

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY BOSNIA AND HERZEGOVINA

ARTICLE 9, PARAGRAPH 1 UNCAC

PUBLIC PROCUREMENT

BOSNIA AND HERZEGOVINA (SEVENTH MEETING)

In relation to integrity in public procurement and management of public finances (article 9) the Public Procurement Agency of Bosnia and Herzegovina¹ has established systems for e-Auctions and e-Tendering. The e-Tendering ensured the setting up of tender documentation on the public procurement portal². It also offers the possibility for bidders to ask questions³ and contracting authorities to provide answers related to specific tender documentation. The Public Procurement Agency of B&H developed a single information system E-Procurement, which enables publication of notices on public procurement procedures and submission of reports in public procurement procedures, and contains also a register of contracting authorities and tenderers from Bosnia and Herzegovina (B&H). The Public Procurement Agency has unlimited access to all information stored to information system E-Procurement, in order to monitor procedures implemented by contracting authorities, to collect data, develop analyses and publish information in relation to public procurement procedures and granted public procurement contracts, as well as to submit reports on granted public procurement contracts to the Council of Ministers of B&H. Furthermore, in cooperation with the Office of GIZ⁴ within the "Programme for Strengthening of Public Institutions in Bosnia and Herzegovina" custom made, 5 days training has been designed and implemented during 2015. Over 20 civil servants were trained in public procurement matters as part of general efforts to improve capacity of public procurement professionals.

Moreover, we would like to inform the esteemed Secretariat about the fact that the OSCE Mission to B&H is planning to work with respective ministries of education to increase transparency and accountability in the work of school directors, particularly in the implementation of the B&H Procurement Law⁵. The project is focused on an activity⁶ within the Action Plan for the Implementation of the Anticorruption Strategy 2015-2019.⁷

¹ <https://www.javnenabavke.gov.ba/index.php?id=01&jezik=en>

² <https://www.ejn.gov.ba/> ³ SHORT GUIDELINE FOR SYSTEM USE, https://www.ejn.gov.ba/content/manual/Pomoc%20e-Nabavke_eng.pdf ⁴ <https://www.giz.de/en/worldwide/21066.html> ⁵ Public Procurement Law of B&H was published in the "Official Gazette of B&H", No.:39/14,

https://www.javnenabavke.gov.ba/legislativa/zakoni/Novi_ZJN_BiH_en.pdf

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⁶ Strategic programme 2.9.-Continuous harmonization of the legal framework in the area of public procurement with international obligations and standards; 2.9.2.-Continuously conduct training of employees in all institutions in B&H regarding the issues of prevention of corruption in the implementation of public procurement at all levels in B&H <http://apik.ba/zakoni-i-drugi-akti/strategije/default.aspx?id=806&langTag=bs-BA>

From another side, the project of the Centre for Security Studies “Mapping Corruption Risks in the Security Sector”, financed by the European Union, brought forward key information about corruption risks in the security sector. Together with representatives of the security agencies in B&H, public procurements have been identified as one of the areas where a high risk of corruption exists.

In order to apply effective measures to prevent corruption in the security sector the project “Integrity Building and Strengthening Anti-Corruption Practices in the Security Sector

– ACroSS”⁸ began in January 2016 and is planned to last 36 months. The project activities are planned to support the implementation of four activities of the Strategic Programme 2.9 within the Anticorruption Strategy 2015-2019. In addition, project activities include the following:

- Developing the methodology for monitoring of public procurement in the security sector;
- The formation of a consortia and strengthening the capacity of civil society organizations that have shown interest in public procurement in the security sector;
- Strengthening the capacity of monitoring and reporting of cases of corruption in the security sector;
- Raising public awareness about the importance of efficient and effective spending of public funds;
- Holding training for members of the security sector;

⁸ The project is implemented by the Centre for Security Studies and the funds for its implementation are provided by the EU Delegation in B&H, <http://css.ba/projekat-izgradnja-integriteta-i-jacanje-anti-korupcijskihpraksi-u-sektoru-sigurnosti-across/>

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BOSNIA AND HERZEGOVINA (SIXTH MEETING)

The Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption presents its compliments to the Secretariat of the Conference of States Parties of the United Nations Convention against Corruption (UNCAC).

The Agency has the honor to inform the esteemed Secretariat that the Public Procurement Agency from February 2013 started with the implementation of the Instructions on the manner of registration in the electronic register of contracting authorities and bidders through the project of the compulsory declaration of legal persons participating in public procurement procedures. This registry is a unique database on all contracting authorities and bidders participating in public procurement procedures, in the sense that every registered contracting authority has a profile with basic information and contact information, including the place of seat as well as its organizational units. The Public Procurement Agency has enforced the download of data from the GO PROCURE module for publishing public procurement notices for all contracting authorities. Currently, the Public Procurement Agency promotion is ongoing with a particular focus on services like information systems that the Agency provides to the end users. The Public Procurement Agency has concluded that they obligation for this phase of implementation of the Action Plan for the implementation Strategy for Fight against Corruption (2009-2014) have been fulfilled. With the adoption of the Law on Amendments to the Law on Public Procurement ("Official Gazette of B&H", No. 47/14) on 06.06.2014, responsibilities of all actors carrying out the process has been more clearly defined, mechanisms of prevention of corruption in public procurement has been improved; cost of participation in the proceedings as well as bureaucratic requirements has been reduced. The Law also introduces modern techniques and procedures in public procurement. In cooperation with the Office of GIZ, the Public Procurement Agency of Bosnia and Herzegovina has launched the development of information systems for e-Auctions and e-Tendering. The e-Tendering will ensure the setting up of tender documentation on the public procurement portal. It will also enable the possibility for bidders to ask questions and contracting authorities to provide answers related to specific tender documentation.

Moreover, we would like to inform the esteemed Secretariat with the fact that the Center for Investigative Reporting (CIN), Center for Social Research Analitika and Public Interest Advocacy Center (CPI) are implementing the project of "Open Public Procurement in B&H". The project is a part of the European Commission's program „Implementation of the Anti-Corruption Strategy and Action Plan“, funded by the European Union (December 2013 – May 2016). The project is focused on advocating transparent and efficient public procurement system in B&H, which would result in the

prevention of corrupt activities and a better insight into the process of selecting bidders and awarding contracts.

The project “Open Public Procurement in B&H” seeks to identify and overcome existing barriers for the participation of stakeholders in public procurement. For that reason a survey was conducted in April and May 2014, with the aim of mapping the key problems and experiences of entrepreneurs in B&H related to the different stages and aspects of the public procurement process, including the perception and experience of corruption, availability of calls for tenders, pricing of tender documentation and supporting documentation attached with the offer, administrative fees, the criteria for the qualification and selection of bidders, the appeal procedure and monitoring contract implementation. (Publications: [Key Problems in Public Procurement in Bosnia and Herzegovina: Experiences of Private Companies](#), [Mapping of Key Obstacles to Equal Participation of Private Companies in Public Procurement in Bosnia and Herzegovina](#))

The Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption avails itself of this opportunity to renew to the Secretariat of the Conference of States Parties of the United Nations Convention against Corruption the assurances of its highest consideration.