



Participation

Purpose of the Checklist

- To guide and support public procurement practitioners in reviewing, developing and updating their procurement framework, according to the 12 principles of the Recommendation of the Council on Public Procurement.
- To encourage self-assessment and providing a starting-point for implementing the Recommendation.
- To provide more detailed information and guidance for each of the 12 principles as well as actions that can be taken to improve the strategic use of public procurement.

Public Procurement
Principle: **Participation**

Procurement Stage:
All phases

Audience: **Policy Maker,
Procuring Entity, Private
Sector, Civil Society**

Description

Participation can be strengthened by following proposed steps below, while also improving other closely-linked principles (please refer to the box below). Suggestions and comments on the content and format of the Checklist can be sent to: public.procurement@oecd.org.

Main linkages between participation and other principles of the Recommendation

- **Transparency:** Opportunities for direct involvement of relevant external stakeholders in the procurement system increases transparency. Transparency contributes to the provision of public procurement information to potential domestic and foreign suppliers, civil society and the general public. Standard processes when formulating changes to the public procurement system, including public consultations, increases transparency of the public procurement system.
- **Integrity:** Participation, including the provision of opportunities for direct involvement of relevant external stakeholders in the procurement system, increases transparency and integrity and reduces the risks of corruption in public procurement processes.
- **Access:** The design of specific tender opportunities can encourage broad participation from potential competitors, including new entrants and small and medium enterprises. Transparent and regular dialogues with suppliers and business associations to provide potential vendors with a better understanding of the country's needs facilitates access to procurement opportunities for potential competitors of all sizes.
- **Balance:** Public procurement objectives, including secondary policy objectives, can be presented in the framework of transparent and regular dialogues with suppliers and business associations.
- **Efficiency:** A correct understanding of markets contributes to more realistic and effective tender specifications.

- **E-procurement:** The use of e-procurement systems can contribute to the effective communication with suppliers, business associations and other relevant stakeholders as well as to effective information.
- **Accountability:** Opportunities for direct involvement of relevant external stakeholders in the procurement system can ensure that rules are actually observed and are not just lip service.

(A) Standard processes when formulating changes to the public procurement system

Adherents should develop and follow a standard process when formulating changes to the public procurement system. Such standard processes should promote public consultations, invite the comments of the private sector and civil society, ensure the publication of the results of the consultation phase and explain the options chosen, all in a transparent manner.

A.1 Adherents should engage with the private sector and civil society on public procurement reforms to ensure that proposed changes reflect the expectations of both parties and are clearly understood. In order to achieve this end, adherents could consider:

- Promoting public consultations,
- Inviting the comments of the private sector and civil society,
- Taking into account the input, comments and feed-back received, if relevant,
- Publishing of the results of the consultation phase,
- Explaining the options chosen.

A.2 Adherents should put programs in place to build the capacities of relevant stakeholders to understand changes to the public procurement system.

(B) Transparent and regular dialogues with suppliers and business associations to present public procurement objectives and to assure a correct understanding of markets

Adherents should engage in transparent and regular dialogues with suppliers and business associations to present public procurement objectives and to assure a correct understanding of markets. Effective communication should be conducted to provide potential vendors with a better understanding of the country's needs, and government buyers with information to develop more realistic and effective tender specifications by better understanding market capabilities. Such interactions should be subject to due fairness, transparency and integrity safeguards, which vary depending on whether an active procurement process is ongoing. Such interactions

should be adapted to ensure that foreign companies participating in tenders receive transparent and effective information.

B.1 Adherents should engage in transparent and regular dialogues with suppliers and business associations to provide potential vendors with a better understanding of the country's needs. In order to achieve this end, adherents could consider:

- Providing potential suppliers the possibility to seek clarification before the tendering, especially for high-value procurements (n.b. the disclosure of information should be carefully considered, taking into account possible risks of collusion between private sector actors),
 - Providing prompt responses to questions for clarification and transmitting to potential suppliers in a consistent manner to provide a level playing field (n.b. the timeframes should be defined in the legal framework),
 - Providing debriefings to unsuccessful tenderers so that they understand why their proposal fell short in relative terms of other tenders, without disclosing commercially-sensitive information about other tenders,
 - Promoting a regular dialogue between both parties during the contract management phase to enable problems to be quickly identified and resolved,
 - Adapting the interactions to ensure that foreign companies participating in tenders receive transparent and effective information (in terms of language and timing),
 - Establishing regular contacts with business associations.
-

B.2 Adherents should assure a correct understanding of markets to develop more realistic and effective tender specifications. In order to achieve this end, adherents could consider:

- Conducting effective market research, regular market surveys as well as strategic sourcing to all tenders (i.e. collecting relevant information on the potential suppliers, products and prevailing prices for goods and services),
- Undertaking competitive dialogues,
- Using (early) engagement mechanisms with suppliers, such as Requests for Information (RFIs), one-to-one consultations with suppliers, holding of industry/supplier days, information discussions, competitive dialogues (when necessary), etc.

(C) Opportunities for direct involvement of relevant external stakeholders

Adherents should provide opportunities for direct involvement of relevant external stakeholders in the procurement system with a view to increase transparency and integrity while assuring an adequate level of scrutiny, provided that confidentiality, equal treatment and other legal obligations in the procurement process are maintained.

C.1 Adherents should provide opportunities for direct involvement of relevant external stakeholders in the procurement system. In order to achieve this end, adherents could consider:

- Implementing "direct social control" and "community monitoring" mechanisms that encourage the involvement of representatives from civil society, academics or end-users as external observers of the whole procurement process or of key decision-points, such as social witnesses programmes or public hearings,
- Facilitating access to data to relevant external stakeholders,
- Providing clear channels to allow external observers to inform control authorities in the case of potential irregularities or corruption, through webpage complaint mechanisms, the use of digital means instance,
- Designing confidential and accessible complaint mechanisms in order to reduce potential user intimidation while still allowing public officials to have access to feed-back on public services and policies.

C.2 Adherents should assure an adequate level of scrutiny, provided that confidentiality, equal treatment and other legal obligations in the procurement process are maintained. In order to achieve this end, adherents could consider:

- Disclosing relevant information related to public procurement processes (records can be made available for civil society, media and the wider public for instance), including on open data websites,
- Disseminating information relative to budgetary and financial execution (which facilitates civil society initiatives to track the management of public funds in procurement),
- Implementing the "open agenda" mechanism, which obliges procurement officials to disclose every meeting they have with the private sector as well as the minutes of the meeting.