



Annex I Guidance Note

Prevention of corruption in procurement at various government levels, including good practices, lessons learned and challenges, and the effective use of technology to prevent, detect, deter and counter corruption in procurement

1. The Secretariat has produced this Guidance Note to assist States parties in providing information on initiatives and practices they have implemented regarding the topics under consideration at the fifteenth session of the Working Group on the Prevention of Corruption taking place from 28 August to 6 September 2024.
2. The Secretariat wishes to recall paragraph 12 of the report of the Working Group on Prevention on its second intersessional meeting, which noted that in advance of each meeting, States parties and signatories should be invited to share their experiences of implementing the provisions of the Convention under consideration, preferably by using the self-assessment checklist.
3. In furtherance of this, the Secretariat outlines a set of questions, based on those in the self-assessment checklist, which States parties and signatories may wish to use as a guide when providing information regarding the two topics under consideration. States parties and signatories are encouraged to view the questions below only as guidance and are free to provide any information believed to be relevant to the topics under consideration.

I - Information requested from States parties and signatories in relation to prevention of corruption in procurement at various government levels and the effective use of technology to prevent, detect, deter and counter corruption in procurement (arts. 9 and Conference resolution 10/9).

1. Please describe (cite and summarize) the measures/steps your country has taken (or is planning to take) to implement this provision of the Convention.

In relation to integrity in public procurement processes, States parties and signatories may wish to cite and describe measures that:

- Ensure the national procurement system is based on principles of transparency, competition and objective criteria in decision-making;
- Establishing in advance the conditions for participation, including selection and award criteria and tendering rules;
- Provide for sufficient time to potential tenders to prepare and submit their tenders and using by default an open tender procedure;
- Provide for transparent publishing of all procurement decisions including publishing the invitations to tender;
- Establish procedures, rules and regulations for review of the procurement process, including a system of appeal;



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- Provide for a thorough selection of personnel responsible for procurement, including screening procedures; as well as establishing a conflict of interest management system with declarations of interest and methods to resolve conflicts in particular cases;
- Put in place other administrative practices promoting integrity in procurement (such as the rotation of personnel, debarment procedures, etc.).

The Norwegian procurement regulations are based implementation of the EU's procurement directives, which have been included in the EEA Agreement. This mainly includes four directives: directive 2014/24/EU on procurement within the classical sector, directive 2014/25/EU on the supply sectors water and energy supply, transport and postal services, directive 2014/23/EU on concession contracts and directive 2009/81/ EC on defence procurement. Norway is also part of the WTO's Government Procurement Agreement. This agreement shall ensure an effective multilateral framework for public procurement when concluding free trade agreements. The agreement will help to ensure transparency and prevent corruption. Norway also participates in the OECD's working group "Leading practitioners on public procurement" (LPP), which aims to share knowledge and gather good practice during the procurement process.

To ensure principles of transparency, competition and objective criteria the Norwegian Government have created DOFFIN, which is a national notification platform for publication of public procurements. This makes tenderers able to find publications of competitions the government will carry out. Technical specifications, conditions for participation and contract award criteria have to be published when the competition is published. When setting time limits for the receipt of tenders and requests to participate, contracting authorities shall take account of the complexity of the contract and the time required for drawing up tenders. When the decision of contractor is made, the notice shall be published on the publication platform DOFFIN.

To provide sufficient guidance for procuring authorities, the Norwegian government has published guidance on the webpage www.anskaffelser.no. There is a possibility to appeal contracting decisions to the national board of public procurements (KOFA) or to the national court.

To avoid conflict of interest the procuring authority must follow national requirements to impartiality. The criterion for publicity is also made to ensure that procurements are held in an objective and transparent way, and to prevent corruption.

2. Please describe (cite and summarize) the measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to promote the effective use of technology to prevent, detect, deter and counter corruption in procurement.

States parties and signatories may wish to provide information on measures that:

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- Utilize technology, such as online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making.

Information sought may, in particular, include the following:

- Description of any electronic system of public procurement, including, for example:
 - The means by which tender invitations are published;
 - The inclusion of all pertinent information on the award of contracts;
 - Ways in which applications may be submitted (including the use of electronic procurement platforms); and
 - Ways in which the criteria to be used for selection and award are publicized.
 - Any other ways, in which technology is used in the procurement process
 - Any other ways, in which technology is used to detect corruption or identify irregularities.

When providing information on the use of technology to prevent, detect, deter and counter corruption in procurement, States parties and signatories may wish to refer to their submissions for the sixth meeting of the Working Group, held in 2015.

The Norwegian government has created a national notification platform for publication of public procurements, DOFFIN. At DOFFIN, contracting authorities have to publish all relevant information regarding the procurement. This provides an efficient and transparent way to find information about competitions both for tenders and the public. The government has also made webpages for national public procurement, at www.anskaffelser.no. The government wish to continue to develop these platforms in the future in order to achieve even more efficient and transparent procurements than today.

3. Please outline actions required to strengthen or improve the measures described above and any specific challenges you might be facing in this respect.

Examples of the types of challenges States parties and signatories may have faced include:

- Challenges in developing the proper legislative framework;
- Coordination challenges between government agencies responsible for integrity in procurement and other bodies;
- Communication challenges between government bodies, agencies responsible for integrity in procurement, and business community representatives;
- Other implementation challenges; and
- Financial challenges with respect to maintaining sufficient and consistent funding for government bodies and other government agencies responsible for integrity in procurement and management of public finances.

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The Norwegian government acknowledges that some of the procurement regulations can be challenging for contracting authorities with fewer personnel resources and less competence, due to its complexity. To remedy this lack of competence with guidance and a helpline provided by The Norwegian Agency for Public and Financial Management (DFØ). The Norwegian Agency for Public and Financial Management also arranges several different seminars and conferences on different procurement topics.

4. Do you require technical assistance in relation to the measures described above? If so, please specify the forms of technical assistance that would be required. In case you have received or are receiving technical assistance to implement these measures, please indicate so in your response.

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