

PERSONAL INFORMATION

Boštjan Ferik



📍 Železnica 14, 1311 Turjak (Slovenia)

☎ + 386 (0)1 60 100 70 📱 + 386 51 690 366

✉ bostjan.ferik@pppforum.si

🌐 <http://www.pppforum.si/>

Sex Male | Date of birth 21/01/1979 | Nationality Slovenian

WORK EXPERIENCE

01/08/2010–Present

Founder and Managing Director

Institute for Public Private Partnership, Ljubljana, Slovenia, Ljubljana (Slovenia)

One of the founders and the Managing Director of the Institute for Public-Private Partnership, Slovenia (IPPPS). The IPPPS is involved as consultant in various complex public procurement projects, calls for tenders and public-private partnership projects, as well as assisting contracting authorities in public-infrastructure projects, projects related to services of general economic and non-economic interest, project management, economical studies, different types of commercial contracts, project financing and other related subjects. Today IPPPS is leading consulting organisation in Slovenia in the field of public-private partnerships and among top 3 consulting organisations in public procurement. Institut for Public-Private Partnership is privately founded and organised as nonprofit institut and is accredited as research organisation by the Slovenian Research Agency. The surplus of the income is being invested in the research.

Recently IPPPS has entered the Croatian public procurement consultancy market and has opened a branch in Croatia.

Boštjan Ferik is skilled legal consultant in complex public procurement and public-private partnership projects in Slovenia and yearly advises about 40 public procurement authorities in approximately 100 complex public procurement procedures.

Boštjan Ferik has deep knowledge of the legal framework regulating public investment system, the lawmaking and process in the Republic of Slovenia. He has also detailed knowledge of the laws and secondary legislation governing the decision making process related to public investment finance at the national and sub-national level as well as reporting and accountability lines.

Yearly Boštjan advises public and private sector in cca 100 public procurement procedures, some of them most complex procedures in Slovenia.

03/2017–Present

Founder and Managing Director

S-Procurement, d.o.o.

Ukmarjeva 2, 1000 Ljubljana Ljubljana (Slovenia)

<https://www.s-procurement.si/>

Founder and Managing Director of the company S-Procurement, Ltd., which has localised and launched in Slovenia one of the globally most recognised public e-procurement platforms (Vortal), which fully operates since April 2018.

06/2016–Present

Assistant Professor for Public Administration

New University, Nova Gorica (Slovenia)

01/12/2004–31/07/2010

Adviser, Assistant Director

Praetor, d.o.o., Ljubljana (Slovenia)

The main responsibility was assisting government and local authorities on public procurement.

EDUCATION AND TRAINING

- 2009–2013 **PhD (Thesis: Public - Private Partnership Contract)**
Faculty of Law, University of Ljubljana (Slovenia)

- 01/2009–02/2009 **Research**
Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (Germany)

- 02/2008 **English Language Skills & Research**
Emerald Cultural Institute, Dublin (Ireland)

- 09/2006 **Intern**
Cabinet of the Judge prof. dr. Verica Trstenjak, Court of Justice of the European Union (Luxembourg)

- 10/1998–05/2003 **Bachelor of Law**
Faculty of law, University of Ljubljana (Slovenia)

- 09/1994–06/1998
Gymnasium, Ptuj (Slovenia)

- 09/1986–06/1994
Primary School, Ptuj (Slovenia)

PERSONAL SKILLS

Mother tongue(s) Slovenian

Foreign language(s)

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
English	C2	C2	C1	C2	C2
Croatian	C2	C2	C2	C2	C1
German	B1	B1	B1	B1	B1

Levels: A1 and A2: Basic user - B1 and B2: Independent user - C1 and C2: Proficient user
Common European Framework of Reference for Languages

Communication skills Outstanding communication, training and teaching skills including speaking at number of trainings, workshops and seminars focusing on public procurement related subjects, as well as university practice of 3 years teaching administrative law related subjects at European Law Faculty and Faculty of Government and European Studies (Slovenia). Frequent organisation of training seminars, workshops, conferences and study visits in various countries.

Organisational / managerial skills Strong organisational and managerial skills gained through experience as Managing Director of the Institute for Public-Private Partnership, Slovenia and managing number of large and complex projects.

Job-related skills **Selected professional experience:**
2016-present: Project legal adviser for the EBRD technical assistance funds project (Elena) for the project: "Supporting the Development of the EnPC/ESCO Market in Slovenia: Preparation of standardized typical documents and tenders for ESCO energy efficiency projects in Slovenia" including key public procurement assignments and coording activities for the beneficiaries City Municipality of Novo mesto, City Municipality of Kranj and City Municipality of Celje, Slovenia. The assignment included: analysis of the existing legal framework and preparing the legal study for

implementation of the project; preparation of standardized typical documents and tenders for ESCO energy efficiency projects; drafting the required Decrees to be adopted by the City Councils in accordance with the Slovenian PPP Act; drafting the tender documentation, prepare draft PPP contract, project management of public procurement activities in line with the public procurement model of Slovenia which is harmonised with the procurement model of the EU, supporting local government at all stages of the procedure, coordinating activities between the stakeholders involved in the project and reporting to the city municipalities and the EBRD about the progress of the project (inception report, reports accompanying deliverables, draft final report, final report). Value of the technical assistance: EUR 1.621.537,20. Value of the public procurement projects: Assignment 1 - City Municipality of Novo mesto: EUR 3.157.892,60; Assignment 2 - City Municipality of Kranj: EUR 6.182.440,84.

2014-2017: Team leader for public procurement activities in EIB technical assistance funds project (Elena) for the project: "The Energy Retrofit Programme of Public Buildings in City Municipality of Ljubljana". Value of the project: Assignment 1, List 1-4: 14.936.119,98 EUR.

2017-2018: Leading public procurement expert in the second phase of the Energy Retrofit Programme of Public Buildings in City Municipality of Ljubljana EOL2. The assignment included preparation of secondary legislation for local government, preparation of all tender documents in line with the public procurement model of Slovenia and EU, supporting the Capital City of Ljubljana in all stages of the procedure. Value of the »EOL2 project«: EUR 4.784.928,50.

2018-present: Team leader of a working group responsible for identifying, analysing and realisation (after the Government of the Republic of Slovenia adopts the decision) of appropriate solution for Maribor Airport. First phase (The Study) was concluded in October 2018.

2018: Key legal consultant in PPP project for establishing Kindergarten "Vinska Gora" in City of Velenje and responsible for following services: preliminary procedure, drafting legislative act establishing PPP to be adopted by the city council, consulting and supporting the City Municipality in all phases of the public tender procedure. value of the contract: EUR 2,8 mio.

2016-2018: Legal advisor to the Ministry of Infrastructure, Slovenian Infrastructure Agency in especially public procurement and concessions procedures.

2017-2018: Public procurement expert and member of a team responsible for preparing a Study on rationalization of the implementation of the state budget with the goal of reducing investment projects in the field of investment in state roads. During the assignment 818 investment projects in state roads were analyzed. Assignment i.a. included rationalization of the public procurement procedures within the existing legal framework and analysis of legal framework regulating investment in state roads and identify required amendment of the legislation.

2009-2011: PPP for the establishment and management of a public bicycle rental system "BecikeLJ" in the City of Ljubljana. In this project dr. Ferk was responsible for drafting the legal study, including the risk matrix and swot analysis, required legislation to be adopted by the City Council (Act establishing PPP and on implementing the project in accordance with Article 40 of the Slovenian PPP Act which is to be adopted by the Government or by the representative body of a self-governing local community depending if the project is being implemented on the State or municipal level), drafting the tender documentation, prepare draft PPP contract, supporting the City in all stages of the procurement procedure. The value of the project was EUR 15,3 mio.

2007-2008: PPP for establishing the Stožice football stadium and a basketball hall. This has become one of the first PPP projects to be implemented in Slovenia. In this project, dr. Ferk (at that time as employee of the company Praetor Ltd.) has been Leading legal advisor to the City in the public procurement process and also a member of the procurement committee. In this project dr. Ferk was responsible for drafting the legal study, including the risk matrix and swot analysis, required legislation to be adopted by the City Council (Act establishing PPP and on implementing the project in accordance with Article 40 of the Slovenian PPP Act which is to be adopted by the Government or by the representative body of a self-governing local community depending if the project is being implemented on the State or municipal level), drafting the tender documentation, prepare draft PPP contract, supporting the City in all stages of the procurement procedure. As the procurement procedure, the competitive dialogue was chosen and we might note, this has been one of the first projects to be procured as competitive dialogue in Slovenia. The PPP contract in a project value of 81 mio EUR was signed in 2008.

Digital skills

SELF-ASSESSMENT				
Information processing	Communication	Content creation	Safety	Problem-solving

Proficient user	Proficient user	Independent user	Independent user	Proficient user
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Digital skills - Self-assessment grid

ADDITIONAL INFORMATION

Key qualifications

Excellent legal background including Ph.D. in Law (Title: Public-Private Partnership Contract) focused on public procurement and public-private partnerships, and gained also with more than 12 years' practice in advising contracting authorities and conducting research in European legal systems, including the Court of Justice of the European Union on those topics.

Fluent in written and spoken English, as well as in Bosnian. Excellent skills of analytical and strategical thinking as well as communications and reporting skills.

More than 14 years of experience working for governments and working as assistance to governments in EU Member States and candidate countries, focused on public procurement issues.

Strong team leadership skills and achievement results in the management of large and complex projects, and in the planning, administration and evaluation of projects.

Managing procurement activities in number of public procurement procedure in a value of more than 1 MEUR.

Over 14 years of experience in working with the public procurement model of the EU, including i.a. conduction pre-feasibility and feasibility studies in concrete procedures, preparing bidding models and legal studies for concrete procedures, drafting legal Act establishing PPPs, drafting calls to promoters in PPP projects, preparing the draft legal documents for tendering (ToR, draft contract), assisting contracting Authorities (CAs) with the implementation of the procurement procedure in all phases of the procedure, including responding to bidder queries, managing tenderer conferences (if applicable) and responding to communications with tenderers (prior information notice, if applicable); decision to initiate the procedure; preparation of contract documents; publication of the contract notice; receiving (submission) and opening of tenders; assisting with the assessment of tender applications, identifying variant bids and their viability and to assist with process for selection of preferred tenderer and the relationship with second and third place tenderer (examination and evaluation of tenders); contract award decision; publication of the contract award notice.

Extensive experience in preparing /upgrading the legal framework of the public procurement system (primary and secondary legislation) and operational tools for procurement, including e-procurement, application and enforcement of EU legislation, as well as training related to these issues.

Wide experience in working in the Western Balkans region (Slovenia, Serbia, Croatia, Montenegro).

Extensive experience in interface between technical, economy and legislative issues in concrete procedures and in negotiations with CAs and Suppliers.

Selected Presentations and Publications

FERK, Boštjan, FERK, Petra. Public-private partnership in Slovenia : an analysis of the first successful projects of public-private partnership in Slovenia : "the Stožice stadium". European public private partnership law, 2008, iss. 4, str. 175-184.

FERK, Boštjan. Die Öffentlich Private Partnerschaft in Slowenien : ein Überblick über den gesetzlichen Rahmen und den Stand der Entwicklung. WiRO, 20. Feb. 2009, jg. 18, nr. 2, str. 41-48.

FERK, Boštjan, FERK, Petra. Postopki javnega naročanja in temeljni koraki javno-zasebnega partnerstva [Public procurement procedures diagrams], (Pravni mozaik, 6). Ljubljana: GV Založba, 2009. 1 zgibanka ([8] str.), graf. prikazi.

FERK, Boštjan. Okvirni sporazum : poseben postopek oddaje javnega naročila ali pogodbeni faza izvedbe naročila? [Framework Agreements]. PP, 11. nov. 2010, letn. 29, št. 44, pril. str. II-VI.

FERK, Petra, FERK, Boštjan. Public capital and private capital in the internal market : securing a level playing field for public and private enterprises. V: RODRÍGUEZ IGLESÍAS, Gil Carlos (ur.), ORTIZ BLANCO, Luis (ur.). Public capital and private capital in the internal market = Capital public et capital privé sur le marché intérieur = Öffentliches und privates Kapital im Binnenmarkt = Capital público y capital privado en el mercado interior : [proceedings of the FIDE XXIV Congress, Madrid, 2010, vol.3]. Madrid: Servicio de Publicaciones de la Facultad de Derecho Universidad Complutense, 2010, str. 421-447.

FERK, Boštjan. Public private partnerships : national report for the Republic of Slovenia : sodelovanje na International academy of comparative law (IACL) congress, Washington DC, 25-30 July, 2010. Washington, 2010.

- FERK, Boštjan. Energy-saving PPP contracts : public lightning : predavanje na International conference on benefits and challenges of public-private partnerships for improving energy efficiency, Ljubljana, 24 October 2012. Ljubljana, 2012.
- FERK, Boštjan. Developing Slovenia : insight. PPP magazine : public-private partnership, aut. 2012, str. 30-31.
- FERK, Boštjan. PPP building capability : International conference on Promoting PPPs in Montenegro and South-East Europe, UNECE, Podgorica, 18-19 September 2012. Podgorica, 2012.
- FERK, Boštjan. Public-private partnership and public debt : 22nd Economic forum, September 4-6 2012, Krynica. Krynica, 2012.
- FERK, Boštjan. Energy-saving PPP contracts : public lightning : predavanje na International conference on benefits and challenges of public-private partnerships for improving energy efficiency, Ljubljana, 24 October 2012. Ljubljana, 2012.
- FERK, Boštjan, KAŠNIK, Branko. Analiza praktičnog projekta : BOT koncesija za sistem daljinskog grejanja : prezentacija seminara na konferenci Inovacije znanja i stručnog obrazovanja i usavršavanja, Beograd, 9.-10. 10. 2014. Speaking in Serbian.
- FERK, Boštjan, KAŠNIK, Branko. Analiza praktičnog projekta : "ESCO" model energetske sanacije javne rasvjete i energetske sanacije javne zgrade : prezentacija na konferenci Inovacije znanja i stručnog obrazovanja i usavršavanja, Beograd, 9.-10. 10. 2014. Speaking in Serbian.
- FERK, Boštjan, KAŠNIK, Branko. Analiza praktičnog projekta : JPP konstrukcija sportske sale i podzemne garaže : prezentacija seminara na konferenci Inovacije znanja i stručnog obrazovanja i usavršavanja, Beograd, 9.-10. 10. 2014. Speaking in Serbian.
- FERK, Boštjan. Analiza praktičnog projekta : pridobivanje koncesija za prečišćavanje otpadnih voda : predavanje na seminaru Javno privatna partnerstva, Fakultet organizacionih nauka, Beograd, 9.-10. 10. 2014. Beograd, 2014. Speaking in Serbian.
- FERK, Boštjan. Javno-privatno partnerstvo i EU fondovi : predavanje na seminaru Javno privatna partnerstva, Fakultet organizacionih nauka, Beograd, 9.-10. 10. 2014. Beograd, 2014. Speaking in Serbian.
- FERK, Boštjan. Koncept i oblici javno-privatnog partnerstva : predavanje na seminaru Javno privatna partnerstva, Fakultet organizacionih nauka, Beograd, 9.-10. 10. 2014. Beograd, 2014.
- FERK, Boštjan. Organizaciono - finansijski modaliteti za konačno zbrinjavanje otpada : okrogla miza na konferenci Javno privatno partnerstvo i modaliteti integralnog upravljanja otpadom, Beograd, 9. oktobar 2014. Speaking in Serbian.
- FERK, Petra, FERK, Boštjan. Slovenia. In: NEERGAARD, Ulla Boegh (Eds.). Public procurement law : limitations, opportunities and paradoxes = Vergaberecht für öffentliche Aufträge : Begrenzungen, Möglichkeiten und Widersprüche = Le droit des marchés publics : restrictions, possibilités et paradoxes : congress publications. Vol. 3. 1st ed. Copenhagen: DJØF Publishing, 2014, str. 685-705.
- FERK, Boštjan. Pogodba o javno-zasebnem partnerstvu [Public Private Partnership Contract, Legal Monograph], Inštitut za javno-zasebno partnerstvo, Ljubljana, 2014.
- FERK, Boštjan. Postupak formiranja odnosa JPP : model konstrukcije socijalnih stanova i stanova za penzionere : prezentacija seminara na konferenci Inovacije znanja i stručnog obrazovanja i usavršavanja, Beograd, 9.-10. 10. 2014. Speaking in Serbian.
- FERK, Boštjan, KAŠNIK, Branko. Praktični deo : koncept JPP : prezentacija seminara na konferenci Inovacije znanja i stručnog obrazovanja i usavršavanja, Beograd, 9.-10. 10. 2014. Speaking in Serbian.
- FERK, Boštjan. Energy effect agreement code of conduct in "transperence" project : moderator of the discussion panel at the 9th energy forum, Karpacz, 22.-24. 1. 2015.
- FERK, Boštjan. Moving PPP forward in Slovenia : lessons learned and international best practices : sodelovanje na okrogli mizi v okviru Conference on public private partnership: perspectives from Canada and Slovenia, Ljubljana, 11. 3. 2015.
- FERK, Boštjan. PPP on energy performance contracting for buildings : moderator of the discussion panel at the European congress of local governments, Kraków, 4.-5. 5. 2015.
- FERK, Petra, FERK, Boštjan. Local preferences as non-discriminatory instrument in public procurement of fresh foods : when and how : contribution at 3rd interdisciplinary symposium on public procurement, IMPPM, University Tor Vergada, EBRD, Beograd, 29.-30. 9. 2016.
- FERK, Boštjan. Cooperation between business and local governments in infrastructure development : speaker in discussion panel at the International conference 3rd european congress of local governments, Kraków, 27.-28. 3. 2017.

FERK, Boštjan, FERK Petra. Local Preferences as Non-Discriminatory Instrument in Public Procurement of Fresh Foods. In: PIGA, Gustavo, TATRAI Tunde, Law and Economics of Public Procurement Reforms, Routledge, 2017.

FERK, Petra, FERK, Boštjan. Top 10 reasons why (not) and how (not) to implement PPPs in the developing and emerging economies, In: LEITAO, Joao, MORAIS SARMENTO, Elsa, ALELUIA Joao (Eds.): The Emerald Handbook of Public-Private Partnerships PPPs in Developing and Emerging Economies, Perspectives on Public Policy, Enterepreneurschip and Poverty, Emerald Publishing, 2017, pp. 3-44.

FERK, Petra, FERK, Boštjan. Implementation of Directive 2014/24/EU in the Republic of Slovenia. In: TREUMER, Steen, COMBA, Mario Comba (Eds.): Modernising Public Procurement - The Approach of EU Member States, European Procurement Law Series, Edward Elgar publishing, 2018.

Memberships

Slovenian arbitrator with the Ljubljana Arbitration Centre at the Chamber of Commerce and Industry of Slovenia.

Member of the International Committee of the PPP Development Center, Russian Federation.

Member of the Slovenian Association for the European Law.

Courses

Lecturer at the Academy for Administration of the Slovenian Ministry of Public Administration for courses: Public Procurement, Public-Private Partnerships.

Assistant Professor at European Law Faculty (Slovenia) for post-graduate programme course: Administrative Law and Administrative Procedure.

Assistant Professor at Faculty of Government and European Studies (Slovenia) for under and post graduate courses: Special administrative procedures, Administrative Systems.