

Transparency and Government Procurement Procedures

Provisions in the WB Guidelines and
the UNCITRAL Model Law

Mr. Jean-Jacques Raoul

World Bank

October 9, 2002

Purpose

- ◆ Briefly show commonalities related to transparency issues in international instruments and national legislation regarding core principles of procurement, using the World Bank Guidelines, and the UNCITRAL Model Law.

Transparency in WB Guidelines

- ◆ Transparency is needed to foster competition
- ◆ Competition is seen as the best way to get value for money
- ◆ Transparency fosters the confidence of the taxpayer in the public procurement institutions
- ◆ Most powerful way to fight corruption (thrives in the dark)

Transparency in WB Guidelines (2)

- 👉 Critical elements of transparency:
 - ◆ Notification and advertising (allowing sufficient time for participation)
 - ◆ Predisclosure of relevant information (including bid evaluation method)
 - ◆ Public bid opening (and opening immediately following the deadline for bid submission)
 - ◆ Accessibility of applicable laws and regulations
 - ◆ Use of standard bidding and contract documents
 - ◆ Appeal mechanisms
 - ◆ Debriefing
 - ◆ Publication of awards

WB GLs vs UNCITRAL Model Law

They are generally consistent, except that:

- ◆ WB GL do not allow for:
 - selection procedure for services with simultaneous negotiations (Art 43), and
 - procurement of goods or works: request for proposals (Art 48) or competitive negotiations (Art 49)

WB GLs vs UNCITRAL Model Law (2)

- ◆ In WB GL, Consultant services are governed by specific procedures relying on a qualitative and financial assessment of competing proposals.
- ◆ In respect to GPA, WB GL do not allow:
 - Selective tendering (Art X)
 - Opening of tenders where tenderers are not allowed to attend (Art XIII-3)
 - Negotiated tendering (Art XIV); instead, WB provides for two-stage bidding process