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# REGULATING PROCUREMENT

UNDERSTANDING THE ENDS AND MEANS  
OF PUBLIC PROCUREMENT REGULATION

*Peter Trepte*

# Regulating Procurement

**International Monetary Fund. Fiscal  
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## **Regulating Procurement:**

Regulating Procurement Peter-Armin Trepte, 2004 Public procurement regulation is the body of law dealing with the way in which public bodies award contracts Procurement by public bodies has implications for a number of areas of law This book provides an international and comparative perspective on the foundations of procurement *Regulation Public Procurement - National and International Perspectives* Sue Arrowsmith, John Linarelli, Don Wallace, 2000-04-17 Three international leaders in public procurement law fully explain how the procurement award process must be managed to achieve its goals in global market economy **Public Procurement Regulation in Africa** Geo Quinot, Sue Arrowsmith, 2013-01-17 Public procurement regulation in Africa is not widely researched To address the shortage of scholarship in this area and to promote future research this book analyses the law governing public procurement in a number of African systems and looks at key themes relevant to all African states Part I discusses the regulatory regimes of nine African systems using a common framework providing both a focused view of these African systems and an accessible comparative perspective In Part II key regulatory issues in public procurement that are particularly relevant in the African context are assessed through a comparative approach The chapters consider the influence of international regulatory regimes particularly the UNCITRAL Model Law on procurement on African systems and provide insights into the way public procurement regulation is approached in Africa **Public Procurement Regulation in (a) Crisis?** Sue Arrowsmith, Luke RA Butler, Annamaria La Chimia, Christopher Yukins, 2021-11-04 This timely book provides the first systematic analysis of global public procurement regulation and policy during and beyond the COVID 19 pandemic Through both thematic chapters and national case studies this book explores the adequacy of traditional legal frameworks for emergency procurement examines how governments and international organisations have responded specifically to the pandemic and considers how the experience of the pandemic and the political impetus for reform might be leveraged to improve public procurement more broadly Public procurement has been critical in delivering vital frontline public services both in the health sector and elsewhere with procurement of ventilators protective equipment and new hospitals all hitting the headlines At the same time procurers have faced the challenge of adjusting existing contracts to a new reality where for example some contracted services can no longer operate Further efficient and effective procurement will be an essential and not a luxury in the economic recovery With case studies on Italy the UK the USA India Singapore Africa Latin America and China the book brings together the world's leading academics and practitioners from across Europe the Americas Asia and Africa to examine these issues providing an essential resource for policy makers legislators international organisations and academics This title is included in Bloomsbury Professional's Local Government Law online service **The Internationalization of Government Procurement Regulation** Aris Georgopoulos, Bernard Hoekman, Petros C. Mavroidis, 2017-02-16 As governments are major buyers of goods and services foreign companies are keen to be able to participate in procurement opportunities on an equal footing with

national firms This has given rise to the inclusion of procurement disciplines in trade agreements and to internationally agreed good regulatory practices in this important policy area The contributions to this book examine how the dynamic mix of bilateral regional plurilateral and international norms on government procurement is reflected in purchasing practices at the national level and whether these are leading to convergence in policies and approaches The countries studied span both advanced high income economies and emerging economies Some are members of the WTO procurement agreement others are not Most WTO members have decided not to commit to binding international disciplines on procurement in trade agreements This book explores whether there has been nonetheless internationalization of good procurement practices and what current public purchasing processes suggest as regards the value added of signing on to binding rules of the game in this area The approach taken in the volume is interdisciplinary Contributors include economists political scientists legal scholars and practitioners with a solid understanding of both the extant international disciplines and national government procurement policies Each chapter assesses the current state of play as regards legislation and procurement practices the degree to which industrial policy considerations feature in the relevant regulatory frameworks the existence and use of domestic dispute resolution and review procedures that allow firms to contest the behavior of procuring entities and the availability of data on procurement processes and outcomes

#### **Public Procurement and Labour Rights**

Maria Anna Corvaglia, 2017-09-21 This book investigates patterns of fragmentation and coherence in the international regulatory architecture of public procurement In the context of the major international instruments of procurement regulation the book studies the achievement of social and labour policies the most controversial and problematic instrumental uses of public procurement practices This work offers an innovative comparative approach discussing the ways in which the different international instruments namely the EU Procurement Directives the WTO Agreement on Government Procurement the UNCITRAL Model Law and the World Bank's Procurement Framework are able to implement labour and social purposes and at the same time ensure a regulatory balance with the principles of efficiency and non discrimination Scholarly rigorous and timely this will be important reading for international trade lawyers and procurement practitioners

*Public Procurement Regulation in Africa* Sue Arrowsmith, Geo Quinot, 2013-01-17 This book examines the regulatory rules on public procurement in selected African countries and provides a comparative analysis of key regulatory issues

*Public Procurement: Global Revolution* Sue Arrowsmith, 1998-10-07 Regulation the challenge of widening participation in global regional agreements of making these agreements work regulating defence procurement the use of procurement to promote social environmental policies Public Procurement Global Revolution brings together the leading experts from academia practice international institutions to describe the major global developments that have occurred in public procurement regulation to examine some key current policy issues The dynamic nature of the topic the quality of coverage make this a useful interesting resource for academics in the fields of international law economics as well as practitioners officials involved in international trade

*Lectures on Antitrust Economics* Michael Dennis Whinston, 2006 Antitrust law regulates economic activity but differs in its operation from what is traditionally considered regulation Where regulation is often industry specific and involves the direct setting of prices product characteristics or entry antitrust law focuses more broadly on maintaining certain basic rules of competition In these lectures Michael Whinston offers an accessible and lucid account of the economics behind antitrust law looking at some of the most recent developments in antitrust economics and highlighting areas that require further research He focuses on three areas price fixing in which competitors agree to restrict output or raise price horizontal mergers in which competitors agree to merge their operations and exclusionary vertical contracts in which a competitor seeks to exclude a rival Antitrust commentators widely regard the prohibition on price fixing as the most settled and economically sound area of antitrust Whinston's discussion seeks to unsettle this view suggesting that some fundamental issues in this area are in fact not well understood In his discussion of horizontal mergers Whinston describes the substantial advances in recent theoretical and empirical work and suggests fruitful directions for further research The complex area of exclusionary vertical contracts is perhaps the most controversial in antitrust The influential Chicago School cast doubt on arguments that vertical contracts could be profitably used to exclude rivals Recent theoretical work to which Whinston has made important contributions instead shows that such contracts can be profitable tools for exclusion Whinston's discussion sheds light on the controversy in this area and the nature of those recent theoretical contributions Sponsored by the Universidad Torcuato Di Tella      International Handbook of Public Procurement Khi V. Thai, 2017-09-25 Since the 1990s government at all levels is under increasing pressure to do more with less However despite the U S government spending about 15 to 20 percent of its GDP on contracts for goods and services there is a paucity of reference books for public procurement officials and very few textbooks for courses on the subject Filling this void the International Handbook of Public Procurement provides the knowledge necessary to understand how procurement works and how to improve the cost effectiveness of procurement systems Taking a multidisciplinary approach the book focuses on the managerial economic political and legal aspects of this topic It begins with a conceptual framework and highlights various reforms occurring in certain countries By examining these improvements readers are able to apply this knowledge to their own strategies The next section presents selected cases that illustrate the public procurement process examining systems in various nations including Germany China South Africa Cambodia Uganda and Estonia The book also discusses the rise of electronic procurement systems E procurement and reviews the benefits of these efficient systems Other topics presented in this comprehensive volume include practical discussions on contract negotiations bidding price strategies and cost analysis and an insightful chapter on the market's response to contract award announcements A virtual encyclopedia from numerous international experts this book was assembled by Khi V Thai Professor at Florida Atlantic University and Editor of the Journal of Public Procurement Dr Thai has provided technical assistance in the area of public procurement to governments across the world

Empowering those on all sides of the issue this volume dispenses advice valuable to government officials and contractors as well as providing a comprehensive text for public administration students

**The Government Contracts Reference Book** Ralph C. Nash, 1998

A Theory of Incentives in Procurement and Regulation Jean-Jacques Laffont, Jean Tirole, 1993

Based on their work in the application of principal agent theory to questions of regulation Laffont and Tirole develop a synthetic approach to this field focusing on the regulation of natural monopolies such as military contractors utility companies and transportation authorities

**Smart Public Procurement and Labour Standards** Albert Sánchez Graells, 2018-02-08

Smart procurement aims to leverage public buying power in pursuit of social environmental and innovation goals Socially orientated smart procurement has been a controversial issue under EU law The extent to which the Court of Justice ECJ has supported or rather constrained its development has been intensely debated by academics and practitioners alike After the slow development of a seemingly permissive approach the ECJ case law reached an apparent turning point a decade ago in the often criticised judgments in *Rffert* and *Laval* which left a number of open questions The more recent judgments in *Bundesdruckerei* and *RegioPost* have furthered the ECJ case law on socially orientated smart procurement and aimed to clarify the limits within which Member States can use it to enforce labour standards This case law opens up additional possibilities but it also creates legal uncertainty concerning the interaction of the EU rules on the posting of workers public procurement and fundamental internal market freedoms These developments have been magnified by the reform of the EU public procurement rules in 2014 This book assesses the limits that the revised EU rules and the more recent ECJ case law impose on socially orientated smart procurement and more generally critically reflects on potential future developments in this area of intersection of several strands of EU economic law

*Guinea* International Monetary Fund. Fiscal Affairs Dept., 2019-03-21

This Technical Report discusses Guinea's Public Investment Management Assessment PIMA This report presents public investment trends and the public investment efficiency gap details the results of the assessment and offers recommendations to improve PIM in Guinea The institutional PIM framework has more strengths than weaknesses despite being incomplete while PIM effectiveness shows more weaknesses than strengths Guinea recently signed roughly 20 public private partnership PPP contracts through direct negotiation although the institutional framework for PPPs is not yet finalized this represents a source of potential financial risk that has not been evaluated It is important to ensure that PPPs are adequately addressed in the legal and regulatory framework and to promote public access to information to uphold the principles of competition efficiency transparency and in particular to open unsolicited proposals to competition The report highlights that if Guinea is to reap the full benefits of its increasing capital spending the authorities need to focus on correcting PIM weaknesses and improving the efficiency of PIM

**Digital Technologies and Public Procurement** Albert Sánchez Graells, 2024-04-25

Bringing together insights from political economy public policy science technology and legal scholarship this book explores the role of public procurement in digital technology regulation

*Construction Law*

*Handbook* Thomas Telford Limited,2007 A legal reference on construction law that offers guidance for professionals and addresses the important construction law issues

*Public Procurement and the EU Competition Rules* Albert Sánchez Graells,2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This new work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

Green Public Procurement Strategies for Environmental Sustainability Shakya, Rajesh Kumar,2019-02-22 This title is an IGI Global Core Reference for 2019 as it was edited by an e procurement expert who has conducted research and worked for the World Bank United States Agency for International Development Asian Development Bank Inter American Development Bank Caribbean Development Bank and additional governmental agencies this publication contains impactful research that will positively affect society through the provision of green public procurement for sustainable practice in order to contribute to environmental protection It is an ideally designed for policymakers environmentalists managers suppliers development agencies government officials academicians researchers students and professionals who are interested in topics including climate change green auditing documental analysis and environmental social responsibility Green Public Procurement Strategies for Environmental Sustainability provides innovative insights on the adoption and implementation of green public procurement for sustainable practice in order to contribute to environmental protection The content within this publication examines climate change sustainable development and document analysis and is designed for policymakers environmentalists managers suppliers development agencies government officials academicians researchers students and professionals

**Framework Agreements, Supplier Lists, and Other Public Procurement Tools** Serban Filipon,2023-07-13 This book looks at regulation policy and implementation of framework agreements supplier lists and other similar public procurement tools with a strategic and pragmatic perspective Whilst procurements of huge volumes and value are performed worldwide through such tools on a daily basis and despite their complexity and diversity this topic has rarely

been studied in a systematic way The book fills this major gap It examines a series of public procurement systems or legal instruments selected to ensure wide coverage the UNCITRAL Model Law on Public Procurement the World Bank the US federal procurement system EU law France Romania and the UK pre and post Brexit By deconstructing over 20 clusters of tools into their key features along a pattern for analysis the book reconstructs a conceptual framework for purchasing uncertain or indefinite requirements through a transversal perspective across public procurement systems In this way the book provides valuable orientation to law and policy makers for improving or reforming this area to procurement officers in interpreting existing regulation and identifying innovative practical solutions and to lawyers and the judiciary for a balanced application of the regulation The book delivers essential material for procurement of uncertain or indefinite requirements

*Fighting Corruption in Public Procurement* Sope Williams-Elegbe, 2012-11-06 Anti corruption measures have firmly taken centre stage in the development agenda of international organisations as well as in developed and developing countries One area in which corruption manifests itself is in public procurement and as a result States have adopted various measures to prevent and curb corruption in public procurement One such mechanism for dealing with procurement corruption is to debar or disqualify corrupt suppliers from bidding for or otherwise obtaining government contracts This book examines the issues and challenges raised by the debarment or disqualification of corrupt suppliers from public contracts Implementing a disqualification mechanism in public procurement raises serious practical and conceptual difficulties which are not always considered by legislative provisions on disqualification Some of the problems that may arise from the use of disqualifications include determining whether a conviction for corruption ought to be a pre requisite to disqualification bearing in mind that corruption thrives in secret resulting in a dearth of convictions Another issue is determining how to balance the tension between granting adequate procedural safeguards to a supplier in disqualification proceedings and not delaying the procurement process A further issue is determining the scope of the disqualification in the sense of determining whether it applies to firms natural persons subcontractors subsidiaries or other persons related to the corrupt firm and whether disqualification will lead to the termination of existing contracts The book compares and contrasts the legal practical and institutional approaches to the implementation of the disqualification mechanism in the European Union the United Kingdom the United States the Republic of South Africa and the World Bank



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