

PUBLIC PROCUREMENT AND COLLECTIVE DECISION

Procurement contracts involve a purchaser and a seller. Each one of the two has many ways of corrupting the procurement process at any stage of the transaction. Before contracts are awarded, the purchaser can: tailor specifications to favour particular suppliers/contractors; restrict information about contracting opportunities; claim urgency as an excuse to award a single supplier/contractor without competition; breach the confidentiality of suppliers'/contractors' offers; disqualify potential suppliers/contractors through improper prequalification; and take bribes.

At the same time, the suppliers/contractors can: collude to fix bid prices; promote discriminatory technical standards; interfere in the work of evaluations; and offer bribes.

These practices have not escaped the vigilance of the Office of the Director of Public Procurement as it regulates, monitors and oversees public procurement activities as provided for in Public Procurement Act. But the legislative provisions of the Act alone can not promote prudent public procurement on their own. They require the concerted effort of all involved in procurement and financial management. This is why it is required of all government establishments to ensure that public procurement decisions are not done by individuals but as a collective decision. To ensure such collective decisions, it is required of all government establishments to have Internal Procurement Committees (IPCs) and Procurement Units (PUs). It is therefore not expected of an individual as a controlling officer to make a single-headed decision to commit public financial resources to procurement without the involvement of the IPC and expertise of PUs.

Every procurement transaction, therefore, requires to be competitively offered in a transparent manner in order to avoid corruption. ODPP accepts exceptions to the rule: in cases of emergencies; in cases of national security; where additional needs arise and there is already an existing contract; or where there is only a single supplier in a position to meet a particular need.

But even if there is competition, it is still possible to tilt the outcome in the direction of a favoured supplier if the IPC conducts it self

unprofessionally. To avoid such occurrences ODPP conducts prior reviews of contract award decisions the IPCs make for procurements whose value is above the Procuring Entity's threshold.