

**GOOD GOVERNANCE  
FOR DEVELOPMENT  
IN ARAB COUNTRIES  
INITIATIVE**



**Agenda**

**Regional Conference and Workshop  
on Sharing Good Practices**

**Enhancing Integrity in Public  
Procurement**

**3-4 April 2008, Rabat, Morocco**

**Organised by the  
General Treasury of the Kingdom of Morocco  
in partnership with the OECD**



الخزينة العامة للمملكة  
TRESORERIE GENERALE DU ROYAUME

## **REGIONAL CONFERENCE (3 APRIL) AND WORKSHOP ON SHARING GOOD PRACTICES FOR ENHANCING INTEGRITY IN PUBLIC PROCUREMENT (4 APRIL)**

### **INTRODUCTION**

Public procurement is a government activity particularly vulnerable to corruption. Given the importance of public procurement, in both economic terms (it represents about 10-15% of GDP) and strategic terms (procuring the goods and providing the services and works that administrations need), governments have become increasingly alert to the risk of corruption in public procurement and to the importance of its prevention.

Integrity in public procurement is defined as the use of funds, resources, assets and authority for the official purposes for which they are intended to be used, taking account of the public interest.

Several international bodies have taken steps to increase transparency in public procurement, not only by the OECD, but also by the European Union, the United Nations Commission on International Trade Law (UNCITRAL), the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Trade Organisation (WTO). Public procurement and the management of public finances also feature prominently in the United Nations Convention against Corruption (Article 9), signed by 16 Middle Eastern and North African countries and ratified by 10 of them.

### **CONTEXT**

In May 2007, following to the approval of the new public procurement legislation in Morocco, the National Coordinator of Morocco in the Good Governance for Development (GfD) in Arab Countries Initiative requested the OECD Secretariat to prepare a Joint Learning Study (JLS) on Integrity in Public Procurement in Morocco. The aim of the study was to examine the progress made by the Moroccan government in its policy of modernising public procurement, focusing in particular on the fight against corruption.

The JLS uses the Draft Checklist on Enhancing Integrity in Public Procurement of the Public Governance and Territorial Development Directorate (OECD-GOV) as analytical framework, and it is considered as the first application of the Checklist to the Arab countries. The draft Checklist provides a policy framework with ten key recommendations to reinforce integrity and public trust in how public funds are managed. This policy framework stresses the importance of procedures to enhance transparency, professionalism, corruption resistance and accountability in public procurement.

Both the *Joint Learning Study on Integrity in Public Procurement in Morocco* and the *Draft Checklist on Enhancing Integrity in Public Procurement* are background documents for the regional conference for the workshop.

### **AIMS AND STRUCTURE OF THE 2-DAY EVENT**

The main aims of the two days are to:

- Share good practices amongst countries in the Middle East and North African (MENA) region and OECD countries in order to enhance integrity in public procurement;
- Discuss the conclusions of the Joint Learning Study (JLS) on Integrity in Public Procurement in Morocco, which is the OECD's pilot study on public procurement in the Arab world;

- Discuss lessons learnt from the adaptation of the OECD methodology in the JLS and to explore new uses for OECD instruments, like the draft Checklist for Enhancing Integrity in Public Procurement, in the Arab world.

The two-day event will take place as follows:

Day 1 (3 April), devoted to the Regional Conference on Enhancing Integrity in Public Procurement, will give an overview of the latest international trends related to transparency and integrity in public procurement, presented by high-level procurement experts and discussed by the participants.

Day 2 (4 April), devoted to the Workshop on Sharing Good Practices for Enhancing Integrity in Public Procurement, will be a more interactive day that provides the opportunity of technical discussions amongst procurement experts from the Arab countries. Moreover, it will give the possibility of exchanging good practices from Arab and OECD countries for enhancing integrity in public procurement.

## **PARTICIPANTS**

The first day of the event will be open to delegates from MENA and OECD countries and to international organisations, the private sector and civil society. The second day will be devoted to more technical discussions between public procurement experts from governments of MENA and OECD countries responsible for the design, implementation and monitoring the application of public procurement policy.

Simultaneous interpretation in English, French and Arabic will be provided over the two days.

## **METHOD**

The Regional Conference on Enhancing Integrity in Public Procurement is divided into four plenary sessions. Each session will begin with a keynote presentation on the latest international trends and a comparative overview of good practice, followed by presentations and comments from representatives of MENA and OECD countries and a discussion of the theme of the session.

The structure of the Workshop on Sharing Good Practices for Enhancing Integrity in Public Procurement is designed to offer greater possibilities for exchange between public procurement experts. During the workshop, experts are invited to share current good practice in their respective countries. **Every expert will make short interventions on recent developments of his/her country on the following three themes:**

- 1) Preventive measures in risk areas of public procurement vulnerable to corruption;
- 2) Capacity building for public procurement officials;
- 3) Recourse mechanisms for complaints in order to build trust among potential suppliers.

The experts will present good practices in their respective countries in the course of three Round-tables, managed by the moderators of the session. The interventions should not exceed 3-5 minutes.

## **PLACE**

The Regional Seminar and the Workshop will take place at the headquarters of the General Treasury of the Kingdom of Morocco. For more information about practical arrangements for the two days, please see the Practical Information Note.

## CONTACT PERSONS

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**WEDNESDAY, 2 APRIL 2008**

Afternoon	<b>Arrival of participants</b>
20.00 – 21.00	Welcome Cocktail at the <i>Hotel La Tour Hassan</i>

**THURSDAY, 3 APRIL 2008**  
**REGIONAL CONFERENCE ON ENHANCING INTEGRITY IN PUBLIC PROCUREMENT**

9.00 – 9.30	<i>Registration</i>
9.30 – 10.15	<b>OPENING OF THE REGIONAL CONFERENCE</b>
	<p><b>Greetings and introductory remarks by the Moroccan government and the OECD Secretariat</b></p> <p><i>H. E. Mr. Salaheddine Mezouar</i>, Minister of Economy and Finance, Morocco</p> <p><i>Mr. Saïd Ibrahimi</i>, General Secretary of the Treasury of the Kingdom, Morocco</p> <p><i>Mr. Christian Vergez</i>, Head of Division, Public Governance and Territorial Development Directorate, OECD</p>
10.15 – 11.30	<b>SESSION I: THE JOINT LEARNING STUDY ON INTEGRITY IN PUBLIC PROCUREMENT – SHARING EXPERIENCES OF A PILOT PROJECT</b>
	<p><b>Description and aims of the session</b></p> <p><i>The Joint Learning Study (JLS) is an innovative way of creating and sharing knowledge. Its aim is to examine the progress made by the Moroccan government in its policy of modernising public procurement, focusing in particular on the fight against corruption.</i></p> <p><i>It is an adaptation of the OECD methodology in the context of the Good Governance for Development in Arab Countries Initiative. The JLS uses as analytical framework the Draft Checklist of the OECD-GOV that is based on applying good governance elements, in particular transparency, professionalism, corruption resistance and accountability in public procurement.</i></p> <p><i>The aim of the session is to share the experience of the various stakeholders who helped to prepare the Joint Learning Study and to explore the interest of similar projects for other Arab countries during the Roundtable.</i></p> <p><b>Chair:</b> <i>Mr. Monkid Mestassi</i>, Secretary General, Ministry of Economic and General Affairs, Morocco</p> <p><b>Presentations</b></p> <p><i>Mr. Ahmed Bouriss</i>, Director, Control of the Execution of Public Finances, Morocco: Conclusions of the Joint Learning Study on Integrity in Public Procurement in Morocco</p> <p><i>Mrs. Elodie Beth</i>, Administrator, Public Governance and Territorial Development Directorate, OECD: Joint Learning Study and good practices – Pilot application of the draft Checklist for Enhancing Integrity in Public Procurement.</p> <p><b>Roundtable</b></p> <p>Roundtable including commentaries of the review team members responsible for preparing the Joint Learning Study</p> <p><i>Mr. Jean-Pierre Bueb</i>, Consultant, France</p> <p><i>Mr. Mahmood Al Bastaki</i>, Director, Dubai World, Dubai, United Arab Emirates</p> <p><i>Mr. John Read</i>, Former Director, Public Procurement Policies, Canada</p>

***Discussion***

Issues for consideration:

*What are the recent developments in your countries in order to enhance integrity in public procurement? What are the main problems in this regard?*

*How can the draft Checklist for Enhancing Integrity in Public Procurement be used in the Middle East and North Africa (MENA) region?*

*What lessons for other countries in the region can be learnt from the Joint Learning Study pilot project?*

11.30 – 11.45

*Coffee break*

11.45 – 13.15	<b>SESSION II: WHAT IS A SUFFICIENT DEGREE OF TRANSPARENCY TO ENSURE INTEGRITY IN PUBLIC PROCUREMENT?</b>
	<p><b>Description and aims of the session</b></p> <p><i>Transparency is a key factor for preventing corruption and promoting integrity in public procurement. In a public procurement context, transparency means the possibility for all stakeholders to be informed about and to understand the means and procedures whereby contracts are defined, awarded and managed.</i></p> <p><i>The session gives participants an opportunity to discuss what constitutes a sufficient degree of transparency throughout the entire public procurement process, especially:</i></p> <ul style="list-style-type: none"> <li>• <i>during the award phase (publication of bid notices, definition of evaluation criteria, etc.),</i></li> <li>• <i>before the award (needs assessment, appropriateness of expenditure),</i></li> <li>• <i>after the award (contract management and payment).</i></li> </ul> <p><i>The session will seek to identify the information to be provided at the different stages of the process and the information that should remain confidential. Means of ensuring a minimum degree of transparency in exceptions to competitive procedures will also be explored.</i></p> <hr/> <p><b>Chair: Mr. Mazen Ali Hussein</b>, Project Manager, Palestinian Reform and Development Plan, Ministry of Planning, Palestinian National Authority</p> <p><b>Keynote presentation and moderator: Mr. Egal Noor Roble</b>, Chief Officer, Procurement Reform, African Development Bank</p> <p><b>Commentaries:</b></p> <p><b>Mr. Khaled Johmani</b>, Director General, Public Procurement Commission, Tunisia</p> <p><b>Mr. Serge Maurel</b>, Counsellor, Central Service for the Prevention of Corruption, France</p> <p><b>Mr. Ahmet Arif Sezgin</b>, Public Procurement Expert, Public Procurement Authority, Turkey</p> <hr/> <p><b>Discussion</b></p> <p>Issues for consideration:</p> <p><i>How is a sufficient degree of transparency in public procurement to be defined?</i></p> <p><i>What information should remain confidential throughout the public procurement process?</i></p> <p><i>How can transparency be ensured during the needs assessment and contract management phases?</i></p>
13.15 – 14.30	Lunch

14.30 – 16.00	<b>SESSION III: WHAT STEPS CAN BE TAKEN TO MAKE DECISION-MAKERS IN PUBLIC PROCUREMENT MORE ACCOUNTABLE?</b>
	<p><b>Description and aims of the session</b></p> <p><i>An oversight system cannot work unless there is a clearly defined chain of accountability for decision-takers. Public procurement must also be subject to linked controls in order to ensure the compliance, efficiency and integrity of both procedures and individuals. Bidders must have opportunities for challenging government decisions. To ensure that the system is effective, disciplinary or criminal sanctions must be imposed when irregularities and acts of corruption occur.</i></p> <p><i>The aim of the session is to review measures that can be taken to ensure the accountability of decision-takers in public procurement, especially:</i></p> <ul style="list-style-type: none"> <li>• <i>internal and external control procedures,</i></li> <li>• <i>measures for monitoring controls, both to improve the system and to sanction irregularities and corruption,</i></li> <li>• <i>means of recourse available to bidders to challenge the fairness of an award procedure.</i></li> </ul> <p><b>Chair:</b> <i>Mr. Djoudi Bouras</i>, Responsible for Economic Questions, National Economic and Social Counsel, Algeria</p> <p><b>Keynote presentation and moderator:</b> <i>Mr. Sarhane Abdellah</i>, First Deputy President, State Audit Office, Morocco: The role of judiciary control in the general control of public procurement</p> <p><b>Commentaries:</b></p> <p><i>Ms María de Los Angeles Trigo Quiroga</i>, National Auditor, General Control of State Administration (IGAE), Ministry of Economy and Finance, Spain</p> <p><i>Mr. John Read</i>, Former Director, Public Procurement Policies, Canada</p> <p><b>Discussion</b></p> <p>Issues for consideration:</p> <p><i>What internal and external control measures exist for detecting irregularities and corruption in public procurement? What means are there for ensuring that the results of controls are followed by effective action?</i></p> <p><i>How can bidders challenge administrative decisions taken in the course of public procurement procedures?</i></p> <p><i>What practical action can be taken to ensure that disciplinary or criminal sanctions are imposed on public employees in the event of irregularities or corruption?</i></p>
16.00 – 16.30	<i>Coffee break</i>

16.30 – 17.45	<b>SESSION IV: THE ROLE OF NEW TECHNOLOGIES IN PUBLIC PROCUREMENT</b>
	<p><b>Description and aims of the session</b></p> <p><i>The use of new technologies in public procurement is part of a wider strategy to modernise the public sector, designed to:</i></p> <ul style="list-style-type: none"> <li>• <i>enhance transparency and build confidence in public procurement;</i></li> <li>• <i>prevent corruption, in particular by avoiding direct contact between the government and potential suppliers;</i></li> <li>• <i>improve efficiency, so that the initial investment in the system is offset by the reduced cost of use and lower prices for goods and services supplied.</i></li> </ul> <p><i>The session offers an opportunity to discuss the last international trends of e-procurement and to explore the potentials and limitations of various online tools for enhancing transparency and preventing corruption. Discussion will focus in particular on experience of implementing electronic portals and online reverse auctions.</i></p>
	<p><b>Chair:</b> <i>Mr. Youssef Saad</i>, Senior Procurement Officer, OMSAR, Lebanon</p> <p><b>Keynote presentation and moderator:</b> <i>Ms Caroline Nicholas</i>, United Nations Commission on International Trade Law (UNCITRAL)</p> <p><b>Commentaries:</b></p> <p><i>Mr. Youssef Saad</i>, Senior Procurement Officer, OMSAR, Lebanon</p> <p><i>Mr. Mohamed Saad Alaoui</i>, Project Manager, Integrated Public Finance Management, General Treasury, Morocco</p> <p><i>Ms. Nevine Gamal</i>, E- Procurement Project Manager, Egypt</p>
	<p><b>Discussion</b></p> <p>Issues for consideration:</p> <p><i>How does the dematerialisation of public procurement contribute to the prevention of corruption in public procurement, especially through techniques like reverse auctions?</i></p> <p><i>What impact has use of the national portal had (better management of public procurement, greater competition, more streamlined procedures, etc.)?</i></p> <p><i>What are the available statistics on public procurement? Can the databases be consulted from the national portal?</i></p>
17.45 –18.00	<b>CONCLUSIONS AND RECOMMENDATIONS OF THE REGIONAL CONFERENCE</b>
	<p><i>Mr. Ahmed Bouriss</i>, Director, Control of the Execution of Public Finances, Morocco</p> <p><i>Mr. Christian Vergez</i>, Head of Division, Public Governance and Territorial Development Directorate, OECD</p> <p><i>Mr. Martin Forst</i>, Head of Division, Public Governance and Territorial Development Directorate, OECD</p>

**FRIDAY, 4 APRIL 2008**  
**WORKSHOP ON SHARING GOOD PRACTICES FOR ENHANCING INTEGRITY IN PUBLIC**  
**PROCUREMENT**

9.00 –9.10	<b>OPENING OF THE WORKSHOP ON SHARING GOOD PRACTICES</b>
	<p><b>Introductory remarks by the Moroccan government and the OECD Secretariat</b>  <i>Mr. Christian Vergez</i>, Head of Division, Public Governance and Territorial Development Directorate, OECD  <i>Mr. Ahmed Bouriss</i>, Director, Control of the Execution of Public Finances, Morocco</p>
9.00 – 10.30	<b>SESSION I: PREVENTIVE MEASURES IN RISK AREAS OF PUBLIC PROCUREMENT VULNERABLE TO CORRUPTION</b>
	<p><b>Description and aims of the session</b></p> <p><i>While it is generally accepted that public procurement reforms should comply with good governance principles, international efforts have tended to focus on the phases of drawing up the contract, defining the specifications and awarding the contract.</i></p> <p><i>This is the most highly regulated and the most transparent phase in the public procurement process, the "tip of the iceberg". However, an OECD survey has emphasised that governments should take additional measures to forestall the risk of corruption at all stages of the public procurement process. This is particular true of needs assessment, where the risk of political intervention is especially high, contract management and payment. Transparency measures apply less frequently to these phases, since they are not generally covered by public procurement regulations.</i></p> <hr/> <p><b>Moderators:</b> <i>Mrs. Nicola Ehlermann-Cache</i>, Senior policy analyst, Directorate for Financial and Enterprise Affairs, OECD and <i>Mr. Khaled Johmani</i>, Director General, Public Procurement Commission, Tunisia</p> <p><b>Presentation:</b> <i>Mr. Jean-Pierre Bueb</i>, Consultant, France</p> <p>After the introductory remarks of the 2 moderators and the presentation, during the round-table the experts are invited to indicate the at-risk areas for corruption in public procurement that have been identified in their countries and the measures taken to forestall the risk.</p> <p><b>Commentaries:</b> <i>Mr. Martin Priborsky</i>, European Anti-Fraud Office, European Commission</p> <p><b>Rapporteur:</b> <i>Mr. Janos Bertók</i>, Principal Administrator, Public Governance and Territorial Development Directorate, OECD</p>

	<p><b><i>Discussion</i></b></p> <p>Issues for consideration:</p> <p><i>What are the areas at risk of corruption in the public procurement process (e.g. needs assessment, award, contract management)?</i></p> <p><i>How are irregularities and acts of corruption detected in the public procurement process? By what control systems can such risks be identified?</i></p> <p><i>What measures and good practice exist for reducing such risks?</i></p>
10.30 – 11.00	<i>Coffee break</i>

11.00 – 12.30	<b>SESSION II: CAPACITY BUILDING FOR PUBLIC PROCUREMENT OFFICIALS</b>
	<p><b>Description and aims of the session</b></p> <p><i>It is essential to professionalise public procurement through capacity building and a common body of knowledge, skills and ethical standards, in order to increase resistance to management error, waste and corruption. Clearly defined precautionary measures must be taken to enhance integrity and prevent officials' personal interests from influencing public decision-taking.</i></p> <p><i>The session offers an opportunity to exchange experience in order to improve the professionalisation of public procurement, focusing on how to ensure:</i></p> <ul style="list-style-type: none"> <li>• <i>sufficient capacity, especially in terms of human resources and skills,</i></li> <li>• <i>appropriate human resources management,</i></li> <li>• <i>clearly defined ethical rules and measures, communicated to the officials concerned.</i></li> </ul> <p><b>Moderators:</b> <i>Mr. Yehya Mohamed Ali Al-Ashwal</i>, Chairman of Technical Committee, the High Tender Board, Yemen</p> <p>After the introductory presentations of the 2 moderators, during the round-table the experts are invited to indicate measures to professionalise public procurement in their countries (capacity, human resources management, ethical rules and measures).</p> <p><b>Commentaries:</b> <i>George E. Adair</i>, Regional Advisor, OECD</p> <p><b>Rapporteur:</b> <i>Mr. Abdelaziz El Haddad</i>, Head of Division, General Treasury, Morocco</p> <p><b>Discussion</b></p> <p>Issues for consideration:</p> <p><i>How can the professionalisation of public procurement be improved, in particular through targeted recruitment and specific procurement manuals, tools and training?</i></p> <p><i>What ethical rules and measures apply to public procurement officials?</i></p>
12.30 – 14.00	<i>Lunch</i>

14.00 – 15.30	<b>SESSION III: RECOURSE MECHANISMS FOR COMPLAINTS IN ORDER TO BUILD TRUST AMONG POTENTIAL SUPPLIERS</b>
	<p><b>Description and aims of the session</b></p> <p><i>An essential factor in promoting a climate of trust with potential suppliers in public procurement is the introduction of a recourse mechanism for complaints and disputes relating to public procurement decisions. Recourse enables dissatisfied bidders to verify the fairness and accuracy of decisions taken by public officials.</i></p> <p><i>The session offers an opportunity to share experience in the introduction and operation of recourse mechanisms. Possible difficulties with regard to the independence and pace of procedures will be discussed.</i></p> <p><b>Moderators:</b> <i>Mr. Robert Anderson</i>, Counsellor, World Trade Organisation and <i>Mr. Yahya Al Kasbi</i><sup>1</sup>, General Director, Tender Department, Jordan</p> <p>After the introductory presentations of the 2 moderators, during the round-table the experts are invited to describe their experience in ensuring that complaints from dissatisfied bidders are treated fairly.</p> <p><b>Commentaries:</b> <i>Mr. Yves Allain</i>, Senior Procurement Expert, GOV-SIGMA Programme, OECD; Ministry of Economy, Finance and Labour, France</p> <p><b>Rapporteur:</b> <i>Mrs. Elodie Beth</i>, Administrator, Public Governance and Territorial Development Directorate, OECD</p> <p><b>Issues for consideration</b></p> <p><i>What mechanisms are available to bidders wishing to challenge decisions taken by public officials during the public procurement process?</i></p> <p><i>What guarantees exist for the independence of the recourse mechanism?</i></p> <p><i>What can be done to ensure that the decisions of the recourse mechanism are processed within a reasonable time?</i></p>
15.30 –16.00	<b>SUMMING UP AND CLOSURE OF THE REGIONAL SEMINAR AND WORKSHOP</b>
	<p><i>Mr. Abdelaziz El Haddad</i>, Head of Division, General Treasury, Morocco</p> <p><i>Mr. Janos Bertók</i>, Principal Administrator, Public Governance and Territorial Development Directorate, OECD</p> <p><i>Mr. Ahmed Bouriss</i>, Director, Control of the Execution of Public Finances, Morocco</p>

<sup>1</sup> In the absence of Mr. Al Kasbi, his intervention was read out by the Moderator of the session