Policy implementation: transparency, electronic tools, and data.

Introduction to the e-GPA system

Antonella Salgueiro
Lawyer, LL.M. International Trade Consultant

INTAL/IDB On-line Training Workshop on Government Procurement and Trade for Brazil sub-national governments
18 May 2021
I. Transparency as embedded in the GPA
II. E-procurement: key design features
III. Relevant provisions in the Agreement
IV. Data: building from statistics
V. e-GPA: a user friendly portal for Parties
A growing plurilateral...

The GPA covered procurement market is already significant and expanding!
Core principles of the Agreement

...with respect to participation in each Party’s covered procurement markets.
Preamble of the GPA

...Recognizing the importance of transparent measures regarding government procurement, of carrying out procurements in a transparent and impartial manner and of avoiding conflicts of interest and corrupt practices, in accordance with applicable international instruments, such as the United Nations Convention Against Corruption...
A procuring entity shall conduct covered procurement in a transparent and impartial manner.

- Publication requirements
- Maintenance of documentation
- Information provided to suppliers

Each Party shall provide a timely, effective, transparent and non-discriminatory administrative or judicial review procedure through which a supplier may challenge.
The GPA's transparency provisions ensure that the information necessary to participate in particular procurements and to prepare responsive tenders is not shared only with "the usual suspects,” broadening the set of potential suppliers.

Key design features of the agreement: Transparency

Specify:
• covered entities,
• thresholds,
• covered services,
• specific exclusions.

The GPA's transparency provisions ensure that the information necessary to participate in particular procurements and to prepare responsive tenders is not shared only with "the usual suspects,” broadening the set of potential suppliers.
E-procurement in the GPA:

Recognizing the importance of using, and encouraging the use of, electronic means for procurement covered by this Agreement...

The revised text entails a complete revision of the wording of the various provisions of the Agreement to streamline them and make the text easier to understand.

It sets out related requirements to ensure that the general principles of the GPA are fully respected throughout the electronic implementation.

It also incorporates additional flexibilities for parties' procurement authorities — for example, shorter notice periods when electronic tools are used.
The value of e-procurement in facilitating transparency and efficiency in the procurement process:

- Supports the timely online publication and disclosure of information pertaining to procurement plans, opportunities, processes, and results, thereby enhancing the transparency and accountability of the procurement process.

- Encourages transparent, easy to access, and secure system solutions with proper confidentiality features that attract more competition and build trust among participants in the procurement process.

- Supports the creation of audit trails that improve the integrity of the procurement process.

- Supports the creation of possible procurement complaints handling functionality, improving the fairness, integrity, and accountability of public procurement.
Provisions in the revised GPA related to the use of electronic means:

- **GPA**
  - **Article VI:2**
    - Use of electronic means for the publication of information related to procurement + transparency requirement!

- **Article XI**: Time periods are more flexible when electronic means are employed

- **Article XIV**: Provides for the optional use of electronic auctions as procurement method, and safeguards on relevant information from the process

- **Article XVI:2**: Notification requirement on statistics from contracts covered by the GPA

- **Article XVI:4-6**: Publication of award information: E-publication optional, needs to be kept online for a reasonable period of time!
Each Party shall collect and report to the Committee statistics on its contracts covered by this Agreement. Each report shall cover one year and be submitted within two years of the end of the reporting period.

The number and the total value of all covered contracts;

The number and the total value of all covered contracts awarded by each entity, broken down by categories of goods and services;

The number and the total value of all covered contracts awarded by each entity under limited tendering.
Different obligations for central government entities and sub-central or other entities!

Central
Mandatory online publication, for free, from a single point of access.

Sub-central or other entities
Encouraged to do the same, but not mandatory, only free common gateway page required if published online.
Notification of relevant information by Parties is an important means to ensure the transparency and predictability of procurement regimes!
The e-GPA Portal: easy access to relevant information

- GPA coverage and notified thresholds
- Legal framework on covered procurement
- Procurement statistics
- Procurement notices, multi-use list of suppliers
- Award Information

Enhances efficiency and facilitates accessibility of information.
The e-GPA Portal: each Party’s covered procurement at a glance

What is covered procurement and above which threshold?

The covered entities/goods/services at each government level

General notes
e-GPA as a one-stop shop!

Improving the transparency and accessibility of GPA market access information

Welcome to the integrated Government Procurement Market Access Information Resource (e-GPA) portal of the WTO.

This portal provides an integrated point of access to the market access information under the Revised Agreement on Government Procurement (GPA 2012), together with related information that the GPA Parties are committed to provide. It offers improved transparency and user-friendly accessibility to the relevant information, and aims to better publicize the market access opportunities available under the Agreement estimated to be worth more than US$ 1.7 trillion annually. In particular, the site enables you to browse and search the Parties' coverage commitments, and create an output on screen reflecting your results. In appropriate cases, the outputs can be downloaded in a variety of file formats, or printed.
Welcome to the Browse Section of the e-GPA portal.

The coverage commitments of the Parties are set out in each Party's Annexes to Appendix I of the Agreement. This page allows you to browse the individual annexes of a selected Party or Parties under the GPA 2012, and perform a text search. You can also create an output reflecting the results your query on screen or in PDF, Word, Excel, TIFF, CSV, MHTML or XML format, or print them.

Armenia
Australia
Canada

(Authentic in the English and French Languages)

- Central Government Entities Annex 1
- Sub-Central Government Entities Annex 2
- Other Entities Annex 3
- Goods Annex 4
- Services Annex 5
- Construction Services Annex 6
- General Notes Annex 7

Moldova, Republic of
Montenegro
New Zealand
Aruba
Norway
Singapore
Switzerland
Chinese Taipei
Ukraine
United Kingdom
Welcome to the Publication Media Section of the e-GPA portal.

The Parties to the GPA are required to notify the paper or electronic media where they publish information on applicable laws and regulations etc., any changes thereto, procurement and contract award notices, and website addresses for statistics. This information is available in the Appendices II to IV of the Agreement (see Articles VI.2 and 3 and XXII.5 of the GPA 2012).

The options below allow you to browse and access the Parties’ notifications of their publication media, including links to the electronic portals, where available. You can also create an output reflecting the results of your query on screen or in PDF, Word, Excel, TIFF, CSV, MHTML or XML format, or print them.

**Laws, Regulations, Judicial Decisions, Administrative Rulings, Contract Clauses, and procedures regarding covered government procurement**

Appendix II

**Procurement notices, Multi-use lists of suppliers, Award information**

Appendix III

**Government Procurement Statistics**

Appendix IV
The GPA as a driving force for reforms and good governance

The GPA's transparency provisions ensure both access to markets as well as serve as a good governance tool.

Though optional, the use of electronic means provides facilities and flexibilities enhancing transparency.

Access to data and statistics – oversight and monitoring tool supporting transparency of information.

GPA Membership means international recognition and proof that procurement legislation is compliant w/ best practices.