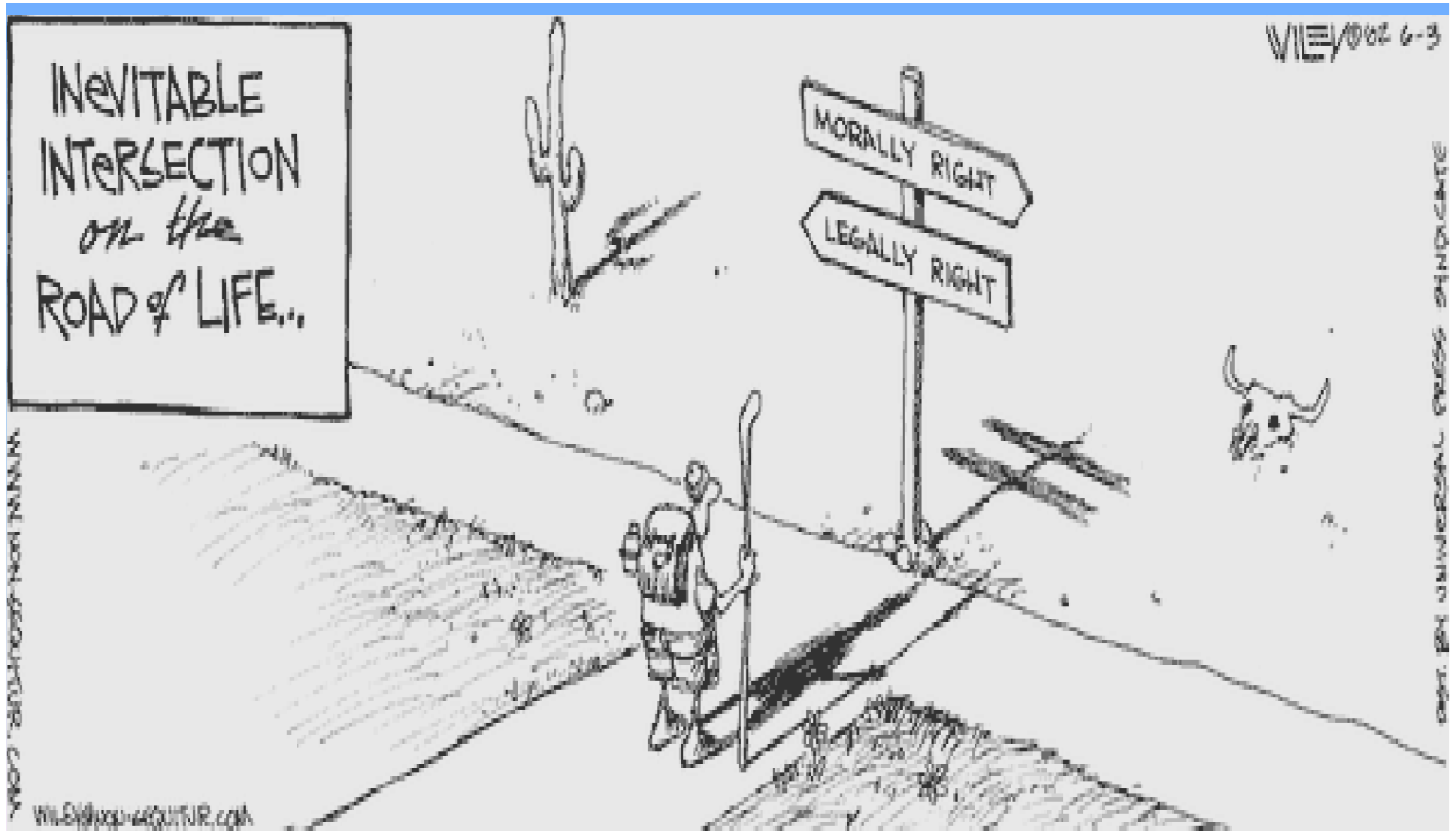


Procurement Integrity: Challenges and Successes in Implementing UNCAC

Stuart C. Gilman, Ph.D.
Senior Anti-corruption Advisor
UNDP – POGAR
Casablanca, Morocco
September 25, 2013

More than law: Building Integrity

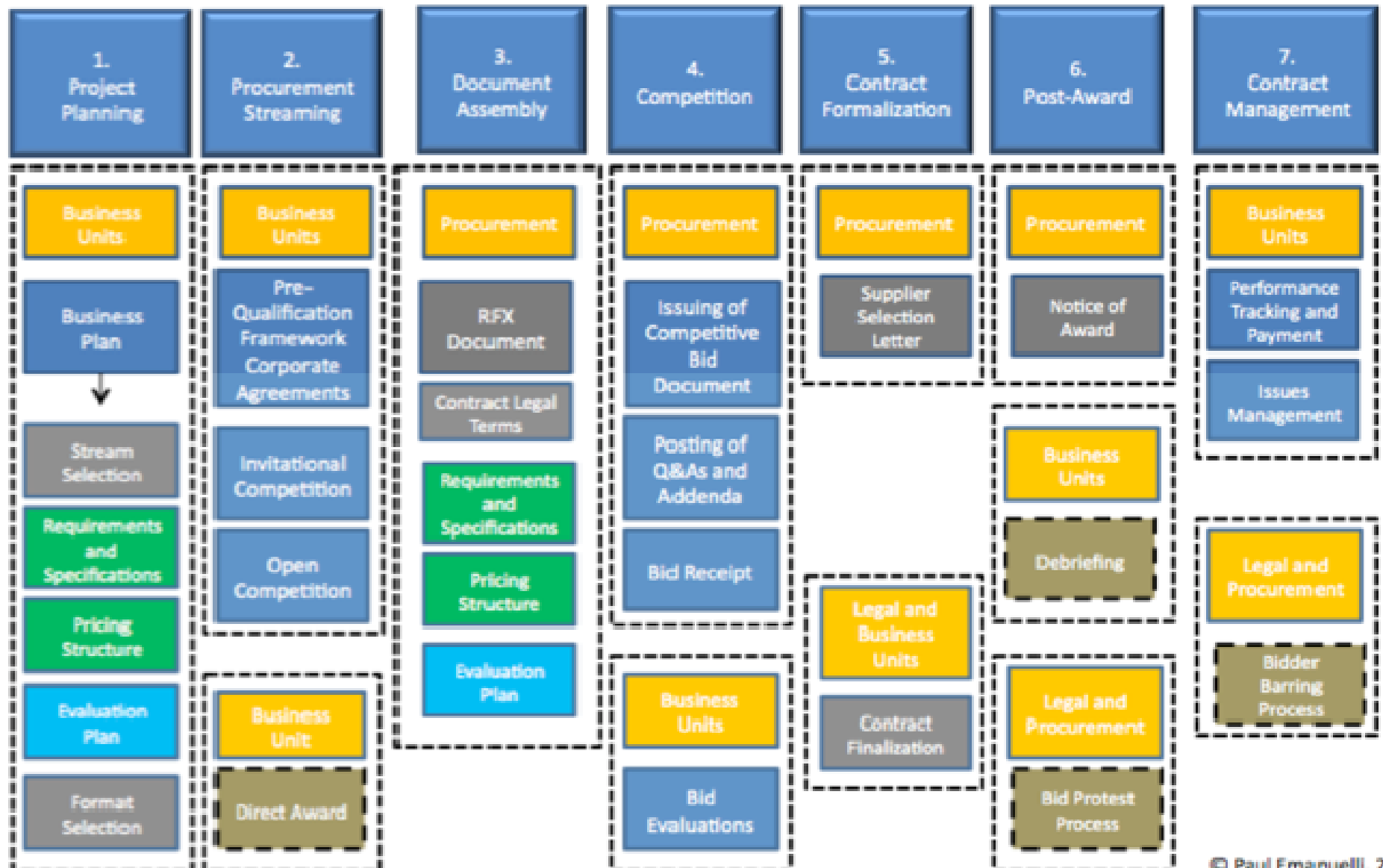
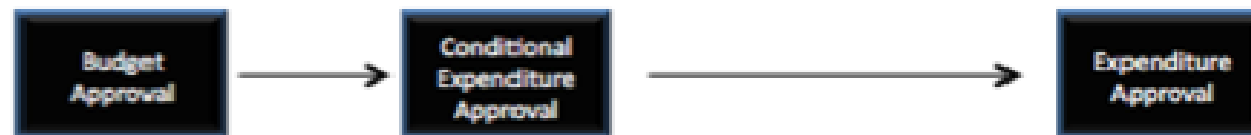


Embodied in the UNCAC: Article 9, 12 and 10

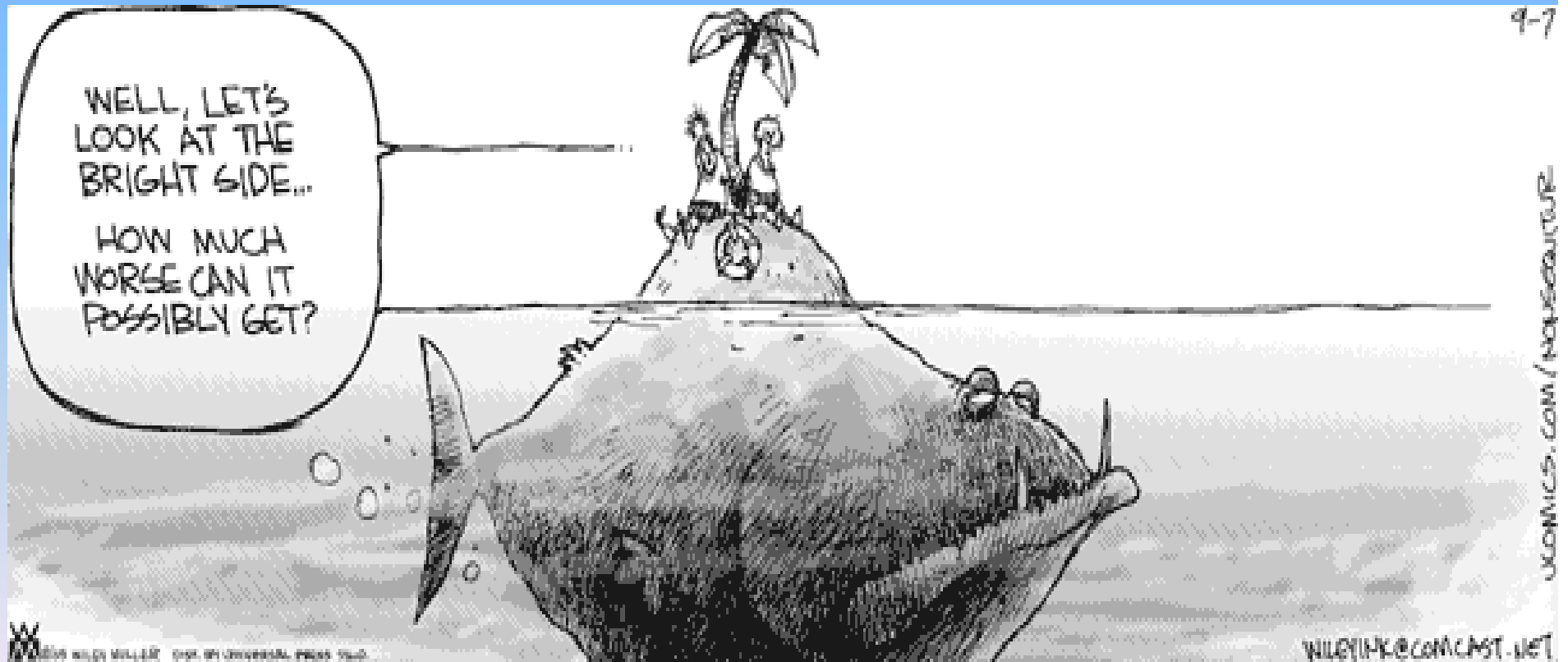
- Article 9 outlines the main procurement obligations
- Article 12 is in a sense a mirror of Article 9 of critical elements for the private sector
- Article 10 is the obligation to make these available to the public
- But there are also “sections” of the articles that also have an impact on the procurement process:
 - Article 14 on money laundering
 - Article 17 on misappropriation
 - Article 18 on influence trading (WASTA)
 - Article 19 on abuse of functions
 - Article 27 on concealment and attempt
 - Article 34 on annulment or rescinding a contract
 - Article 52, 5 on Asset Recovery
 - Article 53, 1c – for non-conviction based forfeiture

Elements of a Procurement Integrity System

- **Business Integrity –(Structure)** Standards of Compliance
- **Business Integrity –(Application and Implementation)** – Monitoring, suspension and debarment, sanctions, enforcement, governance
- **Public Sector – (Laws and Structure)** integrity standards, general vs. special procurement, conflicts of interest
- **Public Sector - (Application and Implementation)** – implementation; how are specific procurement standards implemented: background checks; financial disclosures
- **Openness and Accessibility** - open government, public scrutiny,E-procurement
- **Mechanisms for accountability** - What systems are in place? levels of accountability (corruption, incompetence or waste), institutional fabric and enforceability
- **Corruption Prevention** – Risk analysis, bid rigging, mitigating systems, agency specific processes, risk analysis, audits, evaluations, effective methodologies
- **Emergency Procurements** – Standards to handle emergency situations, clear definition of what a disaster is, what an emergency procurement is, etc., forward looking issues, controls,
- **Request for Proposal (RFP) process** – availability, openness and fairness, complexity, **Bidding Process** – transparency issues, protected or proprietary information, large contracts and minimum competition, cost plus contracts, small purchases
- **Appeals Process** – protests, complaints and remedies, debriefing losing bidders
- **Managing the Contract** - competency,, inherently governmental functions, amendments, oversight, oversight appeals



Preventing Corruption: Why it is Important



12 Most Vulnerable Areas in Procurement

1. Business Plan for tender – Why are you doing this?
2. Requirements and Specifications
3. Pricing Structure
4. Evaluation Plan (pre-bid certification)
5. Issuing competitive bid document
6. Timing of response; Q & A; documentation
7. Receipt of tender bids (socio-economic preferences)
8. Evaluation: Monetary and Qualitative
9. Notice of Award
10. Debriefing and Bid Protests
11. Performance
12. Amendments

Public Access to Tender Process

- Responses to Article 10 for public information
 - Brazil
 - United States
- Why them? They will make the program available free of charge to other countries
- What is necessary:
 - Public Budget
 - Expenditures refined to the project level
 - Ability to respond by investigation or audit to complaints

Transparency Portal

Presidência da República
Controladoria-Geral da União - CGU

Destaques do Governo

PORTAL DA TRANSPARÊNCIA
do Governo Federal

Fale conosco | Glossário | Perguntas Frequentes | Links | Manual de Navegação

CONSULTAS

- Despesas
- Receitas
- Convênios
- Empresas Sancionadas
- Servidores

INFORMAÇÕES

- Sobre o Portal
- Origem dos Dados
- Aprenda Mais
- Notícias
- Controle Social

Transparency pages

- Rede de Transparência
- Páginas de Transparência Pública
- Olho Vivo no Dinheiro Público

Transfers

Budget year

By state/county

Transfers to citizens

Direct Spending

Transfers

Use a pesquisa para acompanhar os recursos públicos transferidos pela União ao exterior, a estados e municípios brasileiros, ao Distrito Federal, a instituições privadas e aos cidadãos, bem como para conferir o Executivo Federal.

Transferências de Recursos

Exercício (Selecione)

☐ por Estado/Município

☐ por Ação de Governo

☐ por Favorecido (Selecione)

consultar

Gastos Diretos do Governo

Exercício (Selecione)

☐ por Tipo de Despesa

☐ por Órgão Executor

☐ por Ação Governamental

☐ por Favorecido (Selecione)

☐ Diárias Pagas

☐ por Cartão de Pagamento (Selecione)

consultar

ASSISTA AOS FILMES DO PORTAL DA TRANSPARÊNCIA E DESCUBRA. CLIQUE AQUI.

DESTAQUES

ENQUETE

Você encontrou no Portal os dados e informações que procurava?

10/03 - CGU participa da Operação Província, no Ceará

09/03 - CGU estuda, em parceria com Instituto Ethos, Cadastro Positivo de empresas

Punished Firms

Ceis

Cadastro de Empresas Inidôneas e Suspensas

O Ceis contém dados de empresas punidas pelo Governo Federal e também pelos seguintes estados: Acre, Bahia, Espírito Santo, Goiás, Minas Gerais, Pernambuco, Sergipe, São Paulo e Tocantins.

Transparência nos Estados e Municípios

Conheça os valores dos recursos repassados do Governo Federal para estados, DF e municípios.

Transparency Portal in Numbers:

Amount displayed

R\$ 6.433.269.932.349,43

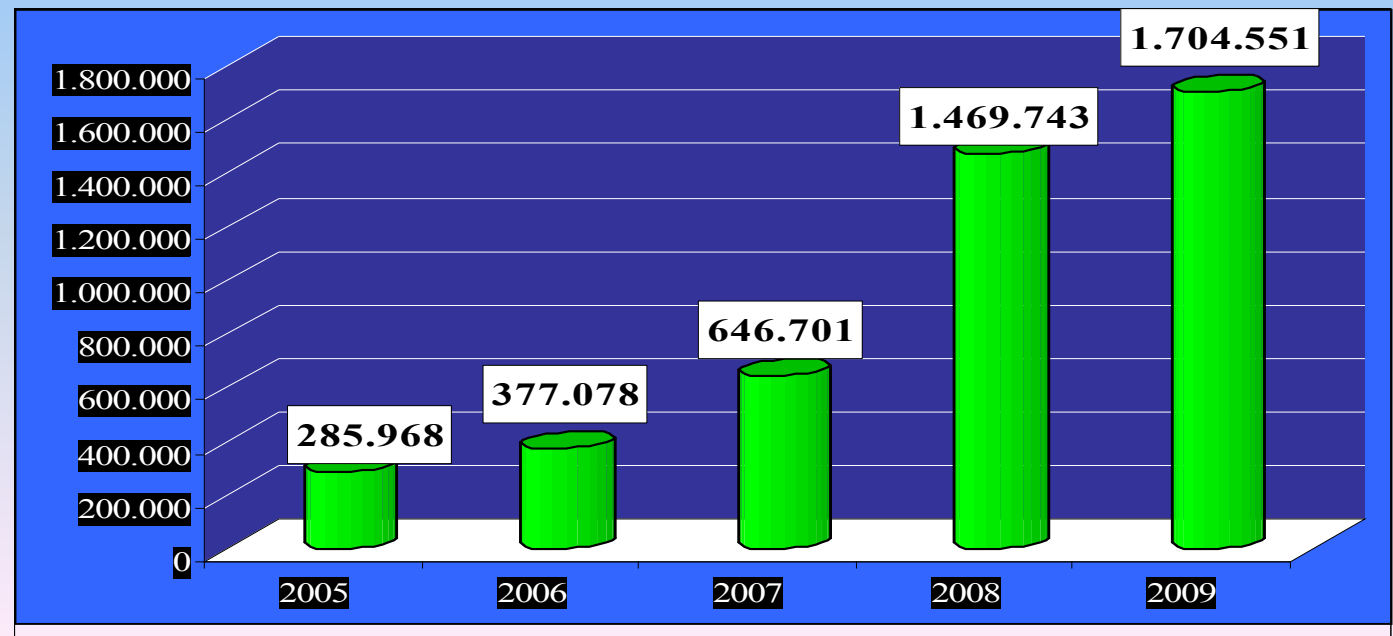
Information

897.176.447 dados

Number of Visits 2009


1.704.551

**Increase in
visits**



BRAZIL CGU PORTAL


300 debarred and 1188 suspended firms




Presidência da República

Controladoria-Geral da União - CGU

Destaques do Governo





PORTAL DA TRANSPARÊNCIA

Saiba como o Governo Federal aplica o dinheiro público

Fale conosco | Glossário | Perguntas Frequentes | Links

CONSULTAS: Transferências • Gestões Diretas • Convênios • Empresas San

em dos Dados • Aprenda

cial

Firm's identification

Identification of the Public Body responsible for the sanction

State

Source of information

LISTAGEM DAS EMPRESAS INIDÔNEAS

imprimir

Dados da empresa declarada inidônea		Dados da sanção		Órgão sancionador		Origem da informação	
CNPJ/CPF	Nome/Razão Social	Data inicial	Data final	Nome do Órgão/Entidade	UF	Fonte	Data
04.306.966/0001-02	AA COMÉRCIO E REPRESENTAÇÕES LTDA.	05/08/06	05/08/09	TCU	DF	TCU	31/10/08
00.272.966/0001-88	ABITARE ENGENHARIA E CONSTRUÇÕES LTDA	17/05/03	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
15.585.565/0001-55	ADALBERTO DA SILVA BARRETO	18/03/06	18/03/09	TCU	DF	TCU	31/10/08
50.693.126/0001-67	AGOMIL MATERIAIS PARA CONSTRUÇÃO LTDA-EPP	28/06/05	**	CTO.REF.DROGAS	SP	Governo do Estado de São Paulo	11/11/08
54.387.188/0001-00	ALFREDO SERRA SILVA	21/02/02	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
08.684.913/0001-86	AMPLA ENGENHARIA E CONSTRUCAO DE OBRAS PREDIAIS E VIARIAS LTDA	24/09/08	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
00.758.460/0001-83	ARIKARM SANEAMENTO E HIGIENIZ. S/C LTDA	01/10/05	**	GAB SECRETARIO	SP	Governo do Estado de São Paulo	11/11/08
01.856.601/0001-63	BETAMAQ TRTORPEÇAS LTDA.	21/12/07	**	Secretaria de Estado de Cultura	MG	Auditoria Geral do Estado de Minas Gerais	31/10/08
05.471.999/0001-70	BRASPEL PRODUTOS E ARTEFATOS GRÁFICOS LTDA	10/09/07	**	TJ	SP	Governo do Estado de São Paulo	11/11/08
04.775.224/0001-26	BRATI TECNOLOGIA DA INFORMAÇÃO LTDA	29/01/04	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
96.464.581/0001-91	CARLOS ALBERTO DOS SANTOS IMPRESSOS - ME	01/07/03	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
07.649.066/0001-56	CAROLINE PRIANTE DOS REIS VASCONCELLOS ME	19/09/08	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
03.780.506/0001-59	CELSO JOSÉ TUKACA - ME	29/04/03	**	UNICAMP	SP	Governo do Estado de São Paulo	11/11/08
86.513.694/0001-86	CHIP SHOP DISTRIBUIDORA LTDA	30/01/07	30/01/10	TCU	DF	TCU	31/10/08
60.397.361/0001-45	CIA TEXTIL NIAZI CHOHI	18/10/05	**	FUND CASA	SP	Governo do Estado de São Paulo	11/11/08



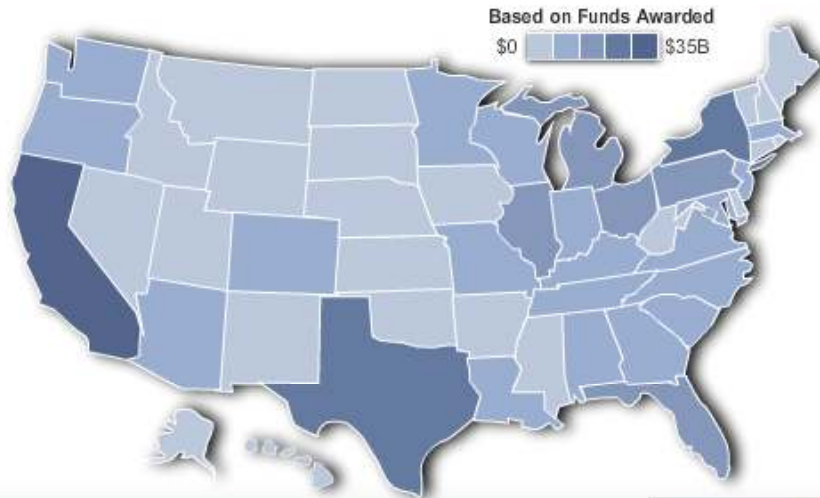
RECOVERY.GOV

TRACK THE MONEY

Recovery.gov is the U.S. government's official website that provides easy access to data related to Recovery Act spending and allows for the reporting of potential fraud, waste, and abuse.

FUNDING FOR FEDERAL CONTRACTS, GRANTS AND LOANS

February 17, 2009 - June 30, 2013



Roll over map to see Recovery data. Click on a state for more details.

Territories

OVERVIEW OF FUNDING

The American Recovery and Reinvestment Act of 2009 distributes funds in three ways. Since its enactment in February 2009, \$803.1B has been paid out.

Tax Benefits

\$290.7B

Contracts, Grants and Loans

\$257.8B

Entitlements

\$254.6B

Source

Text View of Funding

As of 08/31/2013

SEARCH FOR A RECIPIENT

Recipient Name

Go

RECOVERY FUNDED JOBS REPORTED BY RECIPIENTS

80,625

April 1 - June 30, 2013

Recovery Act Portal

FUNDING FOR FEDERAL CONTRACTS, GRANTS AND LOANS

February 17, 2009 - June 30, 2013

Based on Funds Awarded

\$0  \$35B



Roll over map to see Recovery data. Click on a state for more details.

Territories 

Virginia

Total Funds Awarded

\$6,613,052,139

Total Awards

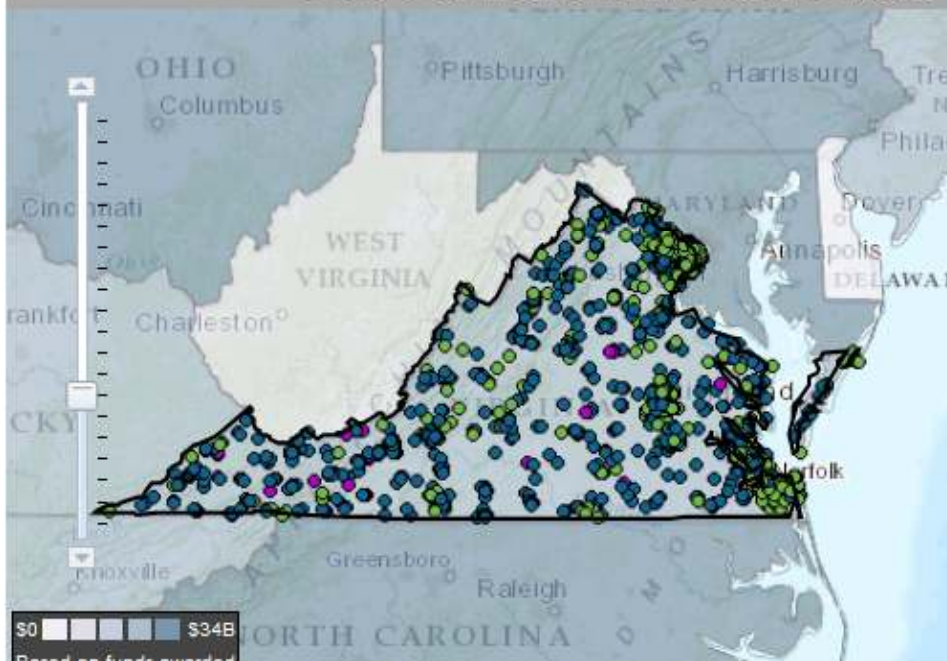
6,472

Jobs by Quarter [i](#)

2,061

Map View

☒ State ☐ Congressional District ☐ County ☐ Zip Code



List of Awards

1-15 of 6472 Results

Recipients	Award	Details
1ST TEAM INSTALLATIONS LLC	\$6,880	PROFILE AWARD
2020 COMPANY, LLC	\$668,525	PROFILE AWARD
2020 COMPANY, LLC	\$668,525	PROFILE AWARD
3001, INC.	\$2,907,546	PROFILE AWARD
3001, INC.	\$984,635	PROFILE AWARD
3001, INC.	\$4,901,979	PROFILE AWARD
4 CONSULTING INC	\$70,560	PROFILE AWARD
402 TRAILS, LLC	\$270,322	PROFILE AWARD
5AM SOLUTIONS, INC.	\$268,160	PROFILE AWARD
5AM SOLUTIONS, INC.	\$390,950	PROFILE AWARD
5AM SOLUTIONS, INC.	\$1,632,189	PROFILE AWARD
5AM SOLUTIONS, INC.	\$524,845	PROFILE AWARD
5AM SOLUTIONS, INC.	\$1,193,489	PROFILE AWARD
5AM SOLUTIONS, INC.	\$2,926,403	PROFILE AWARD
5AM SOLUTIONS, INC.	\$34,872	PROFILE AWARD

Virginia - 20110

Total Funds Awarded

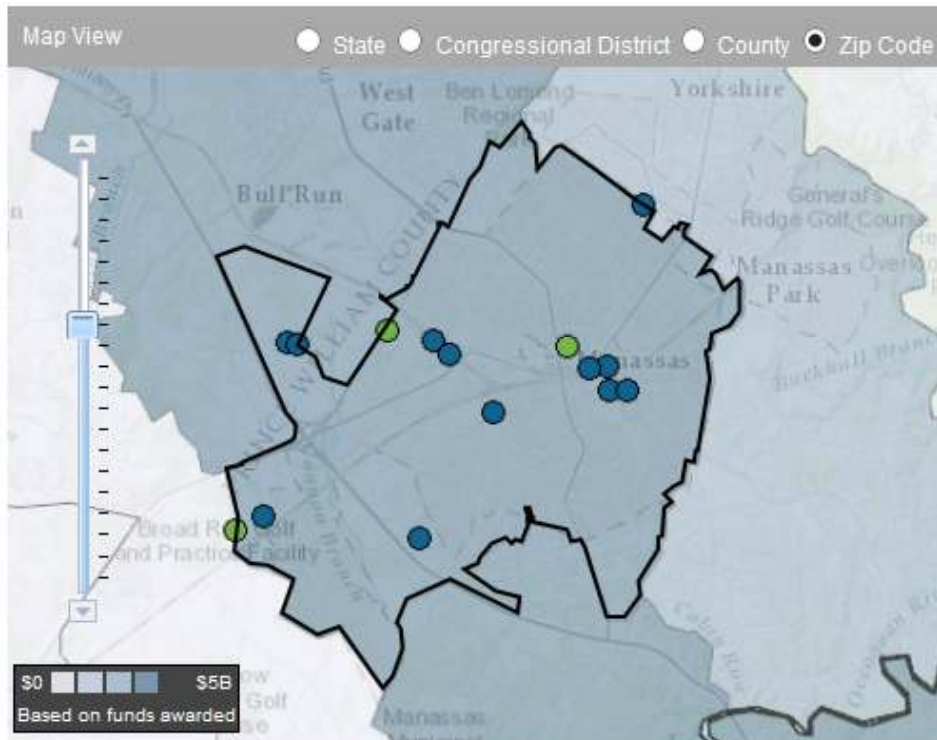
\$42,587,330

Total Awards

29

Jobs by Quarter [i](#)

4



List of Awards

1-15 of 29 Results

Recipients	Award	Details	
BAE SYSTEMS INFORMATION AND	\$1,504,434	PROFILE	AWARD
BAE SYSTEMS INFORMATION AND	\$222,031	PROFILE	AWARD
BOYS & GIRLS CLUBS OF GREATER	\$42,500	PROFILE	AWARD
GEORGE MASON UNIVERSITY	\$200,433	PROFILE	AWARD
GEORGE MASON UNIVERSITY	\$799,958	PROFILE	AWARD
GEORGE MASON UNIVERSITY	\$394,646	PROFILE	AWARD
GEORGE MASON UNIVERSITY	\$295,135	PROFILE	AWARD
GEORGE MASON UNIVERSITY	\$319,214	PROFILE	AWARD
Green Team, Inc.	\$128,417	PROFILE	AWARD
LOCKHEED MARTIN CORPORATION	\$3,001,600	PROFILE	AWARD
MANASSAS, CITY OF	\$3,163,674	PROFILE	AWARD
MANASSAS, CITY OF	\$159,400	PROFILE	AWARD
MANASSAS, CITY OF	\$6,350	PROFILE	AWARD
MANASSAS, CITY OF	\$148,652	PROFILE	AWARD
MANASSAS, CITY OF	\$633,778	PROFILE	AWARD

Pages: < [1](#) [2](#) > >>

[Map FAQs](#)

[Text view of this map](#)

[View all Recipients](#)

20110

Total Funds Awarded

\$766,912

Total Awards

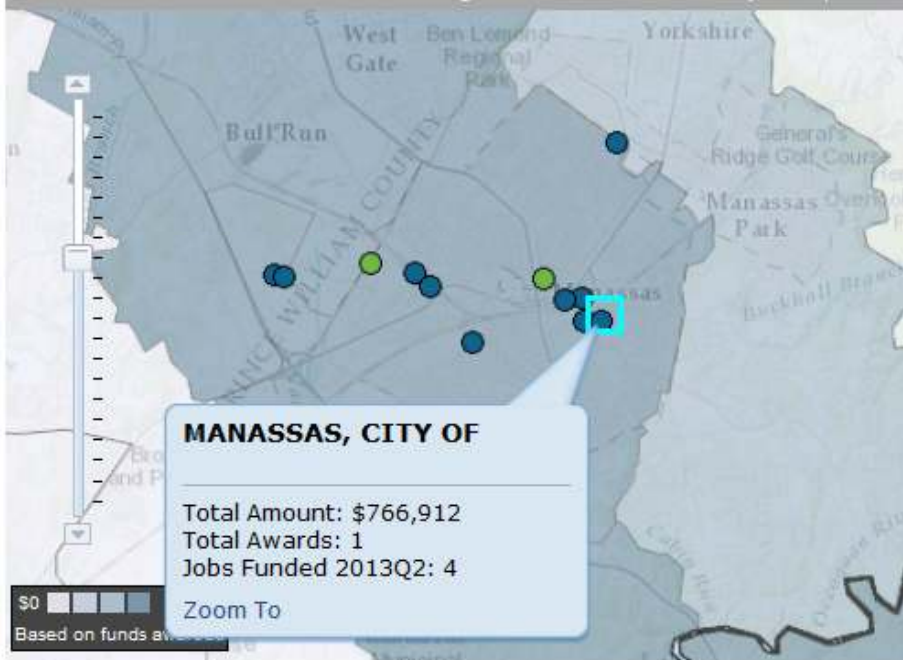
1

Jobs by Quarter [i](#)

4

Map View

☐ State
 ☐ Congressional District
 ☐ County
 ☒ Zip Code



List of Awards

1-2 of 2 Results

Recipients	Award	Details	
MANASSAS, CITY OF	\$766,912	PROFILE	AWARD
MANASSAS, CITY OF	\$148,652	PROFILE	AWARD

Map FAQs

Text view of this map

[View all Recipients](#)

COPS Safety Awareness Program

- Provided additional time for police officers to do safety awareness for children on using the internet, bicycle safety, drug dangers and “bullying” in school

AWARD OVERVIEW

Award Number	2009-SB-B9-2791	Funding Agency	Department of Justice
Total Award Amount	\$148,652	Project Location - City	manassas
Award Date	08/12/2009	Project Location - State	VA
Project Status	Completed	Project Location - Zip	20110-5829
Jobs Reported	0.00	Congressional District	10
Project Location - Country	US		

RECIPIENT INFORMATION (GRANTS)

Recipient Name	MANASSAS, CITY OF
Recipient DUNS Number	030342448
Recipient Address	9027 CENTER ST
Recipient City	MANASSAS
Recipient State	Virginia
Recipient Zip	20110-5462
Recipient Congressional District	10
Recipient Country	USA
Required to Report Top 5 Highly Compensated Officials	No

The spirit of democracy is not a mechanical thing to be adjusted by abolition of forms. It requires a change of heart.

Ghandi