



AI meets procurement law: Lessons from the front line of public procurement

A practical guide for buyers and suppliers on navigating the EU AI Act and complex tenders.

As of February 2026

Focus: EU perspective w. German flavour

Target Group: suppliers and bid-teams

Why AI is not an option, but a necessity

1.400+

Active AI-Projects

in 38 european countries (as of may 2025).



20%

official adoption by EU-companies

Increase of 8% in 2023.



€2 Trillion

yearly procurement volume

~14% of the EU-GDP.

>10%

Potential for Productivity

through generative AI for administration
10 - 100% depending on proficiency and task.



The regulatory collision: Regulations are faster than market standardisation

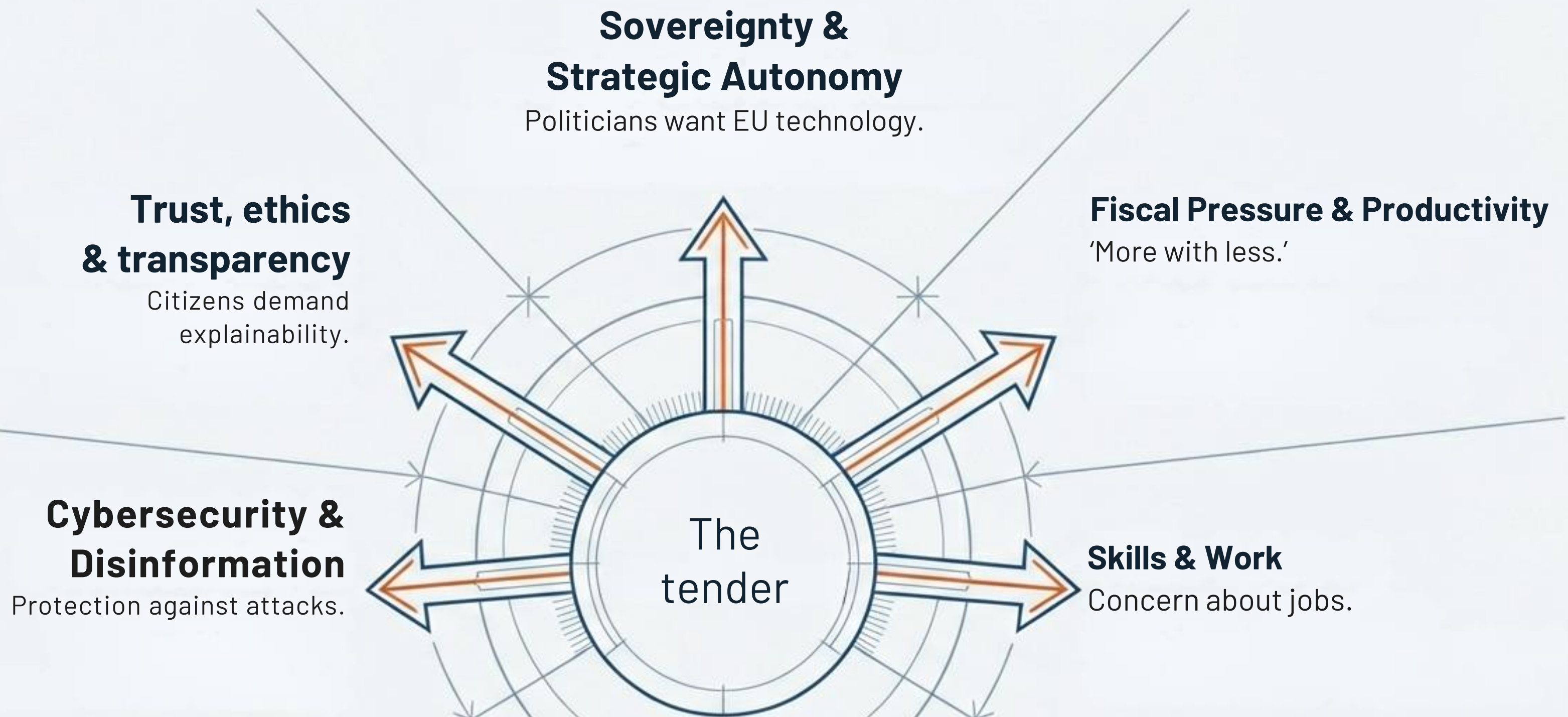
Critical deadlines are piling up for mid-2026. Neither guidelines nor harmonised standards are helpful yet.



Risk context

- Fines of up to €35 million or 7% of global turnover.
- Lack of planning security despite the 'Digital Omnibus' package.
- Only 3 of 27 Member States had designated their competent authorities by the end of 2025.

The five political forces pulling at procurement



A Policy Note: Reference: EU 'Apply AI Strategy' (Okt 2025) - 'AI-first policy'

Industrial policy, open source & the “translator”

How to translate political will into concrete contract language.

Additional forces

Industrial policy
Promotion of EU
SMEs

Open source vs. lock-
in

The translator

politics' want	procurement needs	What the provider must prove
Sovereignty	Data storage in EU/EEA	Server-Locations & Dataworkflow Transparency ✓
Ethics	AI Act Compliance	Risk management plan & human rights impact assessment
Lock-In Prevention	Data portability	Export via open Formats (CSV/JSON), API-Documentation 🗄️

The EU AI Act as specification for purchasers

Authorities are 'operators' (deployers) with far-reaching obligations for high-risk systems.

Unacceptable Risk

Prohibited since February 2025 (e.g. social scoring)

High-Risk

Strict obligations from August 2026:
Assessment of social benefits, asylum procedures,
law enforcement, education, HR

Obligations

- Human supervision, logging, risk monitoring

Limited Risk

Transparency obligations (e.g. chatbots, deepfakes)

Minimal Risk

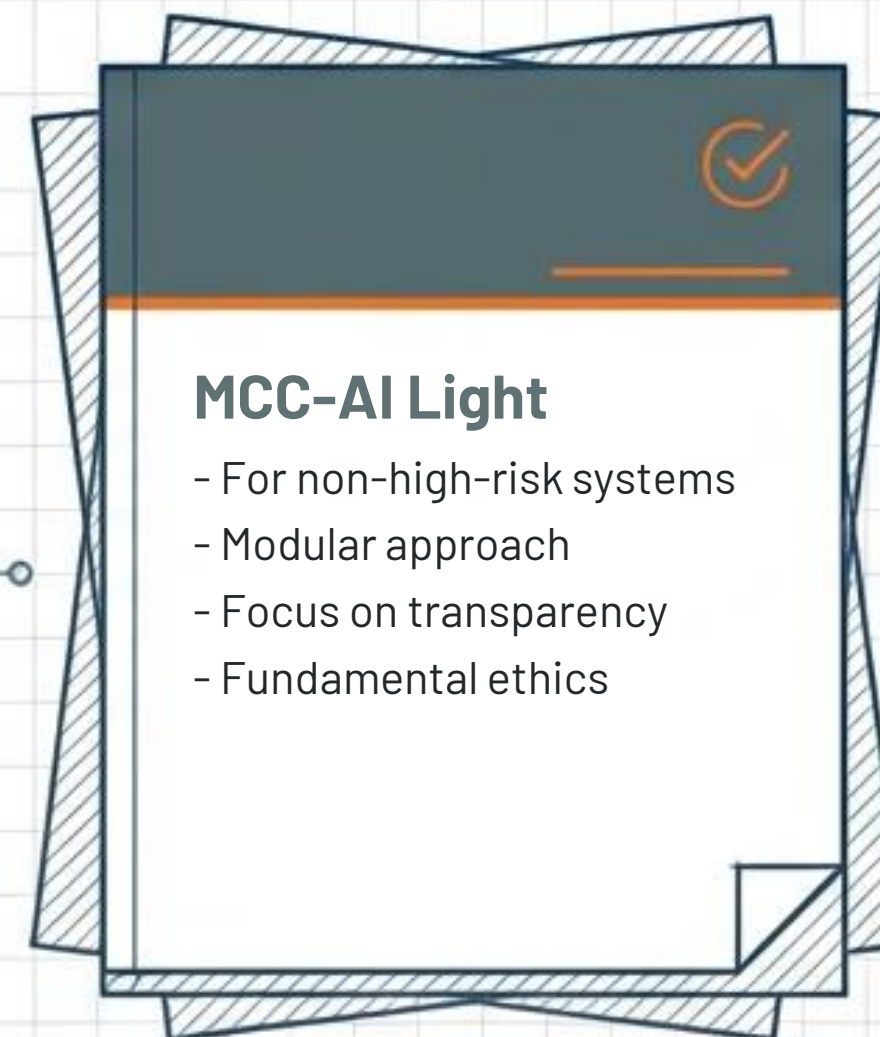
No new obligations (e.g. spam filters)

Critical obligations

- AI literacy (Art. 4):
Training obligation for staff.
- Legacy systems: Grandfathering until 2030, but new contracts must be compliant.

MCC-AI: Your first legal toolkit for tomorrow

Standard clauses from the EU Public Buyers Community.



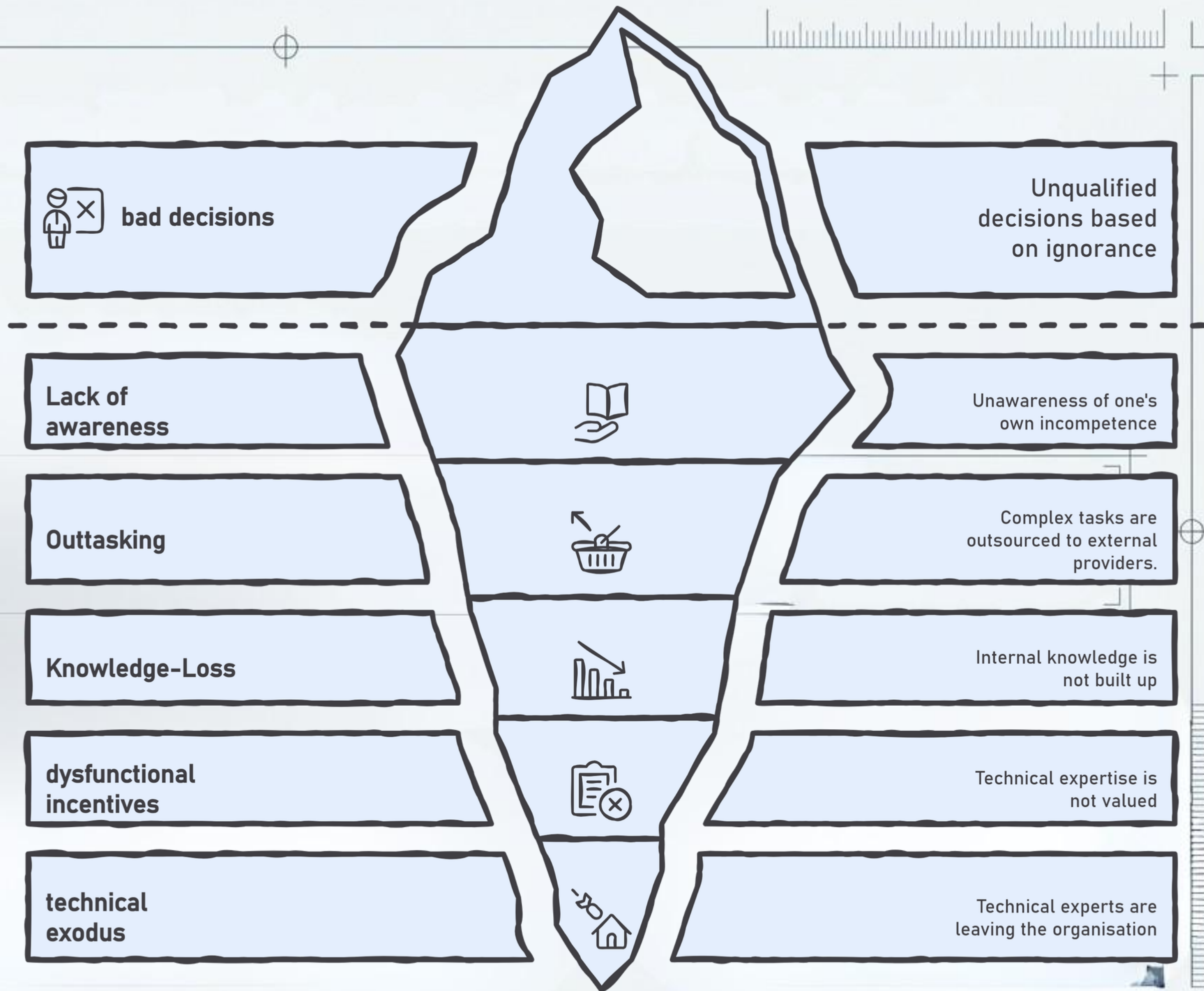
Best practice: Use the accompanying 'Commentary' for adaptation.

Expert warning: "It's a start, but not a complete solution. Adaptation to Annex III cases remains necessary." (Prof. A. Sanchez-Graells)

**ongemakkelijk van de
tweede graad
(Bert Hubert)**

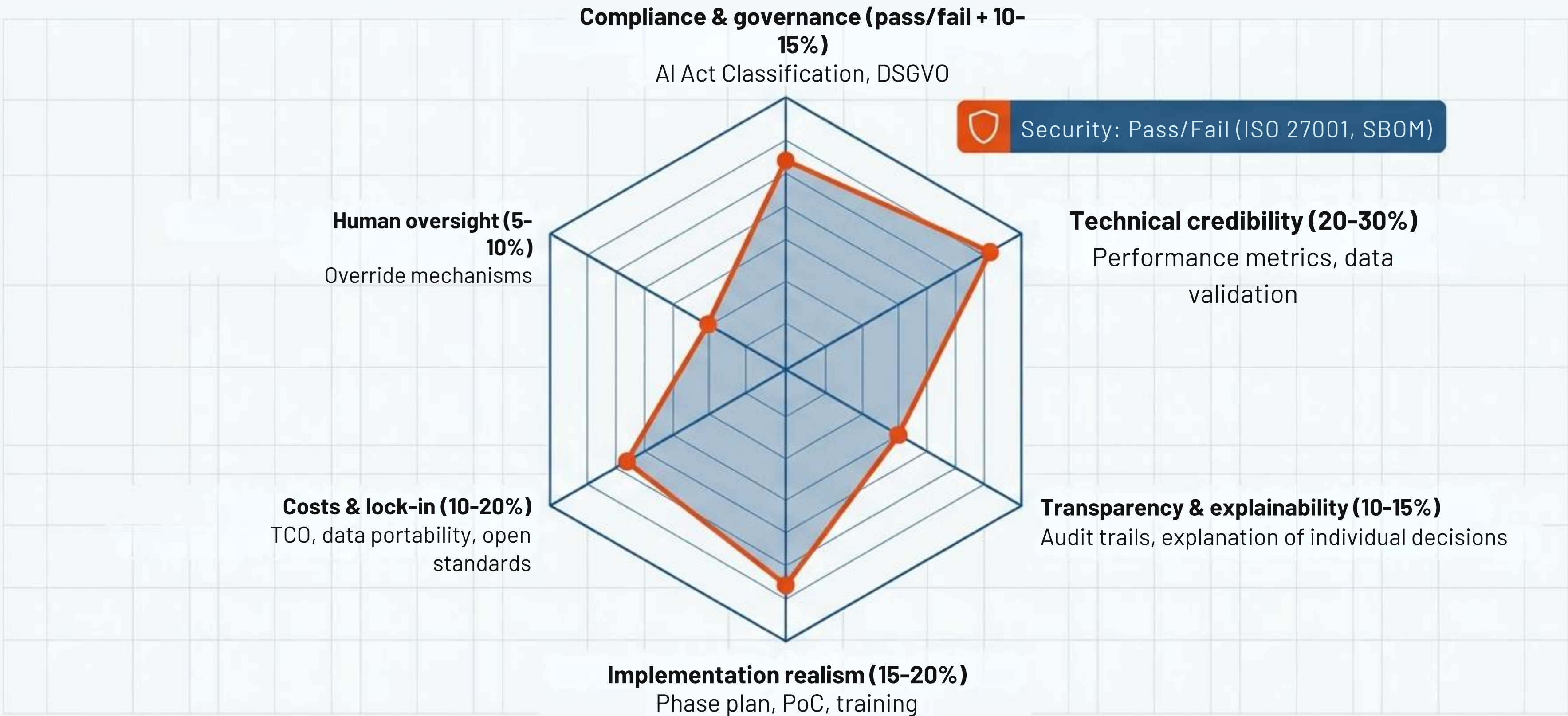
or:

**uncomfortable
to the
second degree**



Behind closed doors: What evaluation committees really look for

Committees do not evaluate hype, but evidence, methodology and risk mitigation.



The “Evidence Pack”: Checklist for providers & warning signs

Content Wise.



The green tick

- AI system map / model fact sheet
- Bias/fairness test report
- Explainability demo
- Human oversight concept
- Exit plan (data export formats, time)
- Konfabulation-handling



The red cross (red flags)

- Vague buzzwords (“state-of-the-art”)
- without metrics
- “Black box” defence (no explanations)
- Exaggerated automation promises
- No exit plan supported
- Ignoring the AI Act (risk classification)

The central differentiator for a tender: AI vs. AI enhanced IT-solutions

Function of AI

AI is at the heart of the solution.

Consequence

Evaluate AI capability as a key focus

AI is an integral part, but not the main purpose of the system.
It is sometimes barely noticeable to users (e.g. noise cancellation).

Evaluate AI components in the context of overall IT: Does the function help? Is it reliable? How does it fit into the overall system?

From buzzword to measurable requirement (spec writing)

Beware of the actual wording. Viewed from the procurer's side.

Performance

Bad: The system should use efficient AI.

Good: The system **MUST** achieve a precision of $\geq X\%$ and a recall of $> Y\%$...



Transparency

Bad: The system should be transparent.

Good: The system **MUST** provide a comprehensible explanation in plain language for each recommendation, listing the top N influencing factors and confidence levels.



Human Oversight

Good: The system **MUST** include a mechanism that allows authorised users to pause, override or reverse any automated decision (including audit log).



Exit & Lock-In

Good: At the end of the contract, the provider **MUST** export all customer data within [X] days in [open format].



The neutral evaluation matrix

universal checkpoints for every AI platform, based on AI Act logic.

1.	Transparency	Can the system explain its output?
2.	Auditability	Are logs tamper-proof and externally verifiable?
3.	Human oversight	Can users override decisions?
4.	Data & Privacy	Is data residency (EU) configurable?
5.	Security	Are ISO 27001 / SOC 2 certificates available?
6.	Interoperability / BYOM	Can you use your own models (Bring Your Own Model)?
7.	Testing	Can the buyer use their own test data?
8.	Bias & Fairness	Is bias testing part of the workflow?
9.	Exit & Portability	Is export in open formats guaranteed?
10	Compliance	Is there a clear path to AI Act compliance (CE)?

Your plan for forward: Second Steps

AI is becoming a pillar of every technological aspect in life. Act now.

Buyers	Suppliers	Ressources
• do not let marketing language fool you: learn the base terminology of AI • Understand procurement differences for procuring AI vs. IT with AI-enrichment • Raise awareness within your organization about the criticality of real use cases. • Check the EU MCC-AI against your existing contract templates • Stay sober whilst being enthusiastic • .. • .. • .. • Read my book	• Create your evidence, get AI-act ready • Work on ISO 27001/27017, BSI C5 / AIC4 (Cloud) • Employ AI yourself • Learn the core-rules of the public procurement game: ◦ how to approach public buyers a tender ◦ your countries approach to contract award criteria evaluation ◦ how to answer a tender: perform the task as stated • Read my book	 Identify your use- and nightmare cases  Follow selected High Profile AI influencers  Public Buyers Community in your country

Pragmatism beats perfection. Start now.

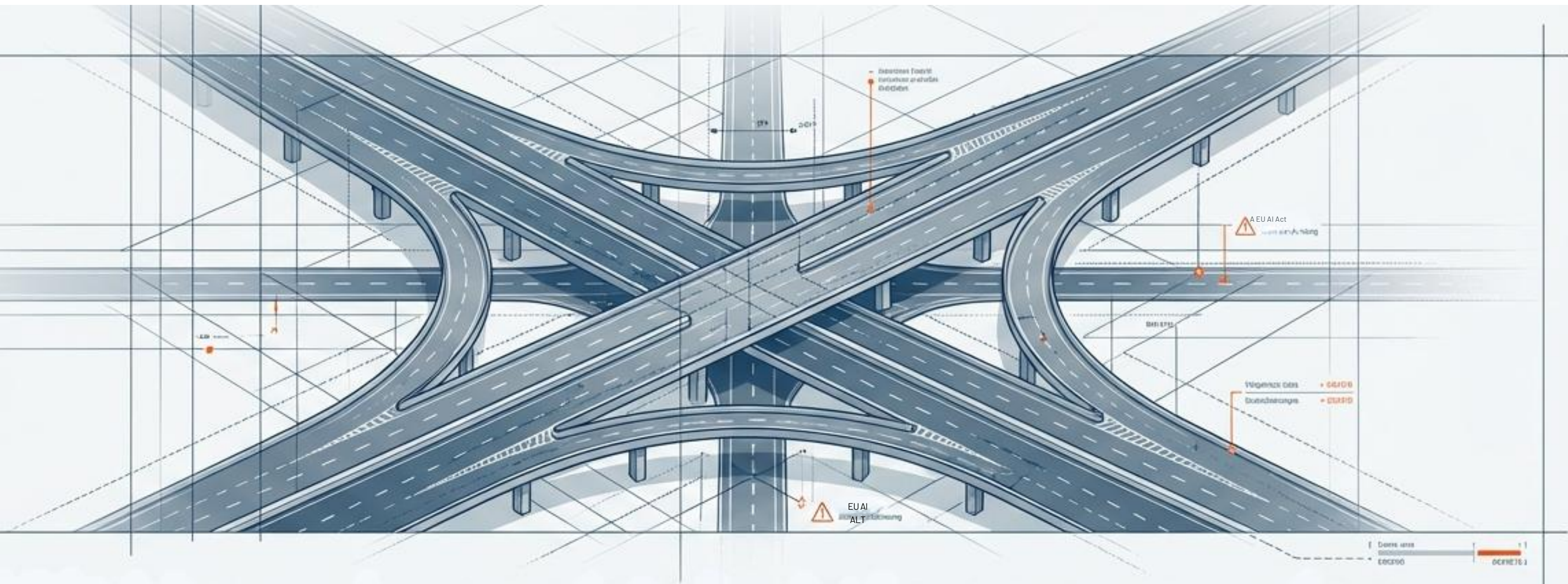


The first step: Get a copy of my book

Advertising break



Readers interested in AI	• Teaches the unchanging basics of AI • Associated opportunities and risks
Procurement agency	• All of the above, plus • Practical guidance on procurement phases • Checklists fir AI procurement based on the UfAB 2018 • Topics that need to be addressed by other departments
Procurement (private sector)	• All of the above, plus • easily to your respective internal processes adaptable procurement advice • For you, a tender is equivalent to an RfP, and procurement law regulations are replaced by your internal compliance requirements.
Other departments or divisions	• All of the above, plus • can help you work more effectively with your respective purchasers.



Thank you for your attention and curiosity