

I. Government -Wide Legal and Institutional Framework:

Government -wide legal and institutional framework for procurement in Korea. The Public Procurement Act (PPA) is the primary law governing procurement in Korea. It was enacted in 1997 and has since been amended several times. The PPA defines the scope of procurement, the procedures, and the rights and obligations of the parties involved. It also establishes the Public Procurement Service (PPS) as the central agency for procurement in Korea. The PPS is responsible for managing the procurement process, including the preparation of procurement documents, the evaluation of bids, and the award of contracts. The PPA also provides for the establishment of contract review boards to oversee the procurement process and ensure transparency and fairness. The PPA is a key component of the government's legal and institutional framework for procurement in Korea.

- o PPS conducts about 30% of national procurement in Korea.
- o Remaining 70% of national procurement is conducted by individual agencies.

Qualification:

- None stated in the legal framework.

Independence:

- Contract review boards are composed of independent experts and are independent from senior procurement officials.

Extension to Affiliated Individuals:

- x Exclusion of a corporate supplier does not extend to affiliated individuals.

Duration of Exclusions :

Duration Specified in Legal Framework One month to two years (typical length is six months).

Duration Depends on Applicable Exclusion Ground?

- x The decision-maker has discretion to impose an exclusion period of no less than one month and no greater than two years after considering the factors set forth in Art. 76(3) of the Enforcement Decree.

Exceptions/Waivers to Exclusions :

- x Yes. Art. 27(3) of the Act on Contracts to Which the State is a Party provides that a contracting agency may still award a contract to an excluded supplier in exceptional circumstances or if no other appropriate supplier exists.

Other Sanctions:

- x Yes. In situations described in Art. 272 of the Act on Contracts to Which the State is a Party, a contracting agency may impose a penalty surcharge instead of an exclusion.

V. Government -Wide Transparency and Exclusion List:

Official List of Excluded Suppliers? Yes, but it is not publicly available.

Procurement Checks : Yes. Procuring entities must check the list of excluded suppliers before awarding a contract.

Reporting on Exclusions:

Number of Exclusions Figures unknown.

Regular Reporting No requirement for regular reporting on exclusions.

Other Transparency Mechanisms None.

VI. Limited Scope Exclusion Systems:

Entity -Wide (e.g., Single-Agency) Exclusion? Yes

Contract -By-Contract (e.g., Single-Tender) Exclusion? No.

Subnational Exclusions:

- x Exclusion mechanisms exist at the Provincial/State and Municipal/Local levels.
- x Exclusion decisions of one subnational body generally extend to other subnational bodies and central government agencies (a decision by the Supreme Court of Korea held that central government agencies should exercise their own independent judgment in adhering to subnational exclusion decisions).