

OECD FORUM FOR POLICY DIALOGUE

**SHARING LESSONS ON PROMOTING GOOD
GOVERNANCE AND INTEGRITY
IN PROCUREMENT**

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Capacity-building for implementing e-procurement systems - UNCITRAL

UNCITRAL's Model Law on Procurement (1994)

- **Model for modern government procurement systems**
- **Not a convention, but a model**
- **Promulgated by UNCITRAL, consensus-based negotiated text**

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- **Aims of Model Law**
 - Improved value for money, economy, efficiency
 - Improved transparency, integrity and public confidence
- **Ambit of Model Law**
 - Regulation of procurement process, not contracts
 - Framework law, with Guide to Enactment
 - Envisages regulations in enacting States

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- **Main methods of procurement**
 - Open tendering for goods and construction
 - Principal method for services
 - Other methods if specification cannot be sufficiently precise, in case of urgency/catastrophe
- **Procedures aimed at ensuring value for money and other aims of Model Law even where not fully open**

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Revisions to Model Law

- **e-procurement and modern methods**
 - electronic reverse auctions, e-catalogues, dynamic purchasing systems, framework agreements : tools in traditional procurement methods
- **e-communications/e-procurement/framework agreements not provided for in current text**

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- **Model Law to be permissive, flexible, not prescriptive**
 - Enhanced role for Guide to Enactment
- **Procurement methods with toolbox approach cf traditional approach**
 - Traditional approach tendering as the gold standard, justify why not use tendering
 - Toolbox approach in procurement methods, justify on positive basis why use method/tools

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Guide to Enactment to be tri-partite document

- **Thematic discussion of aims of Model Law**
- **Discussion of assumptions/other laws to be in place for Model Law to operate effectively**
- **Text of Guide to address**
 - Legislators
 - Regulators
 - Other users (functional aspects, in cooperation)

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- **Capacity required for introducing e-procurement**
- **E commerce legislation**
 - Recognition of e-documents
- **Functional/other issues**
 - Access to infrastructure
 - Authenticity of communications
 - Integrity of data
 - Security
 - Confidentiality