Introductory bibliography - Regulating public procurement: general issues and the UNCITRAL models on procurement

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### 1. Introduction

The following is a very short introductory bibliography listing key reading in the English language on Regulating public procurement: general issues and the UNCITRAL models on procurement, which has been produced by the Asia Inter University Network for Teaching and Research in Public Procurement Regulation. The bibliography is not intended to be comprehensive, but merely introductory. It does not at all with the detail of contract award procedures but only with certain selected general principles and problems. Apart from the section on procurement reform, and some pieces that present very general lessons, it does not include country case-studies of specific problems but only material of a general nature.

Separate bibliographies have also been produced on: i) European Union (EU) Public Procurement Law; and ii) Public procurement regulation within the WTO.

The Network consortium is in the process of producing a more comprehensive bibliography on these and other subjects in public procurement (including the laws of certain individual countries) - comprehensive as regards both topics covered (theoretical and practical) and works included. It is hoped will be published later in 2009 and regularly updated. This will provide extensive case studies of all aspects of public procurement from the experiences of national and regional procurement systems.

The list has been compiled based on materials used for teaching modules on public procurement in some of the partner institutions of the Asia Link project. It should be emphasized that the selection of materials for inclusion is in part influenced by the focus of these particular modules and by the availability of materials at the partner institutions.

The bibliography was last updated in April 2009.

These materials were produced with the financial assistance of the EU. The contents of the materials are the sole responsibility of the University of Nottingham, member of the consortium involved in the EU Asia Inter University Network for Teaching and Research in Public Procurement Regulation and can under no circumstances be regarded as reflecting the position of the European Union. The EU Asia Inter University Network for Teaching and Research in Public Procurement Regulation is led by University of Nottingham (Project leader: Professor Sue Arrowsmith) and the other consortium members are Copenhagen Business School, the Central University of Finance and Economics (Beijing), Xinjiang University, and the University of Malaya.
PART I: Regulating Public Procurement: General

1. General works


K.V. Thai (ed.), International Handbook of Public Procurement (CRC Press; 2008)

2. Objectives of regulation and general principles

2.1. The objectives of regulation


2.2. Transparency as a means of achieving public procurement objectives


S. Kelman, Procurement and Public Management (Washington: AEI Press 1990), Chs. 1, 2 and 5


P. Trepte, Transparency and Accountability as Tools for Promoting Integrity and Preventing Corruption in Public Procurement (2005) (paper to OECD Expert Group meeting on Integrity in Public Procurement)

3. Reform of regulatory systems in public procurement

E. Agaba and N. Shipman, "Public Procurement Reform in Developing Countries: the Uganda Experience", Ch. 16 in G. Piga and K. Thai (eds.), Advancing Public Procurement: practices, Innovation and Knowledge-sharing (Boca Raton: PRAcademics Press 2007)


C. Herbert, "Public Procurement Law Reform: Some design issues for small island States – a perspective from Trinidad and Tobago" (2003) 29 Commonwealth Law Bulletin 552

R. Hunja, "Obstacles to Public Procurement Reform in Developing Countries", Ch. 2 in S. Arrowsmith and M. Trybus (eds.), Public Procurement: the Continuing Revolution (London: Kluwer Law International 2002)


D. Jones, "Public Procurement in South East Asia: Challenge and Reform" (2007) 7 Journal of Public Procurement 3


4. **Harmonisation of regulatory provisions on public procurement and the influence of international instruments**


S. Schooner and C. Yukins, “Incrementalism: eroding the impediments to a global public procurement market” (2007) 23 *Georgetown Journal of International Law* 529

5. **Addressing corruption and conflicts of interest in public procurement**

5.1. **General**


International Trade Centre UNCTAD/WTO, *A Framework for Balancing Business and Accountability within a Public Procurement System*

International Trade Centre UNCTAD/GATT, Guide No. 23, *Improving Public Procurement Systems* (1993), Ch. 1

OECD, *Bribery in Public Procurement: Methods, Actors and Counter-measures* (OECD 2007)

OECD, *Integrity in Public Procurement: Good Practice from A to Z* (OECD 2007)


W. Kovacic, “The Civil False Claims Act as a Deterrent to Participation in Government Procurement Markets” (1998) 6 *Supreme Court Economic Review* 201


S. Rose-Ackerman, *Corruption and Government: Causes, Consequences and Reform* (Cambridge: CUP 1999), Chs. 1-5


Transparency International Sourcebook, chapter 12 on Public Procurement; available at http://www.transparency.org/publications/sourcebook

P. Trepte, *Transparency and Accountability as Tools for Promoting Integrity and Preventing Corruption in Public Procurement* (2005) (paper to OECD Expert Group meeting on Integrity in Public Procurement)


### 5.2. The OECD Anti-bribery Convention


K. Surjadinata, “Revisiting Corrupt Practices from a Market Perspective” 12 Emory International Law Review 1021


5.3. Role of the World Bank


S. Williams, “World Bank introduces new measures to reduce fraud and corruption in Bank-financed contracts and in the administration of Bank loans (2007) 5 Public Procurement Law Review NA152

5.4. Conflicts of interest


6. Remedies and enforcement

6.1. Supplier review


6.2. Other national enforcement mechanisms


7. Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)


International Trade Centre, Improving SME access to public procurement: the experience of selected countries (2000)

C. McCrudden, Buying Social Justice: Equality, Government Procurement, & Legal Change (OUP; 2007)

Part II: the UNCITRAL Model Law on Procurement of Goods, Construction and Services and procurement reform and UNCITRAL instruments on privately financed infrastructure

1. General works


S. Arrowsmith (ed.), Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement (2009; West)


J. Myers, "UNCITRAL Model Law on Procurement" (1993) 21 International Business Lawyer 179


2. Reform of the UNCITRAL Model Law on Procurement of Goods, Construction and Services


3. The UNCITRAL instruments on procurement of privately financed infrastructure

B. de Cazalet and J. Crothers, “Presentation of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects” (2001) 6 RDAI/IBLJ 699