

FIGHTING BID RIGGING IN PUBLIC PROCUREMENT IN UKRAINE

Online Training Workshop

8/9 November 2021

The Workshop is designed to train *procurement officials of Ukrainian State-Owned Enterprises* on costs and risks of bidder collusion and recommended good practices concerning:

- designing tenders that reduce the risk of bidder collusion;
- identifying possible instances of bidder collusion in the procurement process (red flags);
- what to do when bidder collusion is found; and
- how the OECD Recommendations apply to Ukraine and have been incorporated by Ukrenergo.

The Workshops will last two days each, with daily sessions in the morning and afternoons. The content of the workshop is based on the [OECD Guidelines and Recommendation on Fighting Bid Rigging](#) in Public Procurement, which consolidates OECD good practices on making public procurement processes more competitive and less vulnerable to collusion. It incorporates findings from the recent [OECD Review of Ukrenergo procurement practices](#).

Day one – The first day will start with an introduction to bid rigging, when it is most likely to occur, how it is assessed under competition law, and its difference from corruption and other fraudulent practices. The Antimonopoly Committee of Ukraine (AMCU) will present its enforcement and advocacy initiatives to fight cartels and bid rigging under the Ukrainian competition law. The workshop will then focus on the red flags for the **detection** of possible bid rigging conspiracies, based on the relevant sections of the OECD Guidelines and Recommendation on Fighting Bid Rigging in Public Procurement. The audience will learn about case experience in Spain, and will take part in a hypothetical exercise to put the recommendations into practice. The hypothetical exercise will take place in separate virtual Break-Out Session (BOS), where participants will discuss the case in small groups. The different groups will gather afterwards to discuss the results of the exercise

Day two - The second day will focus on optimal **tender design** and **implementation** of OECD Recommendations. Topics will include a review of the relevant sections in the OECD Guidelines and Recommendation on Fighting Bid Rigging in Public Procurement. A special emphasis will be put on market research and tender design to increase competition in the process. The audience will take part in another hypothetical exercise in separate BOS to discuss a practical case of tender design. Ukrenergo will report on the experience with the OECD Review, the implementation of OECD Recommendations and the expected savings.

The Workshop aims to train an audience of non-competition procurement experts through exercises and real-life examples. The Workshop is intended to be interactive, and the audience will be encouraged to turn on the video and to engage with the experts throughout the two days. A Certificate for successful attendance will be issued.

Simultaneous interpretation **English-Ukrainian** will be provided.

This event is organised in the context of the OECD project [Supporting Energy Sector Reform in Ukraine](#) financed by the **Government of Norway**.

Day 1 - 8 November 2021

(all times are Kyiv time)

09:15 - 09:30	Welcome and overview of the workshop
	<i>Maryna Bezrukova, Management Board Member of Ukrenergo</i> <i>Gabriela Miranda, Country Manager for Ukraine, OECD</i> <i>Aleksandra Wacko, Deputy Representative, Embassy of Norway to Ukraine</i>
09:30 – 10:00	The OECD and its competition work
	<i>Antonio Capobianco, Senior Competition Expert (OECD)</i> This session will give an overview of the OECD competition work, the OECD Recommendation and Guidelines on Fighting Bid Rigging in Public Procurement, and OECD experience in in-country projects to fight against bid rigging.
10:00 - 10:30	What is Bid Rigging and why is it illegal?
	<i>Sabine Zigelski, Senior Competition Expert (OECD)</i> This session will cover: (i) the concept of bid rigging in public procurement (ii) the costs and risks of bid rigging; and (iii) the ways that governments around the world address bid rigging.
10:30 - 10:50	Corruption, fraud and collusion in public procurement
	<i>Takuya Onho, Competition Expert (OECD)</i> This session will explain the differences between bid rigging and corruption, how they are related, and how they can be addressed.
11:00 – 11:45	The OECD Checklist for detecting Bid Rigging in public procurement
	<i>Despina Pachnou, Competition Expert (OECD)</i> The OECD Recommendation on Fighting bid rigging in Public Procurement encourages countries to ensure that public procurement officials are aware of signs, suspicious behaviour and unusual bidding patterns which may indicate collusion, so that these suspicious activities are better identified and investigated by public agencies. This session will provide an overview of the signs and patterns which indicate that bidders in a tender procedure may have colluded.
14:00 – 15:00	Bid Rigging under Ukrainian Competition Law and AMCU's advocacy initiatives
	<i>State Commissioner Olga Nechytailo (AMCU)</i> This session will present the Ukrainian competition rules relevant to collusion in public procurement. It will include a presentation of the investigation powers of the AMCU and the sanctions that it can impose on bidders who engage in collusive conduct, as well as recent cases and AMCU advocacy initiatives.
15:00 – 16:00	Hypothetical case exercise in Break-Out Sessions (BOS)
	<i>OECD and participants</i> Participants will be asked to work in small groups on a hypothetical case. They should identify suspicious signs for bid rigging and discuss next steps.
16:00 – 17:00	Detecting bid rigging : the Spanish experience
	<i>Juan Manuel Contreras and Daniel García-Zarza Martínez (CNMC, Spain)</i> This session will discuss bid-rigging cases and their detection in Spain, as well as competition agency co-operation with public procurement bodies and outreach initiatives.

Day 2 – 9 November 2021

09:00 – 09:45	The OECD Checklist for Designing a Procurement Process to Reduce Risks of Bid Rigging
	<i>Sabine Zigelski, Senior Competition Expert (OECD)</i>
	There are many steps that procurement agencies can take to promote more effective competition in public procurement and reduce the risk of bid rigging. Among them, the strategic design of public tenders plays an important role in preventing collusive practices and can increase the probability of detecting them. This session will present the OECD recommended practices to improve tender design.
09:45 – 11:00	Improving tender preparation and market research to maximise bidder participation
	<i>Bonnie Epema, Procurement Expert (The Drone B.V.)</i>
	A well-prepared tender and professional market research will go a long way to ensuring maximum bidder participation and optimal tender results for a procurement agency. This session will present the experience from various tender processes and will illustrate which strategies and steps can improve tender preparation.
11:15 – 12:30	Hypothetical case study in BOS
	<i>OECD and participants</i>
	Participants will be asked to work in small groups on a hypothetical case. They should identify steps and measures to improve a tender design to increase competition in the tender.
14:00 – 15:00	Ukrenergo experience
	<i>Maryna Bezrukova, Member of the Board (Ukrenergo)</i>
	The Ukrenergo experience with the review of its procurement practices by the OECD will be presented. Ukrenergo will highlight findings and recommendations that were most relevant and will illustrate how they are implemented, and which savings can be achieved.
15:15 – 16:15	Team challenge in BOS
	<i>OECD and participants</i>
	Participants will work in teams to answer a set of knowledge test questions that cover the substance of the two days, and to present proposals for improvements of the procurement process in their organisations, to better prevent or detect bid rigging.
16:15 – 16:45	Concluding remarks and Q&A
	<i>All experts, participants</i>
	Brief review of the workshop and suggestions for future work, questions and comments by participants.