

WTO Advanced Regional Government Procurement Workshop for Asian Economies

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Session 4.5: Synergies & Complementarities between International Regimes & Domestic Reforms: The Unique Contributions that the GPA Can Make



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These are Exciting Times for Public Procurement

- Growing international recognition of the importance of government procurement, both in fighting corruption and in fostering development & international trade
- Developing international minimum standards for public procurement

International Developments

- Revised WTO GPA
- UN Commission on Int'l Trade Law (UNCITRAL) Model Procurement Law
- World Bank Procurement Policy Revision
- Revised EU Procurement Directive
- Bilateral & regional agreements:
 - For example, the U.S. routinely includes a chapter on gov't procurement in its free-trade agreements
 - That may well be the case for the Trans-Pacific Partnership & the Trans-Atlantic Trade and Investment Partnership

Domestic Reforms

As participants to this workshop know, many countries in the region and around the world are reforming their public procurement laws, regulations, and systems

The GPA's Contribution to Both Domestic and International Developments

The GPA plays a unique role by representing agreed minimum standards

- By contrast, the UNCITRAL Model Procurement Law and the EU Procurement Directives both represent very detailed legislation
- While the UNCITRAL Model Law and (to a lesser extent) the EU Directives include flexibilities for alternative detailed approaches, the GPA encompasses the alternatives by remaining at a higher level

The GPA's Role When Agreed International Norms Have Developed

In many areas, the GPA represents agreed international standards, such as:

- Transparency requirements regarding law and regulations, as well as information about upcoming procurements and award decisions
- Importance of competition, so that sole-source (directed award) contracts are disfavored, as are anti-competitive specifications

The GPA's articulation of these standards can be helpful for countries undertaking domestic reform

The GPA's Role When There is No International Norm

In many areas, there is no agreed “best practice”

In these areas, the GPA allows a broad range of approaches, and simply sets minimum standards

- This can be demonstrated by looking at some of the current “hot topics” in public procurement around the world

Examples of Current International “Hot Topics”

- “Value for Money”
- Allowing more negotiations
- Developing e-procurement
- Developing framework contracts
- Creating an effective complaint system
- Helping domestic SMEs

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