

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

PUBLIC PROCUREMENT PLANNING AND CORRUPTION

QUERY

Could you please provide information about the process of public procurement planning in European countries? We are especially interested in methodologies in place for defining the technical specifications of public procurement objects.

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SUMMARY

The planning phase is the first stage of the public procurement cycle. In this stage government bodies should undertake a needs assessment to define the goods or services being procured and prepare a bidding plan, including planning and preparation of budgets and the procurement method that will in the initial stages shape how the rest of the procurement will be used. An important part of both of these steps is the definition of technical specifications that define in detail the goods or services that are to be procured. These will take shape and have a strong impact on the levels of corruption throughout the remaining procurement cycle.

The planning phase of the procurement is often overlooked with regard to anti-corruption, but it is also exposed to corruption that can have a lasting impact on the procurement cycle. Conflicts of interests, bribery and kickbacks, bid rigging (in the form of manipulation of procurement specifications) and a lack of resources all heighten the risk of corruption at this stage.

To address corruption risks, steps should be taken to ensure that the entire planning process is transparent and open to public debate and participation. Care should be taken that conflicts of interest do not stifle open competition among bidders, or that undue influence is not exercised over the needs assessment or bidding documentation stages. The planning phase should also be regulated to avoid technical specifications being manipulated in order to award a contract to a particular bidder.

1 PUBLIC PROCUREMENT PLANNING: OVERVIEW

Public procurement accounts for huge amounts of taxpayers' money worldwide, and given the scale of funds involved, the risk of corruption affecting public procurement is high.

In 2014, public procurement accounted for around 16 per cent of the European Union's total GDP and amounted to between 10 and 25 per cent of the GDPs of EU member economies (European Commission 2014). It is estimated that, on average, between 10 and 25 per cent of a public contract's value may be lost to corruption (UNODC 2013).

The procurement 'cycle' commonly consists of four phases (although it can include more in specific circumstances). These are:

- **Planning phase:** government decides which goods and/or services that it requires, decides upon the procurement method and opens the tender to the public
- **Contractor selection:** bids are submitted for the tender from companies, and the winning bid is selected
- **Contract implementation:** successful contractor(s) fulfil their obligations
- **Final accounting and audit:** auditors and accountants perform final reports on the delivered services or goods (Transparency International 2013)

The planning stage is the first step in the public procurement cycle. In this sensitive pre-tender planning phase, the procuring agency decides which goods, services and/or works need to be purchased, defines a budget for the planned purchases as well as prepares all necessary tender documents and the definition of technical specifications that will apply to the procurement process (Heggstad & Frøystad 2010).

The planning process consists of three important stages:

- **Needs assessment:** identification of what goods or services will be purchased
- **Bidding plan:** organisation of the general bidding process and preparation of budgets

- **Bidding documentation:** creation of bidding documents that outline the technical specifications of the goods/services to be procured, and timelines of the procurement (Claro 2012)

Procurement planning is an essential step in the procurement process, because it helps procurement agencies to decide what to buy, when and from what sources. It allows planners to determine if expectations are realistic and provides an opportunity for all stakeholders, including end users, technical experts and the procuring body itself involved in the processes, to meet in order to discuss particular procurement requirements and give relevant inputs on specific requirements (Lynch 2013).

Given the size, complexity and lack of transparency surrounding some procurements, there are many opportunities for corruption at all stages of the procurement planning process, particularly regarding the needs assessment, bidding plan and bidding documentation stages. Therefore, there is a need for an efficient, transparent and participatory planning process to reduce the risk of corruption at this stage.

Adequate procurement planning can also help to prevent corruption later in the procurement process. If the pre-tender phase is carried out correctly, that is, if an effective needs assessment and a procurement plan are conducted and created, this will increase the likelihood that the technical specifications and the bidding documents will be developed correctly, reducing corruption opportunities. However, simply requiring a needs assessment and procurement plan will not guarantee that the procurement process will be conducted in a fair manner. Countries can still make use of a wide range of mechanisms to bring more transparency to the process and ensure they are conducted in a fair and impartial manner.

This answer provides an overview of the needs assessment, bidding plan and bidding documentation phases of public procurement planning, as these are the areas where the opportunity for corruption to influence the planning process is highest. It will briefly outline the corruption risks that are present in public procurement planning, before explaining the planning process in more detail and the steps that can be taken to reduce corruption risks in each.

2 PROCUREMENT PLANNING: ENSURING FAIRNESS AND REDUCING CORRUPTION RISKS

Traditionally the contractor selection phase has been the central focus of many anti-corruption efforts. The planning stage however is also very vulnerable to corruption. In particular, interference and biased decision-making in the planning and technical specification phases may compromise the integrity and fairness of the entire procurement process. In some cases the procurement planning is actually the most at risk of corrupt practices (Transparency International 2013).

Against this backdrop, it is considered that transparency and openness in the procurement planning process are important means of countering the risk of corruption (OECD). The next sections discuss how to best regulate and organise the needs assessment, the procurement plan, the technical specification and the bidding documentation phases to effectively curb corruption.

Needs assessment

Performing a needs assessment is in many cases the first step of procurement and should be performed once a procuring agency decides to make a purchase. However, in many countries, conducting a needs assessment is not a mandatory process required by law.

At this stage of the process, the agency must understand which goods or services it requires, and whether or not the need for the item is real. This is done by mapping the target sector and the market conditions that may affect any potential procurement and would directly influence the necessity of the procurement (Heggstad & Frøystad 2011).

In itself, the needs assessment aims at ensuring effectiveness and efficiency. If well conducted, it also helps to prevent corruption. In particular, needs assessments can be very useful in ensuring that the technical specifications are actually aligned with the needs of the end users (World Bank 2014).

The needs assessment is usually conducted by the procuring agency or the public body requesting the purchase. For procurements in which the procuring

agency does not possess the necessary capacity or knowledge to fully assess their requirements themselves, consultants with more industry-specific technical knowledge may be hired.

Corruption risks

While the needs assessment is important to ensuring that the procuring agency only procures goods and services that are necessary and at a reasonable price, there is always the risk that the process can be manipulated or circumvented in order to suit the personal interests of different parties.

In particular, the needs assessment can be at risk of conflicts of interests on the part of both public officials and companies. A public official may decide to procure goods or services that are unnecessary but which a company run by a friend produces. For very complex or technical goods or services, a procuring agency may hire an external company with specialist knowledge to properly define the agencies' needs. This could offer the company an unfair advantage in the shape of access to privileged information and the opportunity to define needs in a biased manner (Claro 2012).

Another risk is that inadequately trained staff are employed in the procuring agency and are therefore unable to carry out adequate planning, budgeting and risk management. This can lead to procurement plans that are not comprehensive enough to prevent companies from manipulating bids further along in the procurement cycle. Whilst this is not a risk that is exclusive to the planning phase, it is an important factor to consider here as inadequate needs assessments can increase the risk of corruption (Heggstad and Frøystad 2011).

Mechanisms to reduce corruption

Adequate legal framework

It is recommended that laws regulating public procurement include a specific requirement on needs assessments. At a minimum, needs assessments should be made mandatory to all public procurement processes above a certain threshold. Moreover, in order to prevent manipulation and conflict of interest, the procurement law may also establish rules requiring

the needs assessment be conducted by more than one procuring officials (Martini 2015).

Good practice also recommends that the law establishes rules on the selection of external experts or companies. The process by which companies and experts are hired for this consultancy work must be transparent in order to avoid conflicts of interest to arise in the process.

For instance, only contractors who can or will guarantee that they will not later involve themselves in the tender should be used in the needs assessment phase, or the contractor involved with the needs assessment process should be directly prohibited from participating in the tender (Transparency International 2013). This may help to deter contractors involved in the needs assessment process from suggesting requirements that later favour themselves (or a partner) and also prevent the contractor making use of its privileged access to information.

Public participation

Enhancing fairness and reducing the opportunities for corruption during the needs assessment stage can also be done by encouraging and increasing the possibilities for citizens to participate.

Civil society and interested stakeholders such as the procuring entity, potential end users and technical experts should be given the opportunity by the procuring entity to meaningfully participate in the needs assessment phase. This can be done, for instance, through public debates and/or hearing as well as written consultations (Claro 2012). In particular, high value contracts should be debated in public to prevent deliberate wasting of funds in the form of overly luxurious purchases, purchases that are not needed or purchases that could only be delivered after they are no longer required (UNODC 2013).

This can help to improve the performance of the procurement process by allowing citizens to inform the procuring agency of their preferences regarding the goods or services being procured. This can also establish the public's expected performance levels and to incorporate these into the procurement process.

The public can also be informed by the government about the plans and current status of the planned services and results (GFOA 2012).

Transparency

Transparency is also instrumental throughout the needs assessment process, from deciding on the individuals responsible for undertaking it to the publication of the results.

If needs assessment information is published and available, civil society and interested stakeholders can also perform independent verification. This generates accountability and allows stakeholders to assess the need for the project and to identify necessary and unnecessary elements of the goods or services to be acquired (Transparency International 2013).

If the needs assessment is not readily made available members of the public or civil society, organisations should be able to request access to the documents in order to perform oversight (Claro 2012). Within this framework, it is important that access to information laws cover public procurement, including the planning stage (Claro 2012).

Training

Procurement staff should be well trained and employed specifically to work on public procurement in general and on developing needs assessment in particular. This can have a positive impact as it allows officials to more easily identify corruption risks within the planning phase as well as to produce fully comprehensive needs assessments and technical specifications (Heggstad & Frøystad 2011).

In the Netherlands, for example, the government set up a Public Procurement Expertise Centre to increase the professionalism of procurement staff. This centre brings together procurement and tendering experts from within the Netherlands in order to pool knowledge and experience. While not specifically focussed on procurement planning, this exchange of information and increase in procurement expertise can raise awareness of best practices within the entire procurement cycle, thereby raising awareness of potential corruption threats (Wensink & de Vet 2013).

Needs assessment at the EU

In 2014, the European Union (EU) passed a new directive outlining regulations for public procurement planning, which came into effect in April 2014. The directive however does not require that procuring entities perform a preliminary needs assessment (European Union 2014).

In general terms, the new EU directive features guidance on how to avoid conflicts of interest and distortion of competition arising from using consultants in the pre-tender stage. It states that advice from independent experts, authorities or market participants may be used in planning of a procurement, provided that this advice does not distort competition and result in a discriminatory and non-transparent process. It recommends that the procuring entity should share this communication with other potential and relevant candidates and tenderers, outlining any relevant information that was exchanged as a result of the consulting company's involvement in the pre-tender process. It also notes that the consulting party should be excluded if it is not possible to ensure all companies are treated equally (European Union 2014).

Bidding plan

Bidding plans define timelines for the procurement, budget estimates and the method that the procurement will use and are created using the information that comes out of the needs assessment stage¹. It can be developed for a particular requirement, a specific project or for a number of requirements for one or many entities in the public or private sectors (Lynch 2013).

It lists all requirements expected to be procured over a period of time and should be used to develop the procurement timeline which establishes the timeframe for carrying out each step in the procurement process up to contract award and the fulfilment of the requirement. It also enhances the transparency and predictability of the procurement process and can be used to identify wrongdoings in the rest of the

procurement planning stage (Lynch 2013; Varinac & Ninić 2014).

Corruption risks

Corruption risks in producing a bidding plan include the submission of falsified expenses and invoices and the deliberate setting of unrealistically low or unnecessarily high budgets. Accurate setting of budgets affects the selection of the procurement procedure that is implemented and can be abused in order to avoid additional regulation by lowering the cost below pre-determined thresholds.

Similarly, frequent and unjustified classification of a procurement as for urgent need can be a method by which procuring entities attempt to circumvent competition and award contracts via single sourcing (Varinac & Ninić 2014).

Alternatively, corrupt officials may attempt to inappropriately bundle together multiple smaller contracts. This can have the intended effect of limiting the amount of potential suppliers able to make a bid and can be targeted at companies in which the official has a personal interest (World Bank 2014).

Mechanisms to reduce corruption

Adequate legal framework

A procurement plan that clearly states the timeline, budget and method of procurement should be mandatory as these are key to helping reduce corruption risk in the procurement planning stage.

A key part of the bidding plan phase is the creation of a budget plan. This should be in line with the procuring agency's overall budget. Accurate estimation of the budget for the procurement is crucial and should be informed by the research completed during the initial needs assessment. Procuring agencies should ensure that the budget is sufficient so that modifications to the contract are not necessary (OECD 2009; Heggstad & Frøystad 2011).

¹ For more information regarding the different procurement methods and corruption risks see Morgner & Chêne 2014. *Topic Guide on Public Financial Management. Anti-Corruption Helpdesk Transparency International.*

http://www.transparency.org/files/content/corruptionqas/Topic_guide_on_public_financial_management_2014.pdf

A properly planned budget lowers the opportunity for kickbacks or bribes to be included in payments made to public officials by companies involved in the procurement process, which can take the form of falsified expenses claims and inflated invoices (World Bank 2014).

Budget planning should also ensure that a sound project management regime is in place, including clearly defined roles and responsibilities for staff and effective accountability structures (OECD). This will help to ensure that budgets for public procurements are properly planned by trained and expert staff.

Another key part of the bidding plan is the selection of the method of procurement. This refers to the method by which the procuring entity selects a winning company and is an important step in preventing corruption risk as different methods offer different levels of corruption opportunities. Open bidding procedures offer the most opportunity for open competition, as formally it does not exclude any companies from bidding. Good practice recommends that in order to prevent corruption and increase competition and the potential for oversight, the open tender method should be made the default method of procurement in the relevant legislation (Transparency International 2014; OECD; UNODC 2014; UNCITRAL 2011).

However there are other methods of procurement, such as restricted, negotiated and single-sourced procurements, which can all be legitimately used to select a company. All methods can be manipulated by corrupt officials for their own interests, but these three offer the most risk and the least transparency. Restricting competition can increase the potential for procurements to represent bad value for money. It can also allow corrupt officials to award contracts to companies in which they have a direct interest (Martini 2015).

A sound bidding plan also needs regulations to prevent the restriction of bidding opportunities. It can then be used effectively to prevent corrupt officials from abusing the method of procurement that is selected. For example, corrupt officials could decide to split an offered contract into smaller parts, which are unnecessary and serve to circumvent contract and reporting thresholds that are imposed by law. They could also make the contract value so low that it can

be legitimately single-sourced thereby avoiding competition (World Bank 2014). A robust and effective bidding plan can help to mitigate these risks by directly regulating against this kind of practice.

Transparency and public oversight

Civil society organisations should evaluate bidding plans in order to ensure that they are comprehensive and transparent. This can be done by comparing the plan with the approved budgets of both the procuring agency and the government's approved budget and investment plans and seeing whether they compare. If the items that are planned to be procured are not consistent with the initial needs assessment without suitable justification, clarification should be sought from the procuring agency as the change might indicate manipulation of the procurement (Claro 2012).

However, not every country makes their bidding plans publicly available, although many governments are now beginning to use electronic platforms to publish their procurement plans and allow for more oversight from civil society organisations (World Bank 2014).

If a government agency does not publish its bidding plans online, or the budget for the procurement is not always made publicly available, then there are other ways in which civil society organisations can gain access and perform oversight. For example, if a project is funded by an international financial institute, an official request can be made to this institution. Alternatively, civil society organisations could make use of national freedom of information laws to file a request if procurement plans are covered in the legislation (Claro 2012).

Civil society can also offer oversight by evaluating the procurement method that was selected for a procurement. If the method adopted by the procuring entity does not appear to follow the rules as stated in the relevant procurement law, or if the procuring entity decides to change the method at the last minute, an appeal should be made to the national procurement agency (if applicable) or an ombudsman or anti-corruption body (police or agency) (Claro 2012).

Bidding plan at the EU

The directive outlines how the estimated value of a contract should be defined and explicitly states that procurements cannot be subdivided in order to avoid meeting these amounts. For more information on the technical definitions of contract values, [see here](#).

To prevent corrupt officials from deliberately dividing contracts up to avoid the contract cost rising above procurement thresholds which require a higher level of reporting, the directive states that all divisions of contracts should be justified in the procurement documentation. This information must also specify whether companies can submit bids for the entire contract or whether they can bid for individual contracts (EU 2014).

Definition of technical specifications

After there is clarity regarding the needs of a procuring agency and a plan has been laid out, the next step is to develop the technical specifications that will guide the contracting process and award decision. Technical specifications define the parameters of a tender. They can include descriptive specifications relating to design, functionality, quantity and quality of the goods or services being required and the qualification criteria being used to select winning bids. Technical specifications may also refer to the process or method of production and the lifecycle of the goods and services where this is relevant to a bid. (European Union 2014). Technical specifications may include information regarding the design for all potential requirements (including accessibility for disabled persons), performance specifications, safety or dimensions, the procedures concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling and production processes and methods (European Union 2014).

Bidding companies should be able to use them as a guide to understand exactly what the goods or services being procured should look like, and they and should be included in full in the bidding documents produced at the end of the procurement planning phase (World Bank 2014).

Technical specifications should be comprehensive and limit any opportunity for subjective interpretation in order to prevent corrupt officials from using

subjective rulings to award contracts to companies in which they might have an interest (OECD).

Corruption risks

Technical specifications can be manipulated, inflated or artificially induced in order to favour projects with a higher contract value or to purchase goods or services that are unnecessary, overly luxurious or of low quality (Morgner & Chêne 2014). Officials drafting specifications and qualifications generally enjoy a high level of discretion that offers ample opportunity to steer contracts in the direction of a favoured bidder (World Bank 2014).

Technical specifications can also be made deliberately specific with the aim to restrict competition down to a single company, or be made unnecessarily broad, also restricting those who can submit bids because the remit is so wide (World Bank 2014).

Furthermore, there is the potential for procuring entities to simply copy the characteristics of the required goods or services from those of the favoured bidder. Technical specifications may also specifically cite a particular trademark or brand name, thereby excluding any other competitors that do not operate under this name (Varinac & Ninić 2014).

Mechanisms to reduce corruption

Needs assessments and procurement plans are important to ensure that the design of the technical specifications is free from corruption. In particular they can help provide more objectivity to the process by clearly stating the needs, the resources available and the urgency and timeliness of the procurement. If undertaken correctly, they can significantly help reduce the corruption opportunities and may make it easier to identify wrongdoing and manipulation in the design of the technical specifications (Claro 2012).

Adequate legal framework

Procurement law should seek to avoid the impact of conflicts of interests in defining the technical specifications. In particularly complex procurements, the definition of technical specifications should be done in collaboration with all potential suppliers and by staff that has relevant technical expertise. This process increases the transparency of the planning

process and ensures that the specifications remain unbiased (Claro 2012).

Other issues that need to be regulated to ensure technical specification are not biased include the interests of officials and contractors or companies that were involved in the needs assessment and creation of the technical specifications.

The specifications themselves should be focussed on functional performance rather than subjective or irrelevant criteria, and they should clearly define to potential bidders what is being procured (OECD).

Transparency and public oversight

Civil society organisations and interested stakeholders should be able and encouraged to monitor technical specifications and help ensure that wasteful or corrupt procurement contracts are avoided. They can identify when requirements are too technical, unnecessarily complex, narrow or broad and if they favour a particular bidder. If such information is not readily available, appeals should be made to the relevant procuring agency and freedom of information requests should be submitted if permitted by law. The prerequisite for effective CSO oversight is open and transparent reporting in the procurement process by the procuring agency (Transparency International 2006 & 2013).

If technical specifications are accessible only by purchase, this purchasing price should not be so prohibitive that civil society cannot afford to purchase them. Similarly, it should not be the case that technical requirements are only accessible in unnecessarily prohibitive forms, such as from hard to reach locations or offices that are not open to the public (Claro 2012).

Public consultation

Technical specifications can be defined through consultation with companies and people who are experts in the goods or services that are being procured (OECD).

Moreover, to ensure that the technical specifications are adequate and in line with the bidding plan, the draft specifications should be reviewed by an independent expert or panel of experts (World Bank 2014) and be made available for public consultation.

Technical specification at the EU

The EU directive includes a section devoted to the technical specifications of a tender. It states that technical specifications should be formulated to ensure that there is equal access for all potential bidding companies, without any unjustified obstacles to public competition. It states that the design of a procurement should not be made with the intention of excluding it from the scope of the rules laid out in the directive or of artificially narrowing competition. Competition is considered to be artificially narrowed where the design of the procurement is made with the intention of unduly favouring or disadvantaging certain economic operators (European Union 2014).

It also specifically defines how technical specifications should be formulated.

- in terms of performance or functional requirements that are sufficiently precise to allow tenderers to determine what is required
- by reference to technical specifications and to national, international or European standards where they exist
- in terms of performance or functional requirements with reference to technical requirements to ensure conformity
- by reference in part to certain technical specifications and certain performance or functional requirements (European Union 2014).

The directive rules that public procurement should also allow for the submission of bids that reflect the diversity of technical solutions in the marketplace. Technical specifications should not be based on any particular brand or trademark, except in cases where it is not possible to clearly explain the required goods or services in any other way. Where it is necessary to refer to established brands, the procuring body must accept bids that are equivalent to the stated requirements. This is to avoid artificially designing a procurement that is directed towards a particular body or organisation, which is also explicitly forbidden by the directive. To achieve this, technical specifications should define the characteristics of the item being procured based on its intended use as opposed to solely defining them on design specifications (European Union 2014).

Bidding documentation

Once the technical specification is defined, the procuring agency should prepare the bidding documents for each procurement. They are the primary means of communicating the relevant details of a procurement to potential bidders, informing them on how their bids should be structured and which documentation is required. The bidding documents also include information on the evaluation criteria and the contractual requirements (World Bank 2014).

Based on the technical specifications, the bidding documents should define the quantity and quality of the goods or services to be supplied and also the evaluation criteria that will be used to select the winning bid (Claro 2012).

Corruption risks

Corrupt officials can make use of bidding documents in order to serve their own interests. Documents may only be released to restricted parties, include prohibitively short application timelines (Heggstad & Frøystad 2010), omit key information that is critical to a successful bid or be priced particularly expensively (Claro 2012).

They may also include biased evaluation criteria that deliberately exclude the participation of certain groups of bidders, and public officials can deliberately release information crucial to the bid to favoured companies or bidders (World Bank 2014).

Finally, while it is more commonly a corruption risk during the bidding stage of the procurement cycle, there is a risk of bribery at this stage. Companies might, for example, pay bribes in order to receive privileged or early access to documents critical to the procurement (Heggstad & Frøystad 2010).

Mechanisms to reduce corruption

Adequate legal framework

In order to ensure that the process is competitive, fair and transparent, procurement laws should specify in detail the minimum content that tenders must include. However setting out any other information that might be useful to potential bidders and that promotes

transparency, competition and integrity should be considered good practice (UNODC 2103).

The United Nations Convention Against Corruption recommends that an appropriate system for procurement includes an effective system of domestic review, including a channel for appeal against the first instance of an official decision (OECD).

Such a channel for complaints against malpractice in the procurement planning phase is crucial as it provides an official means to hold the process to account and could be used if a company believes that the procuring entity has favoured a particular company during the planning stages as well as at later stages of the procurement.

There should also be a means of excluding companies or persons who have attempted to manipulate the planning phase by paying bribes or offering kickbacks in return for sensitive information (World Bank 2014). Entities excluded from procurements in this manner could be placed on a blacklist which then prevents their inclusion in future bids.

Transparency

Bidding documentation that is published for each procurement should include as much information as possible about the particular procurement as a high level of transparency and openness at this stage encourages fair competition and allows for effective oversight of the process.

Publishing tender information, for example on an effective e-procurement platform, can allow critical evaluation of the specifications by civil society monitors (Transparency International 2013). If the data is not published, appeals could be made to the procuring entity or national procurement agency (Claro 2012).

Similarly, implementing electronic tools in the planning stages of a procurement can increase the transparency of the project and allow the public to exercise oversight over the process. The public can use this increased transparency to assess the necessity of the procurement (Luijken & Martini 2014).

Public oversight

If bidding documentation is found to omit essential information that impacts on the ability of companies to submit a bid, this can be reported to the relevant governmental body. It can also be reported on via the media to pressure the procuring entity to re-open or re-start the procurement planning process (Clara 2012).

Bidding documents at the EU

The 2014 EU directive obliges all EU member states to publish all technical information regarding a procurement. Bidding documentation should be available to any interested parties (European Union 2014).

The EU recommends that modifications to any of the bidding criteria or requirements should be transmitted to all suppliers that are participating in the tender at the time of modification. This communication should be made with adequate time to allow the suppliers to adapt as necessary (World Trade Organisation 2012; European Union 2014).

Bidding documents should also outline the timelines that each subsequent stage of the procurement cycle should take and provide a suitably long time for tender applications to be received. This helps to counter the influence of potential conflicts of interest as short tender periods favour any company or body that has already had access to the process (European Union 2014).

The new EU directive includes provisions for the use of e-procurement. These must be implemented by all EU members by April 2016 (Chene & Morgner 2014).

The information provided in the bidding documentation should be sufficiently precise to enable economic operators to identify the nature and scope of the procurement and decide whether to request to participate in the procedure. To this end, they should not provide information in a discriminatory manner, which may give some participants an advantage over others.

Bidding documents should also set out the minimum time limit for the receipt of requests to participate. This should be set at a minimum of 30 days from the date on which the contract notice was sent. Similarly, the minimum time limit for the receipt of initial tenders (for restricted procurements) should be 30 days from the

date on which the invitation was sent. For open tenders, this minimum time limit must be set at 35 days from the date on which the contract notice was sent (European Union 2014).

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