

WTO Advanced Regional Government Procurement Workshop for Asian Economies

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Session 10.1: Implementing a Modern Procurement System: Challenges for Developing Countries and Insights from Around the World



LAW

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Challenges in Implementing a Modern Procurement System

- Getting the law right
- Addressing cultural issues
- Balancing competing goals
- Developing workforce capacity
- Keeping the “big picture” in mind

Getting the Law Right

- The GPA can be very helpful in setting the framework
- The UNCITRAL Model Procurement Law – which is fully consistent with the GPA – can be useful in developing more detailed legal provisions
- With respect to the “hot topics,” it is probably best to be cautious, thus:
 - Non-price factors should be as objective as possible
 - Trade-offs should be done through a transparent formula
 - Negotiations should be limited (if permitted at all)

Addressing Cultural Issues

- Resisting the pressure of corruption is a never-ending task
- It is important to celebrate success, so people learn the value of a good procurement system
 - Benefits of open competition
 - Added value in appropriate screening of tenderers
 - Insistence on performance consistent with the contract

Balancing Competing Goals

- Successful systems cannot neglect any of the competing goals
 - A system that is totally focused on compliance, audit, and transparency may be unacceptably slow and expensive
 - A system that is totally focused on speed and quality may be unacceptably exposed to risks of corruption and waste
 - A system that ignores the needs of domestic industry may be

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