



PUBLIC PROCUREMENT

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E-NEWSLETTER

ANTI-CORRUPTION COMMITMENTS IN OPEN GOVERNMENT PARTNERSHIP'S ACTION PLAN

Transparency International Bosnia and Herzegovina (TI BiH) held a workshop on Anti-corruption Commitments in Open Government Partnership's Action Plan. The workshop was supported by the OGP Anti-corruption Working Group through a peer learning grant (2017).

The targeted audience of this workshop was: members of OGP Advisory Council of Bosnia and Herzegovina, representatives from state



level institutions, Federation BiH, Republic of Srpska and Brčko District who work on public

procurement, representatives of NGOs and international organizations who have expertise in this area.

Background

Efficient public procurement practices contribute towards the sound management of public expenditure which in turn can contribute to the effectiveness of public sector management. The quality of goods, services, infrastructures, and the effectiveness of public services much depend on well-managed public procurement in Bosnia and Herzegovina (BiH). Three key principles, among others, are required for effective and well-managed public procurement: efficiency, accountability and transparency. It is evident that these principles are based on international best practices. However, ensuring the level of compliance with best practices is a critical issue from the standpoint of practicality. Efficiency in public procurement is of importance in ensuring that

the best value for money is obtained by public entities. Lack of accountability can negatively affect the condition of efficiency. Ensuring transparency of the procurement process is also an important determinant of efficiency because it enhances and encourages competition by giving all potential suppliers a chance to bid. Transparency is crucial for sound decision making in procurement and it is used as a mechanism to keep procurement officials and contractors accountable. Thus, lack of transparency leads to lack of accountability.

The procurement system that is envisioned to contribute to effective service delivery is expected to be both accountable and transparent, because accountability and transparency have been recognized as key conditions for promoting integrity and preventing corruption in public sector, especially in a public procurement process.

Moreover, public procurement is one of the fields where open data can be useful to improve transparency and hinder corruption through enabling greater transparency and accessibility. Open data is publicly available data that can be universally and readily

accessed, used and redistributed free of charge. It is structured for usability and computability. Open data creates new opportunities for cross-border collaboration, in-depth fact-finding and the analysis of relationships across large quantities of data.



Some countries have started to take action to open up procurement related data and others have started to commit to open contracting in different international fora. However, challenges remain including data usability and search ability, its quality and reliability, the extent to which that data is taken up and used and the extent to which government is responding to use of this data to make tangible changes and service improvements.

OGP&BiH (2014 -)

As a result of extensive activities carried out by civil society organizations, BiH has joined the OGP initiative in September 2014. At the moment, BiH is in the process of selection of candidates for OGP Advisory Council, a body that should lead the process of formal co-creation of its first AP. In order to submit one AP BiH should prepare 4 separated APs and compile them into one document that should be adopted by the Council of Ministers and submitted to the OGP. All that is due to a complex governance structure of BiH consisting of Council of Ministers-State level, 2 entities and District Brčko.

In 2015, a series of consultations were organized in order to create a draft of the first action plan by BiH CSOs. As a result of that process, civil society (Coalition of CSOs lead by TI BiH) developed draft commitments for the first BiH Action plan (AP) and conducted series of training and workshops for civil servants on transparency and openness. The commitment related to openness and transparency of public procurement was recognized as one of the top priorities to be addressed in first AP. Moreover, a regulatory framework for public procurement in BiH, as well as its implementation was/is weak. That is the reason why BiH needs stronger mechanisms, tools and joint project (government and civil society) to introduce better and less corrupt practice. In the process of AP co-creation, suggestions coming from civil society should be taken into account and draft of the AP from 2015 should be upgraded with new commitments focusing on all relevant issues at the time being.

Objective

The main objective of this workshop was the exchange of knowledge and experience in the process of drafting and implementing OGP commitments related to public procurement, as well as facilitating the process of drafting commitments that will be submitted to the OGP Advisory Council of BiH in the process of development of the AP.

Workshop details

Elvira Mujkić, the facilitator on behalf of TI BiH, officially marked the beginning of this workshop by introducing participants to the main speakers and the topics that were to be covered.



Aleksandra Martinović, expert from Transparency International in BiH, discussed the topic of "Anti-corruption Commitments in Open Government Partnership's National Action Plan". She introduced the participants with a common understanding of various approaches and development of a clear map of the main challenges and weaknesses including the development of possible solutions, opportunities and innovations, and continued with OGP's strategically update, giving the examples of



different countries. Later on, she focused on OGP and BiH, by explaining the Strategy for the Fight against Corruption of BiH for the Period of 2015 – 2019 and by presenting the proposal of commitments for the first BiHs OGP Action Plan made by civil society.

The workshop continued with the discussion and presentation on how to get information on a public procurement. Mr. **Karolis Granickas** from Open Contracting Partnership presented the importance of transparency and efficiency in public procurement and the open contracting approach within the OGP, as well as the examples and opportunities in Open Contracting. He delivered more in-depth understanding of the challenges and obstacles in open data usage for open procurement and clean contracting.

Participants had the opportunity to discuss the opportunities and challenges for increased commitment to more transparency and efficiency of Public Procurement with Mr. **Giorgi Kldiashvili**, from The Institute for Development of Freedom of Information. Topics of his focus were "How to get towards government commitment to disclose data in an open format?" and "How to maintain that commitment as it starts to bite?"

Discussion continued with Mr. **Viktor Nestulia**, Transparency International Ukraine. He talked about the possibilities and ways to ensure not only the release of data but release of data that is timely, in a correct format, interoperable etc. Furthermore, Mr. Nestulia discussed with participants on how to close the feedback loop to ensure impact and to ensure the engagement channels to fix identified problems are provided. During his presentation, he shared innovative projects and initiatives developed by civil society organizations aimed to increase the impact of open data and procurement, including the support to governments.

The focal point of workshop was development/co-creation of commitments that could be incorporated in the first OGP action plan of BiH related to joint initiatives including the advocacy initiatives, and the development of a clear roadmap and implementation plan in area of public procurement (initiatives can include those to ensure more open data; better open data, better and more widespread use of data to combat corruption or more successful efforts to ensure closing the feedback loop). Commitments were defined and presented in form of key findings of the workshop.



Key Findings

The response of participants to this workshop was very high, it included representatives of government, media, NGO sector and international organizations. Thanks to that kind of diversity of participants, highly useful findings were adopted. Those findings were divided into three main categories related to which concrete commitments for the first OGP Action Plan of BiH could be shaped.

The core of those findings were the following issues to be addressed in future:

- ⇒ **Introduce amendments to the Law on Public Procurement of Bosnia and Herzegovina;**
- ⇒ **Increase of the transparency of the process of public procurement, such as: publication of the Plans for Public Procurement and Contracts on the websites of the contracting authorities;**
- ⇒ **Introduction of Open Contracting Data Standards (OCDS) and the adaptation of the existing OCDS system.**

TI BiH has disseminated the key findings from the workshop to all participants and OGP stakeholders in order to intensify further advocacy activities aimed to the introduction of proposed commitments in the first Action plan of BiH for OGP.