

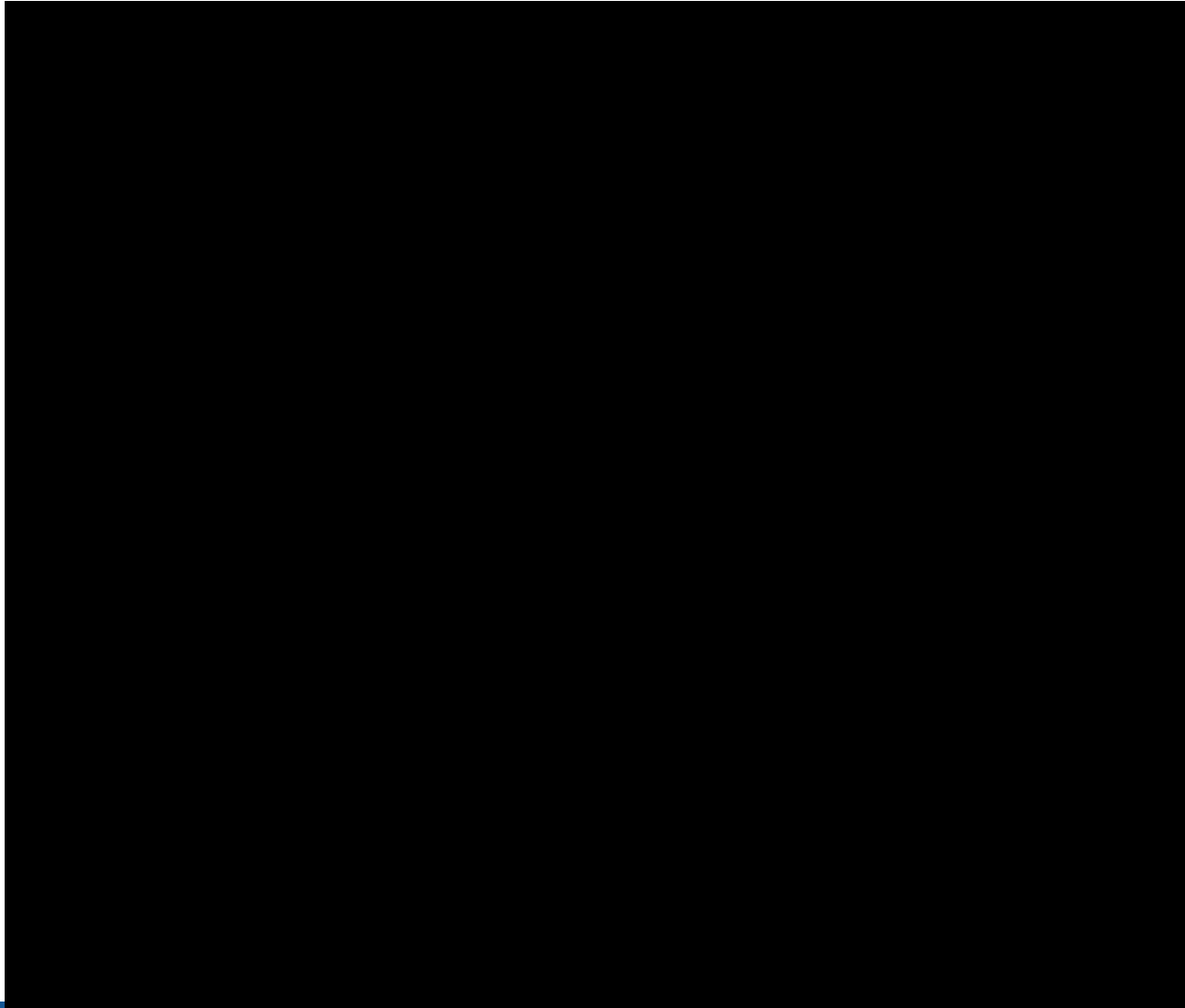


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Procurement Oversight and Monitoring
a means for efficient project implementation
and use of the UNCITRAL Model Law

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UNCITRAL Secretariat
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http://uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure.html



Effective Monitoring and Oversight: Critical Role for Effective Use of the UNCITRAL Model Law

Oversight measures in the Model Law

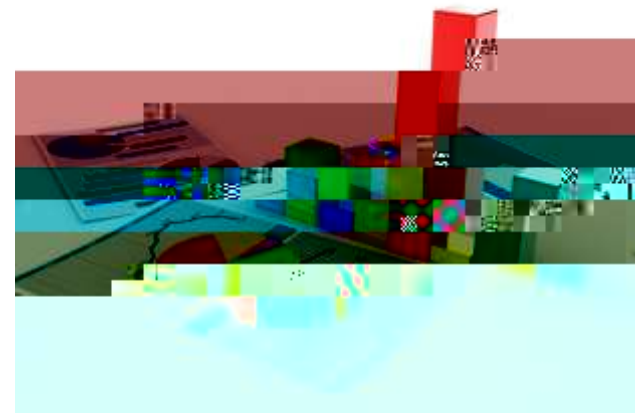
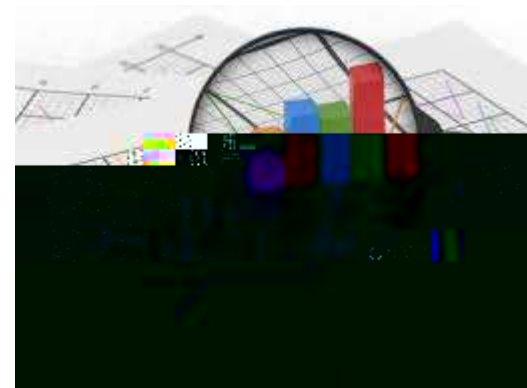
Key feature of an effective procurement system
Involves monitoring and enforcement

Reviewing and challenging decisions of the
procuring entity

Audits

Investigations

Sanctions mechanisms



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Oversight as a key element of accountability

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Why do we want challenge procedures?

UN Convention against Corruption requires effective review mechanism

Self-policing and self-enforcing law?

For all breaches, or only intentional ones?



Scope of provisions in the Model Law

ANY supplier (potential or actual)

Can challenge ANY decision or action of the procuring entity

On the basis of non-compliance with rules and procedures

Chapter VIII of the Model Law



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Model Law provisions

3 fora:

Optional peer review mechanism

Independent review body

Court procedures

documents provisions, rule on

Main aim: corrective action; rapid results

Broad range of relief (including financial compensation)

Default rule: suspension, public notice of results

Issues: too many/too few hearings

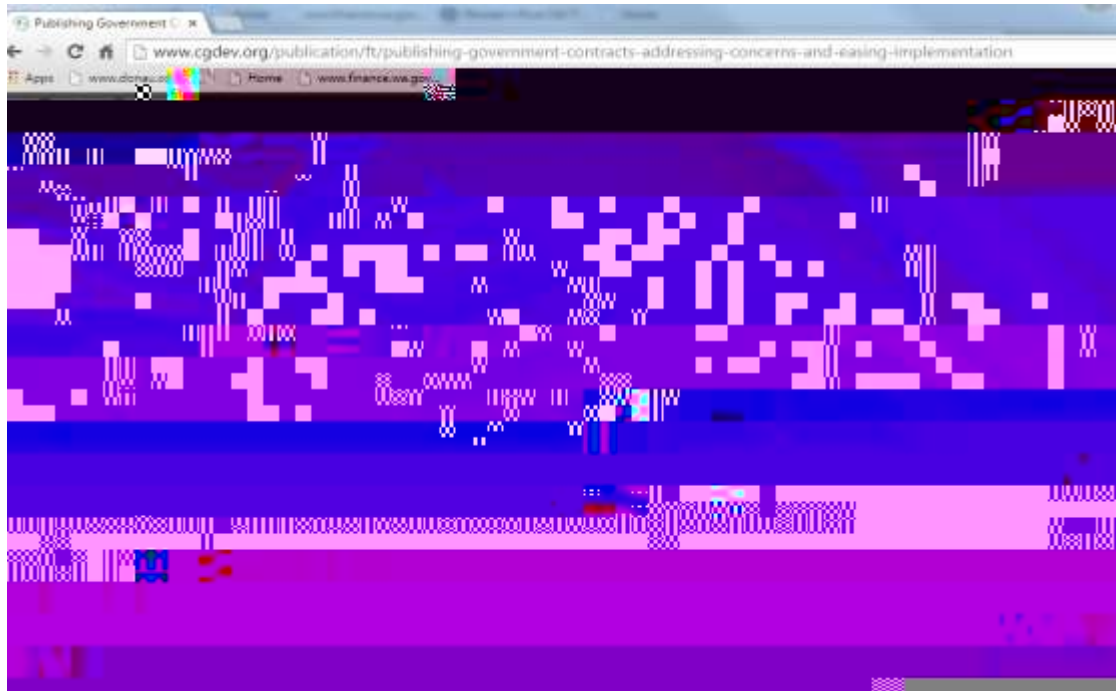
Can review mechanism fulfil its role?

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Key role of transparency

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Key role of transparency throughout procurement cycle



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Key role of transparency



Importance of cooperation among organizations

Procurement WTO, EC, SIGMA, World Bank, EBRD, other regional development banks, OSCE, UNCITRAL

Anti-corruption UNODC, OSCE, UNCITRAL

With national agencies and NGOs e.g. competition authorities



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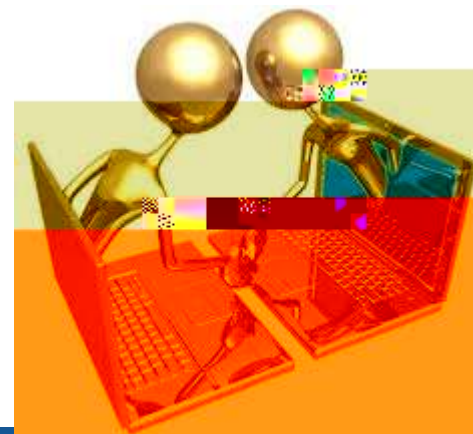
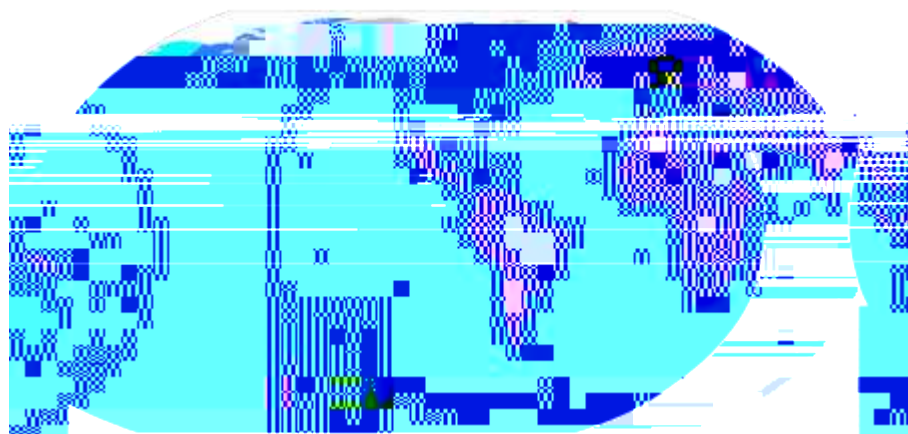
Data issues UNCITRAL provisions

Requirement for record (art 25)

Disclosure of contents of record (art 25)

Protection of confidential information (art 24)

OECD limited data-gathering in practice



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Issues addressed in the Guide to Enactment

Audit and investigations



Sanctions (including debarment)

Not in Model Law

Additional guidance on suspension and debarment, sanctions procedures possible new topic?

UNCITRAL experience in dispute resolution



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Enforcement sanctions procedures

Procurement officials/procuring entity

- Breach of code of conduct
- Conflicts of interest
- Breaches of the rules on advertising and other transparency measures

sanctions

a baseline requirement of UNCAC



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[For more information](#)

Website:

http://www.uncitral.org/uncitral/uncitral_texts/procurement_infrastructure.html

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THANK YOU