

Integrity and Efficiency in Sustainable Public Contracts

Balancing Corruption Concerns in Public Procurement Internationally

Ensuring **efficiency and integrity** throughout the public procurement cycle is essential to a sound allocation of taxpayers' money. Yet public contracts are plagued by **corruption, collusion, favoritism and conflicts of interest**. This book addresses these problems from sophisticated, academic, institutional and practical perspectives.

The book's ambition is to shape the public debate in the procurement community by highlighting how corruption implies **violations of fundamental rights** and undermines the fiduciary **relationship between citizens and public institutions**. The analysis underlines how corruption may stem from - and yet be resolved - through the exercise of discretion in the public procurement system. Focusing on the **effects** of public corruption and private collusion on procurement integrity, the book marks the features of misconduct and suggests needed **counter-measures**. The work also emphasizes that the pursuit of efficiency and integrity in public contracts must be rooted in professional skills, and in ethical regulations and training for public officers.

The research reflected in these pieces comes from sources around the world, and offers an excellent foundation for further development of these topics. Expanding on prior research, this volume builds on a more active transnational academic cooperation and exchanges of ideas on integrity in public contracts for the benefit of citizens.

This book is intended as both a textbook and an edited collection and it is available as e-book too. The authors of the chapters are all specialists in their respective fields, and their different geographical and professional perspectives represent a valuable contribution to the scientific literature.

- ✓ European Law
- ✓ International Law

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Integrity and Efficiency in Sustainable
Public Contracts

Editors

Gabriella M. RACCA
Christopher R. YUKINS

18

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DIRECTOR JEAN-BERNARD AUBY

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ADMINISTRATIVE LAW**

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FOREWORD

It is a great pleasure for our “*Droit Administratif / Administrative Law*” series to welcome this book, edited by Gabriella M. Racca and Christopher R. Yukins and bringing together contributions of international recognized experts.

This book is based on the joint efforts made by the international research network “*Public Contracts in Legal Globalization*” (PCLG)(1) that carried out collective research on a number of topics linked to Public Contracts since 2007. Driven by the “*Governance and Public Law Centre*” (*Chaire “Mutations de l’Action Publique et du Droit Public”*) from Science Po University, the PCLG Network is made of researchers and practitioners, European and non-European. The PCLG’s publication *Comparative Law on Public Contracts* (2010) has shown that Public Procurement and Public Contracts law are very suitable topics for comparative research due to their cross-border implications. The following book *EU Public Contract Law, Public Procurement and Beyond* (2014) has remarkably showed the strategic importance of EU Law in the evolution of public contracts law.

The purpose of this book is thus to improve the outcomes of the aforementioned publications with a specific focus on integrity issues in public contracts. Corruption, collusion, favouritism and conflict of interest seem to undermine the efficiency of a relevant amount of public spending. Such discussion emerged from the workshop “*Integrity and Efficiency in Sustainable Public Contracts*” organized by Gabriella M. Racca (www.ius-publicum.com) of the University of Turin and Christopher R. Yukins of George Washington University (Government Procurement Programme) in Turin on June 8th, 2012.

The Turin workshop focused on the link among integrity, objectivity of the award procedure and quality of the contract performance. During the following meeting of the PCLG-Network in Paris on December 19th, 2012, the discussion continued more in-depth with the participation also of the Procurement Unit of the Public Governance and Territorial Development office of the Organisation for Economic Co-operation and Development (OECD).

Both the workshops and the following discussions provided the outline for this collective book through an overview on the wide range of means that foster

(1) The Network site adress is: <http://www.public-contracts.net>. Since March 2013, the Network publishes a periodical, the International Journal of Public Contracts: <http://www.direitodoestado.com.br/ijpc>.

integrity and efficiency in the entire cycle of Public Contracts. In particular, the principles of transparency and accountability are both addressed as a prism for evaluating the suitability of Public Contracts and the tools for achieving the “desiderata” of any procurement system. This book highlights the issues to achieve this task from academic, institutional and practical perspectives. The research has been accomplished by different worldwide networks, and might be an excellent basis for further developments on these topics. The authors of the chapters are all specialists in their own fields and their different background, both by a geographical and professional perspective, represent a precious contribution for the scientific achievements reached by the book.

In continuity with the previous books, this research might permit to achieve a more active transnational academic cooperation and circulation of ideas on integrity in Public Contracts for the benefit of public institutions and of the citizens.

Turin, May 2nd, 2014

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