K4D | Knowledge, evidence and learning for development

e-Procurement: lessons from interventions and approaches from Emerging Economies of Eastern Europe and Western Balkans

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14 October 2019

Question

- What evidence exists regarding the effectiveness of different interventions and approaches support eProcurement in Western Balkan and Eastern European (particularly Eastern Partnership) countries?
- What learning has been derived from programming in this space?

Contents

1. Summary

This review focuses on lessons and examples of eProcurement in the western Balkans and former soviet states in Eastern Europe. There is good evidence in terms of the benefits of successful implementation, however the literature is much weaker on cases where initiatives and investments were less successful or failed. While efforts to strengthen government procurement in the region have been ongoing for the last couple of decades, it is in more recent years that significant progress has been made in some countries in terms of improving public procurement, with eProcurement being the main technical introduction combined with broader shifts of incentives to implement public procurement reform.

- o Successfully implemented end-to-end eProcurement can lead to very significant efficiency savings and contributing to improved good governance through open and transparent processes, reducing corruption, and improved trust.

- o Savings from successful implementation range considerably; estimates generally range from between 5% and 15% of total public procurement, and significant enough to improve fiscal deficit challenges (or allow for increased government spend).

- o Having strong legislation and eProcurement system in place is important; however, credibility with businesses and civil society, clear engagement and use by all public procurement, ease of access and use, are all important aspects of a successful procurement system.

- o eProcurement can range from being highly centralised using one platform, to multiple public and/or private platforms. What matters is the credibility (weak trust in government may favour private provision for example), inter-operability, clear shared standards, and centralised information sharing.

- o While off the shelf systems are available, there are good examples of using open source, locally implemented systems, based on Open Contracting Data Standards.

- o It is important to see eProcurement both as a tool to improve the process of procurement, as well as a lever of wider reform including shifting to a culture of open government and ethnical behaviours. Vested interests from political, corruption, and perceived threats of jobs and fear of change are all factors that need to be managed to ensure successful implementation.

- o Incentives to implement eProcurement range from external factors, including donor requirements and meeting EU standards (due to benefits of relevant Association agreements with the EU) and/or WTO GPA. Domestic pressures to reduce corruption, increase accountability, and give access to wider range of businesses can be a more powerful driver and arguably the most important factor in determining success. In all cases, high level political commitment and leadership is required for success.

- o Globally it is estimated that less than 1% of women-owned businesses access the procurement market and are awarded the contracts. (UN Global Marketplace 2019). Improved transparency, information and access provided by eProcurement, as well as reduced opportunity for corruption, follow recommendations of best practice to increase opportunities for women-owned business (ITC 2014). Increased access to data will also make it much harder to deny a clear challenge in terms of women-owned businesses having an equitable opportunity to successfully bid in public procurement. There is very limited literature in terms of disability beyond potentially easier access to information (eg: in Moldovia, World Bank 2017).

- o There is good evidence that well implemented eProcurement will lead to benefits including savings and strengthened trust in state spending, especially in countries with relatively high

GDP/capita and stronger institutions. However, most of the literature and reports focus on success stories. Investments in ICT and good governance face significant risks as well as potentially high returns.

2. eProcurement in Western Balkans and former Soviet Eastern Europe

General evidence of impact

World Bank (2017) estimated that public procurement accounts for around one-fifth of global GDP, with relatively small efficiency and effectiveness improvements leading to significant benefits. EBRD (2016) estimate that well implemented eProcurement can lead to savings of between 5% and 20% of total government expenditure.

With technological advances, there has been a significant shift towards e-Government including eProcurement. Hunja R of the World Bank highlights the benefits of eProcurement include:

- Increased efficiency due to competition, transparency and lower transaction costs
- Reduced opportunity for fraud and corruption due to automated procedures
- Public procurement monitoring

Where successfully implemented, based on various case studies reviewed by Hunja R, savings on total public sector procurement budgets have ranged from 6% to 13.5%. Similarly, drawing on a separate data source, the World Bank (2017) estimates efficiency gains as a result to moving to eProcurement have led to savings between 10% and 20% of the total procurement value.

Kochanova et al (2016) carried out analysis for the World Bank drawing on multi-country data from middle-and-low income countries to analyse the impact of eProcurement. Kochanova et al conclude that efficiency gains through increased competition can be found in higher (upper-middle) income countries in their sample, with better rule of law and more effective governments. The same study found no statistically significant impact on corruption.

Neupane et al (2012) in a review of the literature covering 50 countries from a global sample, find clear cases of successful implementation and associated reduction in risks of corruption. Neupane also noted the literature reviewed was limited in terms of evaluating what hasn't worked in eProcurement, as most of the information available describes the positive results.

Shakya R (2015) notes that while the often motivation for eProcurement is good governance, the focus in terms of impact has been primarily on savings. In a comprehensive analysis drawing on data from middle income countries including eastern Europe, Shakya concludes that eProcurement does contribute to broader good governance defined through transparency, accountability, corruption control, efficiency, effectiveness and predictability, easy access, rule of law and equity, and civil society awareness. However, this is more likely where there has been a comprehensive implementation beyond the technical, with adequate planning, phasing based on procurement cycle rather than incremental functional basis, and the eProcurement system addresses all the key aspects of good governance rather than focussing only on one or two aspects in isolation.

Benchmarking of public procurement systems

Cowper and Samuels of the UK Cabinet Office note that "Benchmarking as an efficiency tool is based on the principle of measuring the performance of one organisation against a standard, whether absolute or relative to the other organisations".

The World Bank (2017) carried out a global benchmarking of the public procurement regulatory system including eProcurement reflecting data gathered in 2016. Of non-EU/ODA eligible countries in western Balkans and Eastern Europe, only three out of thirteen had not yet implementing eProcurement in 2016. It is not possible to conclude that eProcurement is clearly linked to the wider public procurement eco-system, though it is likely to be more effective where countries have stronger systems. It is also noted that UK scores relatively weakly for overall public procurement system; often countries with traditionally stronger institutions such as western Europe have been leap-frogged in terms of legislation and eProcurement leading to higher scores, often with significant international technical support.

The overall score reflects the total score for following indicators, with 100 points per indicator and maximum possible score of 600:

o   Needs Assessment, call for tender, and bid preparation
o   Bid submission phase
o   Bid opening, evaluation and award
o   Content and management of the procurement contract
o   Performance guarantee
o   Payment of suppliers

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Table 1

Country	Overall score	eProcurement in place
Albania	428	YES
Armenia	305	YES
Azerbaijan	308	NO
Belarus	325	YES
Bosnia & Herzegovina	380	NO
Georgia	398	YES
Kosovo	432	YES
Macedonia	416	YES
Moldova	385	YES
Montenegro	335	YES
Serbia	360	NO
Turkey	398	YES
Ukraine	372	YES
United Kingdom	323	YES

A complementary source can be drawn from Public Expenditure and Financial Accountability (PEFA)[1] assessments initiated by seven international development partners: EU, IMF, World Bank, and governments of France, Norway, Switzerland and UK. The table 2 below provides the score for the procurement element of the wider PEFA assessment where reports are open to the public (for example, the 2018 review of Ukraine is not currently public). It indicates the year of the last assessment using the 2011 framework approach, as well as those that have also been assessed using the 2016 approach, where PEFA assessments have been carried out.   Although not shown in the table below, the Ukraine moved very significantly from "C+" in its 2011 assessment (prior to mayor reforms and introduction of eProcurement) to "A" in 2016.

The PEFA indicators for public procurement are based on assessments of:

o   Procurement monitoring
o   Procurement methods
o   Public access to procurement information
o   Procurement complaints management

Table 2

Country	PEFA score for procurement
Albania	B+ (2017)*
Armenia	B (2011)
Azerbaijan	B (2014)
Belarus	D (2014)
Bosnia & Herzegovina	C+ (2014)
Georgia	B+ (2018)*
Kosovo	C (2016)
Macedonia	B+ (2015)
Moldova	B (2011)
Montenegro	B (2009)
Serbia	B (2010)
Ukraine	A (2016)*

[1] www.pefa.org – scores between A and D.

Incentives driving eProcurement

Internal political incentives an important driver of change. Nozadze (2018) concluded that the very successful introduction of eProcurement in Georgia was driven by political will reflecting a need for the state to tackle corruption and improve government services. EBRD 2016 notes that Ukraine's Maidan revolution in 2014 was the main trigger of reforms, with strong civil society engagement and action in terms of developing and pushing for open government, and a strong focus on eProcurement to control corruption and vested interests.

The European Union (EU) in trade and accession agreements requires a that public procurement moves towards being aligned with the EU. In the case of candidate and potential candidate EU accession countries in south eastern Europe (western Balkans), Stabilisation and Association Partnerships (SAp) with the EU are in place[2]. Similarly, Ukraine[3], Georgia[4], Moldovia[5] have Deep and Comprehensive Free Trade Area agreements. Armenia[6] has a Comprehensive and Enhanced Partnership Agreement which stops short of a full Free Trade Agreement to balance with Armenia's association with the Russian led Eurasian Economic Union.

For example, Georgia's Procurement Roadmap and Action Plan (State Procurement Agency 2014), was developed as part of the Chapter of the EU-Georgia Association Agreement. The Roadmap has an explicit recognition of the relevance of eProcurement in terms of overall economic development. The EU-Georgia Association Agreement includes a commitment to mutually open up public procurement markets and, though a phased approach, the Georgian public procurement legislation is required to approximate the EU, as well as be implemented based on the principles governing EU public procurement. In the context of Albania, the World Bank (2011) reflects that despite a decade of attempts to improve procurement reform and laws, the threshold in terms of procurement reform moved to a new level in June 2006 with the signing of the Stabilisation and Association Agreement with the EU.

Meeting the WTO Agreement on Government Procurement (GPA) is a stated objective of a number of former Soviet states. Anderson and Müller (2017) note both Moldova and Ukraine's motivation to join the WTO GPA was to strengthened procurement markets. Ukraine's stated reason for accession to the GPA was to "strengthen competition and an explicit, legally binding commitment to good governance in its public procurement markets as key underlying motivations". Georgia's State Procurement Agency Roadmap (2014) makes explicit reference to ensuring reforms are consistent with Georgia's intention to join the WTO Agreement on Government Procurement (GPA).

> **WTO Agreement on Government Procurement (GPA)**
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> The WTO GPA consists of 20 parties covering 48 WTO members (EU currently represents 28 member states). Another 34 WTO members are observers, or which 9 are in the process of acceding to the Agreement. The updated GPA agreement additional sets standards that

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[2] https://ec.europa.eu/neighbourhood-enlargement/countries/check-current-status_en#pc
[3] https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/ukraine_en
[4] https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/georgia_en
[5] https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/moldova_en
[6] https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/armenia_en

strongly encourage eProcurement (such as high levels of transparency, traceability of the conduct of procurement by electronic means).

Early member states were primarily OECD countries. However, in the last decade, a number of non-EU Eastern European and former Soviet states have joined including Armenia, Moldova, Montenegro, Ukraine. Albania, Georgia, Kyrgyz Rep, North Macedonia, Russian Federation, and Tajiskistan are in the seeking accession, and Belarus, Kazakhstan have observer status (WTO 2019)

Anderson et al (2011) consider the benefits of WTP GPA accession, based on:

o   Improved market access to public procurement between countries
o   Strengthened competition, reduces collusion, and promotion of value for money
o   Promotion of convergence in international procurement systems
o   Entrenching standards of transparency and fair procedures, which may also encourage FDI.

They note that GPA accession covers goods and services reflecting between 2.5% and 6.4% of a country's GDP.

Anderson and Müller (2017) note the agreed updated 2012 GPA, and which entered into force in 2014, agreement provides additional incentives for countries to join by expanding its scope, including improved access for SMEs and an important tool for e-commerce including e-procurement. They conclude that both emerging and established economies are increasingly aware of the need to build and renew infrastructure in order to foster economic growth and prosperity, while facing budgetary pressures. GPA offers an important tool in terms of maintaining open and competitive markets despite temptation of parts of government to restrict access to public procurement markets.

Members states of the Eurasian Customs Union (Belarus, Russia, Kazakhstan) also committed to meet procurement obligations within the Agreement on Public Procurement signed in Moscow in 2010 (TRRP-Belarus 2016).

3. Country examples

Countries of Western Balkans and former Soviet Eastern Europe are mostly moving in the direction of eProcurement though at different stages. The country examples focus on those that are generally more advanced in the development and eProcurement as part of public procurement.

Ukraine

Ukraine shifted rapidly from a very weak system to an effective eProcurement system. While procurement reform had been taking place, Stewart (2013), noted that despite earlier reforms, entrenched private and political interested succeed in watering down these laws, moving significant parts of the procurement process from the formal to the informal sector. Because of the prevalence of domestic interests in the process, outside actors, such as the EU, World Bank and USAID had little influence in pushing for a more transparent procurement process in Ukraine.

EBRD 2016 notes the Maidan revolution in 2014 as the main trigger of reforms. It was led by civil society activists and Transparency International Ukraine; it was based on cooperation among civil

activists and local businesses that wanted to shape a new reality. This also influenced the hybrid approach to developing and implementing the eProcurement system; it was a multi-platform model linked in cooperation with a central unit. This allowed it to use existing eProcurement capacity from the private sector and strong programming capacity in-country. It also minimised the risk of state capture that could be faced by a centralised system, an important consideration to give credibility to the system.

This has meant there is a competitive market with commercial electronic platform operators, however these are all connected so registration in one system allows access to all systems, a central database unit links up each platform. All systems use a standardised approach, and the small access fee provides sufficient incentive to operators including covering the central database costs.

EBRD 2016 also notes that procurement reform was initially run as a civil society initiative, with funds guaranteed as "clean" by Transparency International, and funding coming initially from the various commercial platforms and then also international donors as well as the pro bono time of individuals in setting it up and initial implementation. In 2015, the main implementors and the system was integrated into the Government's public procurement reform. It is based on the Open Contracting Data Standard.

More recently, to further strengthen the eProcurement system, digital monitoring tools are being integrated into the ProZorro sytem (Niewiadomska 2019). This will help address the challenge of high volume of procurement transaction leading to low detection rates and overreliance on retrospective audits. By using real time data driven monitoring driven by algorithms in line with preselected risk management, it will be able to alert to high risk transactions which can be proactively reviewed. This will be implemented by an independent monitoring body, with all monitoring activities being open and accessible to the public. Monitoring decisions will be evidence and risk based, and data driven, with the monitoring function covered by law. The appropriate law was introduced in January 2018, with the State Audit Service of Ukraine being the responsible body, and the official methodology of compliance was approved in September 2018 by the Ministry of Economy and Trade, and the State Audit Service.   Initial results from the pilot phase of the Risk Indication System are considered positive, in terms of being able to monitor much quicker and more accurately, as well as strengthen the positive perception of public procurement in Ukraine.

ACN 2019, the regional Anti-Corruption Network supported by the OECD, carries in perioded monitoring of anti-corruption progress. In their fourth monitoring round of Ukraine, it was noted that a public version of the Risk Indication System was developed by Transparency International Ukraine and being widely used by civil society.

Vissapragada 2017 estimates that the full cost of ProZorro implementation from inception through to full implementation in 2017 was euro4.69 million. This includes "minimal wage" values for the significant contribution by volunteers. Overall the main cost driver is salaries and fees, for salaried employees, consultants, trainers, and volunteers. The setting up and initial implementation was mostly funded by donors and volunteers time contribution.

In estimating full costs of design to full roll out of the eProcurement system, Vissapragada outlines the main stakeholders as the following:

Public sector:

- o Department of Public Procurement Regulation within Ministry of Economic Development and Trade. Responsible for changes in the Public Procurement Law and secondary legislation acts.
- o State enterprise ProZorro, responsible for administering the ProZorro platform and the official website.
- o State Anti-Monopoly Committee. Bidders can submit complaints to the Committee and receive a verdict within 15 days.
- o State institutions and enterprises acting as buyers.

Private Sector:

- o Operate the seven commercial marketplaces
- o Operate as bidders on the eProcurement platform.

Civil Society:

- o Funding in early stages (including managing funds from EBRD and GIZ), managed by a steering committee headed by Transparency International Ukraine.
- o Transparency International hosted and managed the initial ProZorros system before it was integrated into the state enterprise.
- o Technical and other inputs, for example from Open Contracting Partnership

Kovalchuk et al (2019) carry out an econometric analysis of tenders in 2015 (pre-ProZorro) and 2017 (once ProZorro was fully operational). They find that there is evidence of a greater number of bids, higher savings, and greater participation in provision of contracted goods and services (more unique winners per tender in each entity), as well as strong evidence of reduced time to procure goods and services. As a result of the study, they also note the need to enhance risk management capacity factoring in that a uniformed automated risk-based approach takes time and depends on quality and availability of data.

Kovalchuk et al (2018) of the Kyiv School of Economics estimate that the progress towards open government to date has created up to USD903 million (0.81% of GDP) since reforms started. Based on various scenarios (stagnation through to significant progress), a further USD1.154 billion and USD1.407 billion of additional economic growth can be expected between 2017 and 2015. This reflects wider open government benefits beyond eProcurement; however, ProZorro and associated increased transparency and better government of public procurement are a core part of this additional growth.

Moldova

Brown (2017) notes that the World Bank and EBRD have funded an open contract platform based on modernised eProcurement, challenge is willingness from government to collaborate and take action, as well as maintain/increase engagement from business and civil society. EBRD (2018) also notes that EuropeAid funding of euro1.2 million supported the development and implementation, building on the earlier EBRD support to Moldova to join the WTO Agreement on Government Procurement. EBRD additionally supporting the establishment of an economic council, which facilitates the dialogue between the representatives of the business community, donors, and policy makers in support of investment. The Ministry of Finance of the Republic of Moldova (2018) highlights that the government of Moldova has the goal of implementing eProcurement in compliance with the 2014 EU Directives on Public Procurement and with the aim to increase transparency, prevent corruption, increase efficiency and value for money, and reduce transaction costs for all stakeholders.

OECD-OPSI 2017 notes in analysis provided by the OECD Observatory of Public Service Innovation, that the innovative approach of MTender which was inspired by Ukraine's recent experience, including multi-platform hybrid model, end-to-end coverage of public procurement, and cost-efficient model using open source, open data, open contracting. OPSI in its review of MTender highlights the importance of the collaboration and partnership between Government, private sector and civil society as the main condition for the full implementation to be a success. From the initial pilot, which focusses on lower value tenders, the level of savings for procurement procedures organised using MTender was 23.10% from the estimated value, with an expected saving of at least 15% once the project is fully implemented.

The key challenges of MTender were identified by OPSI to be:

- Insufficient staff, including IT specialists, in the Procurement agency and Ministry of Finance.
- Delays in the new Legal Framework
- Scepticism of Contract Authorities and Suppliers

And some of the mitigations or actions recommended:

- Outsource the central database unit (although remain under government supervision)
- Agree and implement activities which lead to increased participation by contracting authorities and suppliers
- Seek high level government officials to encourage subordinate authorities to use the system.
- Also work closely with civil society to influence political, economic or public decisions and monitor the work of state institutions
- Use Open Source, Open Data and Open Contracting model.

And lessons learnt include:

- Public authorities tend to be resource constrained or are inexperienced; staff may face challenges in providing full dedication to the implementation.
- Important to factor in fear of innovations.
- Legal changes can face delays due to a range of political factors.
- Civil society is crucial for promoting reform changes, building credibility and closer connection with society.
- eProcurement success depends first on motivation, transparency, trust, and people skills. And only then on technology.
- Rolling implementation with pilot authorities was a good idea.
- Steering Committee should ideally have fewer members to allow consensus building and make decisions.
- Having dedicated communications officer would strengthen implementation of the communications plan.

A complementary analysis on OECD-OPSI 2019 which draws on EBRD experience, noting the 20 years of effort prior to actually reforming public procurement, and estimates that the shift will help tackle the US$183 million cost in corruption and cronyism currently paid by Moldovan citizens.

As part of a wider effort to improve access to e-Government, the World Bank (2017) approved funding for US$15 million Modernisation of Government Services, with a focus on improving IT capacity within government and for citizen access to government services. It recognises the challenges of access for women, rural populations as well as disabled citizens, supporting investment to improve access. In terms of risks, political risk to the project is assessed to be the highest risk, though seeking to support the government elected in 2016 on a platform which included providing accessible and cost-effective public services.

Georgia

The EBRD (2016) noted that prior to the 2010 reform which introduced eProcurement, corruption, nepotism and discrimination were accepted behaviours in the public procurement system. The reforms that were implemented included the principles of transparency, non-discrimination and fair evaluation, simple and easy-to-follow procedures, getting rid of the papers, and getting rid of corruption. A new law was enacted to back the shift to a mandatory e-Procurement system. Prior to actual implementation, delivery options were considered including off-the-shelf foreign solutions. The in-house customized approach was chosen as this could match Georgia's needs, and be implemented more quickly and cheaply than other alternatives. Savings by 2014 reflected an estimated 14% of estimated procurement value, and paper-based tenders have been fully eliminated. Transparency International (2014) report that a savings of more than USD142 million were generation by the new system in 2012.

Nozadze (2018) concluded that the very successful introduction of eProcurement in Georgia was driven by political will. This allowed Georgia to fully implement an operational eProcurement systems from scratch in just 10 months and at a cost of less than US$1 million. Although the eProcurement was domestically funded, designed and implemented, it has continued to benefit from World Bank and UK funded technical assistance to support further improvements. Since 2014, the major development banks now procure through the same national system.

Albania

The TPPR (2016) Albania review noted significant progress in the case of Albania, in part linked to EU requirements. However, challenges remained including:

o   Untimeliness and unpreparedness, associated with weak capacity to deliver
o   Frequent use of direct negotiations, which were required due to delays in procurement, but also lack transparency and lead to lower quality outcomes
o   Annulment of tenders, again linked to capacity
o   Challenges to reach an appropriate cost/quality ratio

In a review of western Balkan procurement by the European Court of Auditors (2018), it was found that Albania had made significant progress and moved to full eProcurement processes. However, where procurement was considered an emergency, it was possible to move to negotiated procedure which does not require usage of the electronic system and weakly monitored. With 30% of all public procurement based on negotiated procedures, it suggests a clear need for improved planning as well as reduce the scope for making argument of emergency procurement.

Mishra and Leipold (2012) notes the significant progress in Albania, especially in terms of governance and efficiency, procurement innovation through eProcurement and building country systems. However adoption is slow, requiring more thought on incentives, and the reform agenda of public procurement is isolated from wider policy and reform. As a challenge in the wider eastern Europe and Central Asia region, they concluded it was important to see eProcurement not so much as a technological solution but a change set at the highest levels in the government.

Estimated savings through increased efficiency and reduced corruption in the case of Albania is limited in the literature. However, there has been a clear increase in competition with Transparency International (2014) reporting an increase from 2.3 offers per tender to 7.7 as a

result of the role out of eProcurement. Transparency also report recorded savings in terms of transaction costs from eProcurement with a 20% savings in 2011 compared to previous system.

The increased transparency and available of data has allowed for analysis and associated action. For example, the Albanian Institute of Science (as reported by Open Contracting 2018) was able to analyse procurement data to find that only 5% of municipal contracts in Albania are awarded to women-run businesses (while 26.8% of all businesses are owned by women), and represented only 3.2% of the total procurement spend. The analysis also found that women-owned businesses offered better value, based on the difference between estimated value and actual contracted price. This work is providing a basis to further improve access and equity in the public procurement process.

Kosovo

The Kovoso procurement regulator, PPRC (2018), notes the shift to eProcurement formally started in mid-2016, moving to only eProcurement in January 2019. The USAID funded BIRN Kosovo (2018), in its annual report on public procurement monitoring notes that 2018 reflects two "revolutionary" steps given past delays and challenges in public procurement: the opening of contracts, and full implementation of electronic procurement. They also focused on the implementation of the 2016 legal change which enabled economic operators to complain at two separate instances, if they claim that there are legal violations in the procurement process.

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Suggested citation

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