

# **INTEGRITY AND EFFICIENCY IN SUSTAINABLE PUBLIC CONTRACTS**

## **Corruption, conflict of interests, favoritism and inclusion of non-economic criteria in public contracts**

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**TURIN, June 8, 2012**

**A Workshop Sponsored by the Comparative Law Network**  
***Public Contracts in Legal Globalization***

<http://www.public-contracts.net/inhalte/seminars.asp>

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### ***Objectives of the Workshop***

*Overview:* This workshop will focus on the integrity and objectivity of award procedures, as well as the quality of contractors' performance in public procurement. Achieving both goals is essential to ensure citizens' high standards of living, and to foster a strong business environment, to spur growth in periods of global crisis.

*Balancing Sustainability:* Quality and objectivity in the selection phase of public procurement are at the core of a fair and open relationship between the private and the public sectors. Those goals, however, can be strained when other social and political factors -- including, now, sustainability -- are brought into the selection process. Sustainability -- which can mean ensuring that procurement creates environmentally, economically and socially sustainable solutions -- is moving to center stage in procurement, around the world, and it is imperative to re-examine the role of sustainability in public procurement because it introduces so many non-economic dimensions to the procurement process.

*Corruption in a Time of Scarcity:* At the same time, social resources allocated for public procurement are becoming too scarce (and precious) for any waste to be tolerated, be it for incompetence or corruption. Preventing and combating favoritism, conflicts of interest, corruption and collusion have become vital objectives, which cannot be left to the mechanical application of legal rules and procedures. There must be a new emphasis on individual responsibility, organizational design and economic incentives, all of which play major roles in preventing corrupt practices. In addressing these issues, the workshop will investigate civil servants' ethical obligations, as a set of norms which guide public administration towards the public interest. At the same time, the workshop will look to contractors' corresponding obligation to act with integrity -- and thus provide quality -- when they make use of public resources. Both sides (public and private) must face sanctions for improper behavior, whether by impaired reputation, or exclusion, or through sanctions on individuals acting on the organizations' behalf (criminal, administrative, or disciplinary sanctions, for example).

*Context Matters:* The workshop will assess whether different types of contracting -- works or services, for example, or healthcare or education, or purchase or rental -- call for different approaches. Should we, for example, rely more on public servants' ethical codes to protect public integrity in certain markets, while in others we might rely more on the private sector's own norms and rules? The workshop will assess this question from the standpoint of the various stakeholders in the public procurement process, including politicians, public officials, firms, final users, and civil society.

## ***Call for Papers***

The workshop seeks to develop more effective tools and solutions for the future, and so papers challenging traditional schemes, and adopting more multi-disciplinary approaches, are strongly encouraged. Papers should, if possible, address the following issues:

### **The fairness and objectivity of contract award: Preventing fraud and collusion**

- Requirements for economic operators
- Selection criteria
- Methods for evaluating value for money
- Life-long cycle costing and its evaluation
- Environmental and social criteria
- The accountability of the award process
- Identifying bid rigging during evaluation
- The role of losing bidders and civil society oversight
- Conflicts of interest in bid evaluation and their remedies
- Codes of conduct
- Best value for money vs. “social best value”
- Verifiable and non-verifiable quality dimensions

### **Obtaining optimal contract performance**

- Measuring success in sustainable procurement
- Assessing and reporting the quality of contractor performance
- Controlling compliance with contract performance clauses
- Ensuring quality at delivery
- Contract amendments and renegotiation
- Cancellation and retendering
- Audit mechanisms
- Sanctions for misconduct
- Complex contracting forms (e.g., Public-Private Partnerships)

An abstract of max 800 words should be sent by **May 15, 2012**, and the draft paper is due by **June, 1, 2012**. The aim of the workshop is to prepare a collective book. A table of contents will be available soon and will be discussed during the workshop.

### **Scientific Direction**

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### **Scientific Committee**

Gian Luigi Albano (Consip, *the Italian Public Procurement Agency*), Jean Bernard Auby (SciencesPo. Paris), Martin Burgi (University of Bochum/University of Munich, GE), Roberto Cavallo Perin (University of Turin), Bernardo Mattarella (University of Siena), Albert Sanchez Graells (University of Hull),

### **Conference Organization in TURIN:**

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