i>Specify the value of each sub-contract</i>							

## Example 2

Use of the partial performance rule when purchasing food under a framework agreement offered by a central purchasing body

### Brief description of the tender (general description):

A commercial kitchen owned by a number of municipalities participates in a framework agreement for the purchase of food and disposable items offered by a central purchasing body. The commercial kitchen has committed to purchasing a specific quantity with a value of DKK 10,000,000.

### Reasons for applying the partial performance rule:

The board of the commercial kitchen, which produces food for residents in the owner municipalities, wants residents to have more choices when it comes to menu composition. The contracting authority has therefore conducted a market survey and become aware that there are a number of smaller producers and suppliers of speciality fish and organically produced bread, meat, beverages and dairy products. In order to meet the board's wishes, the commercial kitchen will therefore apply the rule on partial performance.

	<b>Contract value</b>				
	10.000.000				<i>Enter the total contract value for the tender to which the partial performance rule is to be applied</i>
	<b>Amount (max. 20%) that can be purchased using the partial performance rule:</b>				
	2.000.000				<i>The total amount when applying the rule may not exceed 20 % of the total contract value and a maximum of DKK 595,344 per partial performance.</i>
<b>Product/service:</b> <i>Specify the product or service for each individual sub-contract</i>	<b>Special fish</b>	<b>Organic meat</b>	<b>Organic bread</b>	<b>Organic drinks and dairy</b>	
<b>Amount</b>	Amount in DKK	Amount in DKK	Amount in DKK	Amount in DKK	<b>Remaining amount:</b> <i>Remaining total amount</i>
<b>Total per sub-contract</b> <i>Specify the value of each sub-contract</i>	550.000	500.000	200.000	400.000	
<b>Description of the specific purchase:</b>	The contracting authority will purchase special fish from Supplier 1, primarily in the spring and autumn	The contracting authority will purchase organic meat from Supplier 2 and 3 in the next two years	The contracting authority will purchase organic bread from Supplier 4,5 and up to holiday periods	The contracting authority will purchase organic beverages and dairy products from supplier 7, 8, 9 and 10 up to public holidays	

## Example 3

Use of the partial performance rule to a framework agreement on office supplies - standard range

### Brief description of the tender (general description):

Three months ago, a public contacting authority entered into a framework agreement with a supplier for a standard range of office supplies. The framework agreement is estimated to have a total value of DKK 2,500,000. The contracting authority now wishes to apply the partial performance rule and has therefore committed to purchasing DKK 2,000,000 worth of office supplies from the supplier.

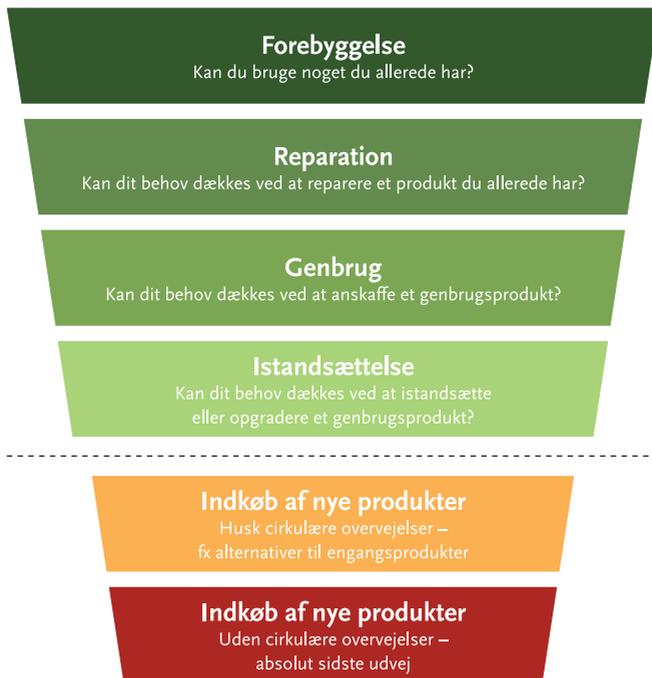
### Reasons for applying the partial performance rule:

The contracting authority has unexpectedly been faced with a request to purchase wastepaper baskets, chair mats, coat racks and an environmental station, all of which must be made of recycled plastic. The products are not part of the range offered. In order to support the 'green transition', the contracting authority wishes to purchase the products by applying the partial performance rule.

	<b>Contract value</b>	
	2.000.000	
	<b>Amount (max. 20%) that can be purchased using the partial performance rule:</b>	
	400.000	
<b>Product/service:</b> <i>Specify the product or service for each individual sub-contract</i>	<b>Recycled plastic office equipment</b>	
<b>Amount</b>	Amount in DKK	<b>Remaining amount:</b> <i>Remaining total amount</i>
<b>Amount per sub-contract</b> <i>Specify the value of each sub-contract</i>	400.000	<b>50.000</b>
<b>Description of the specific purchase:</b>	The contracting authority has purchased wastepaper baskets from Supplier 1, chair mats and coat racks from Supplier 2, and a recycling station from Supplier 3. Total amount:DKK 350,000.	

# Procurement hierarchy

The sustainable approach:



## Find the material

You can read more about the partial performance rule and how to use it in practice in the mini-guide on Aarhus Municipality's website. There, you will find completed examples, a blank template, as well as definitions and the legal basis, making it easy for you to get started using the partial performance rule.

You also have the option to download all materials from the website as a single PDF. The material was developed in collaboration between Aarhus Municipality and VIA University College, financed by the EU Life-IP project on circular economy (CEBW).



VIA University  
College



En del af  
løsningen



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