

**Working Group on Transparency
in Government Procurement**

Original: English

CAPACITY-BUILDING CONSIDERATIONS RELATING TO TRANSPARENCY IN GOVERNMENT PROCUREMENT

Communication from the United States

The following communication, dated 26 September 2002, has been received from the Permanent Mission of the United States with the request that it be distributed to all Members.

1. The Doha Ministerial Declaration recognized the importance of capacity-building in relation to transparency in government procurement "both during the negotiations and after their conclusion". This underscores the importance of understanding the practical implications of building specific elements of transparency into a procurement system. That has been, and will continue to be, a central focus of the Working Group.

2. In response to the Doha Declaration, the WTO Secretariat is offering a Symposium on Transparency in Government Procurement on 9-10 October 2002. The Symposium offers an excellent opportunity for Members to consider the practical implications of building transparency into their procurement systems. These are issues that all Members have to face in developing their procurement systems.

3. The United States looks forward to participating in the WTO Symposium, and hopes that Members will take advantage of the opportunity that it offers to consider questions such as the following:

Assessing the Benefits of a Transparent Procurement System

- Who benefits from a transparent procurement system? Domestic suppliers? Foreign suppliers? Governments? Citizens?
- How can building transparency into a procurement system contribute to a Member's development?
- Can the benefits of a transparent procurement system be measured? Are the benefits tangible?
- Why are transparent procurement systems relevant to the WTO's work?

- Is there a relationship between increased transparency and increased competition?

Transparency of Procurement Rules and Procedures

- What models would be the most useful to follow in developing a transparency procurement system? What steps need to be taken to adapt a model such as the UNCITRAL Model Law to a Member's procurement system?
- Would it be more burdensome for a Member to make all of its procurement system transparent or only parts of its system?
- What kind of information do suppliers need on a Member's government procurement framework?
- How can governments efficiently ensure that they provide the same information on a procurement to all interested suppliers?

Information on Specific Procurements

- What are efficient and cost effective ways to make information on procurement opportunities public?
 - How much information needs to be made public? When and to whom should the information be disclosed?
 - If a procurement is closed to foreign suppliers or preferences are given to domestic suppliers, should the procurement be made public? If so, why? What are the ramifications if such procurements are not made public?
 - Is it necessary to provide suppliers with information as to why they did not win a tender?
 - What kind of records should be maintained with respect to particular procurements? How long should such records be kept? Who should have access to them?
 - If suppliers believe that they have been denied information on a procurement, should they have access to an appeal or review body? What should be the role of such a body?
 - How would establishment of domestic review procedures help ensure procurement transparency?
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