WORKSHOP ON THE WTO AGREEMENT ON GOVERNMENT PROCUREMENT

Work of UNCITRAL on government procurement: purpose, objectives, and complementarity with the GPA

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- **Purpose: a model for modern procurement legislation**

- **Models:**
  - **Rules-based**
  - **Principles-based**
  - **Consequentialist**

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- **Objectives of procurement regulation/governance (1)**

- **Transparency**
- **Integrity**
- **Participation and competition**
- **Fair and equitable treatment**
- **Economy and efficiency**

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- **Objectives of procurement regulation/governance (2)**

- **Economic, social and international models of procurement governance**

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- **Economic model:**

- **“Allocative efficiency”**
- **Lowest price/value for money**

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- **Social model (1)**
- **Economic model + other policy objectives**
  - **Promotion of SMEs**
  - **Protection of domestic industries**
  - **Exclusion of defence sector from regulation for security reasons**

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- **Social model (2)**

- **Trade-off between equity and efficiency**
- **Subject to international constraints**

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- **International model:**

  Economic efficiency +

  International trade objectives – eg non discrimination

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- **GPA = international model**
  - **Multilateral framework for government procurement**

- **UNCITRAL = economic (+ social) model**
  - **Model law for national Governments**

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- **Are the GPA and UNCITRAL consistent?**
- **Essentially, yes – main objectives and procedures**
  - **Transparent and impartial procurement**
  - **Mandated procurement methods and procedures**

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- **Both texts allow limited exclusions (sectors of economy)**
- **National Treatment and Non-Discrimination under GPA**
- **Social factors in Model Law: national procurement, margins of preference**