

INTEGRITY PACT

BULGARIAN MODEL

The Bulgarian Integrity Pact model is developed by Transparency International – Bulgaria on the basis of a number of expert evaluations, sociological surveys, analyses of Bulgarian legislation, comparative studies and research on international know-how in the public procurement field, concession and privatization procedures.

It is elaborated in accordance with the Bulgarian legislation and represents an additional instrument for increased transparency and integrity in one of the most problematic areas of governance – the awarding and execution of public procurement.

The Pact represents a written contract between three parties: the contracting authority (public institution of the central or local administrations), participants in the tender for selection of a contractor for public procurement execution (natural or legal persons) and independent observer (non-governmental organization with a reputation and professional expertise in carrying out independent civil monitoring).

CONTRACTING AUTHORITY

The contracting authority provides information with regard to the preparation of a public procurement procedure (selection criteria for experts, working on public procurement the documentation; information about their professional competency and experience; selection of the type of public procurement, evaluation methodology and other).

During the contractor selection procedure, the contracting authority allows the independent observer to attend of the meetings of the commission for evaluation of the tenderers' offers, as well as provides access to the relevant documentation (decisions for opening of a procedure, commission composition, decision for contractor selection, conflict of interest statements of the commission members, official communication with the tenderers and other). In case of a received signal for irregularities committed by employees of the contracting authority, it commits to conduct a check and undertake actions to eliminate the irregularity and sanction its employees.

The contracting authority allows access of the independent observer to the contract for the public procurement execution, as well as the opportunity to attend working meetings, conduct on-site checks and review of documentation with regard to the fulfillment of the public procurement contract.

PARTICIPANTS IN THE TENDER PROCEDURE

The participants in the tender procedure are the other corresponding party in the Integrity Pact. They can be natural or legal persons, eligible to participate in the procedure.

Each acceding to the Integrity Pact participant commits to observe the rules for anti-corruption behavior of the company and to abstain from actions that violate the rules of fair competition, and to provide the independent observer with access to documentation in relation to its participation in the tender and contract execution.

INDEPENDENT OBSERVER

The independent observer is external and independent party to the Integrity Pact, which does not have vested interest in the allocation of public resources. It conducts a monitoring over all phases of public procurement (including the preparatory phase) and ensures publicity of the process by disclosure of its findings as part of organized press-conferences, public forums, publishing of analyses and reports in paper or electronic form.

Main principles in the work of the independent observer are professionalism, integrity and impartiality in the monitoring work.

The independent observer reviews tender documentation, contractor selection procedure documentation, the concluded contract and documentation relevant to its implementation; conducts on-site checks in relation to the public procurement contract execution; receives signals and looks for irregularities and corruption activity; sends signals to participants in the Pact, but also when necessary – to other relevant institutions, with regard to committed violations; provides consultations to Pact participants in relation to good governance practices, anti-corruption policies and measures for prevention and counteracting corruption.

It is important to emphasize that the independent observer does not overtake or duplicate the functions of the observer under the Public Procurement Act, of the consultant, the commission members or other control institutions. It does not manage or give binding directives to the Integrity Pact participants – all decisions are taken by the contracting authority and the tenderers/contractor of the public procurement, in accordance to their competencies and the Bulgarian legislation.

PILOT IMPLEMENTATION IN BULGARIA

In Bulgaria the Integrity Pacts have been tested in selected public procurement tenders, conducted by the Ministry of Regional Development and Public Works (Road Infrastructure Agency), the Ministry of Health, and the Ministry of Labor and Social Policy.

The Bulgarian Integrity Pact model is developed by Transparency International – Bulgaria as a result of the efforts, part of the project “Increasing Integrity through Advocacy: Counteracting Corruption in Public Contracting”, implemented with the financial support of Integrity Initiative of the World Bank and Siemens.