



**UNODC**

United Nations Office on Drugs and Crime

# The United Nations Convention Against Corruption

## Public Procurement





## UNCAC and public procurement

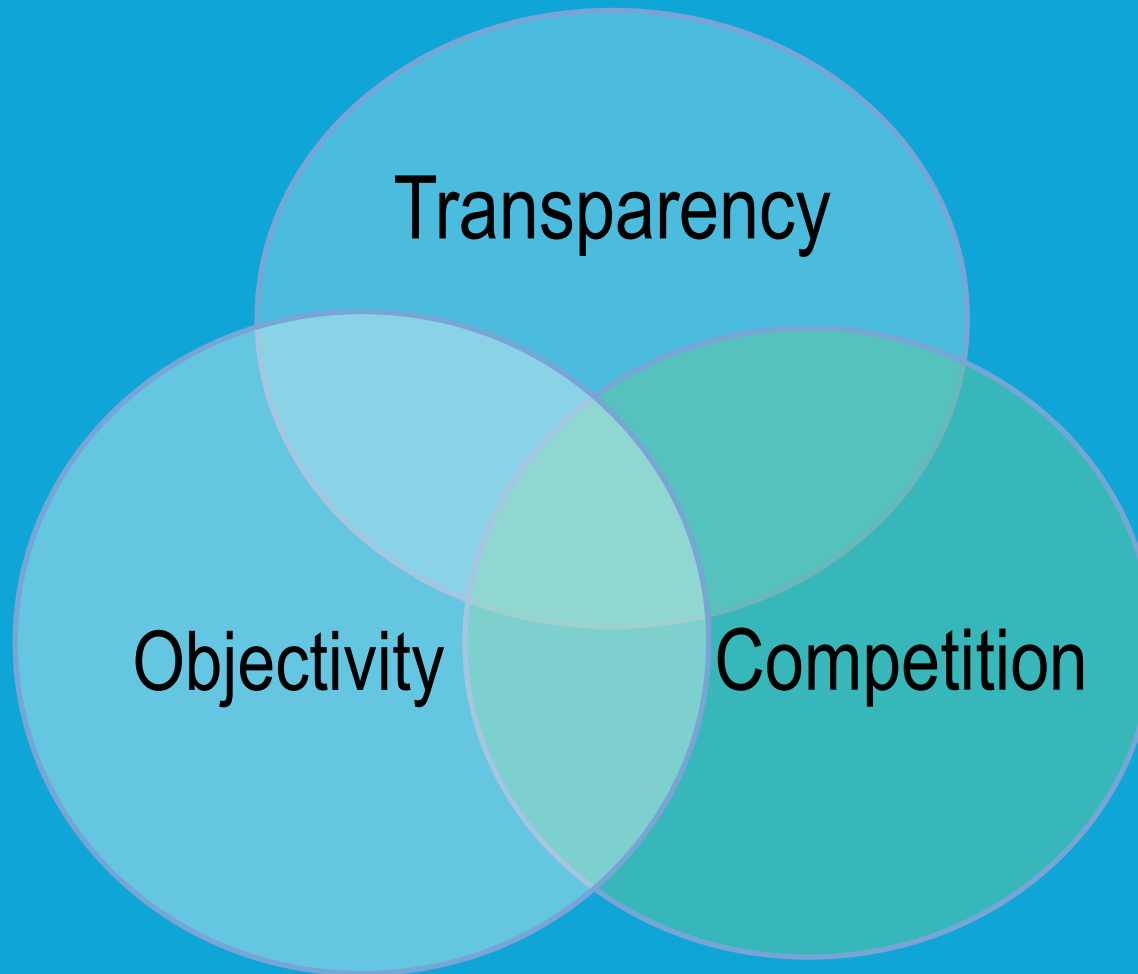
- UNCAC and UNCITRAL model law
- Various forms of corruption criminalized by the UNCAC (bribery – embezzlement – abuse of function – trading in influence – corruption in private sector)
- Prevention of corruption: COI, codes of conduct, transparency, prevention of corr. In private sector, access to information ...



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# Three Fundamental Principles of UNCAC: Article 9





## UNCAC's Suggestions on Ensuring the Three Fundamental Principles

- Public distribution of information
- Publication of conditions for participation
- Use of objective criteria for decision-making
- Effective systems of domestic review
- Regulation/responsibilities of public officials



## Risk Mapping and Prevention – Pre-Tender Stage

- Needs assessment/market research
- Structuring of the bidding process:
  - ✓ *Tender documents*
  - ✓ *Procurement procedure*
  - ✓ *Time limits*
  - ✓ *Contractor qualifications*
  - ✓ *Minimum and selection criteria*
  - ✓ *Technical specifications*
  - ✓ *Award criteria*



## Risk Mapping and Prevention – Tender Stage

- Public notice
- Requests for clarification
- Public bid opening
- Evaluation of tenderers and tenders
- Publication of intended contract award and awarded contract



## Risk Mapping and Prevention – Post Tender Stage

- Stage of procurement with high risk of corruption
  - ✓ Contract specification or scope inconsistent
  - ✓ Contractors do not perform as per agreement
  - ✓ Product delivered is not per specifications
  - ✓ Unjustified change in scope/orders
  - ✓ Contract changes
- Monitoring system are key



## Effective Remedy Systems (Bid Protest System)

- Right to turn to a review body
- Independence of the review body
- Power to grant different type of remedies and corrective measures (variety of institutional arrangements)





## Tools for Corruption Prevention in Public Procurement

- Integrity (public and private sector)
- Exclusion, suspension, Debarment
- Whistleblowing
- E-procurement
- Open Data and open contracting
- Disclosure of beneficial ownership



## Preventive Anti-corruption strategies: supply side

- Compliance framework for business: FCPA and UK BA
- Promotion of business ethics
- Work with business associations
- Integrity pacts
- UN Global Compact



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**For more information:**

**[www.unodc.org/corruption](http://www.unodc.org/corruption)**

**Thematic compilation of prevention related information (Art. 9)**

**<http://www.unodc.org/unodc/en/corruption/WG-Prevention/public-procurement.html>**

**[www.track.unodc.org](http://www.track.unodc.org)**



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