



Bid rigging - recent developments

Report by the Polish Competition Authority

Brno, 13.11.2013

- September 2013:
- The Office of Competition and Consumer Protection (UOKiK) published a report:
“The system of public procurement and the growth of competition in the market”



Urząd Ochrony Konkurencji i Konsumentów

RAPORT

SYSTEM ZAMÓWIEŃ PUBLICZNYCH A ROZWÓJ KONKURENCJI W GOSPODARCE



Warszawa, wrzesień 2013 r.

Content of the report:

- Description of legal regulations
- Functioning of the public procurement system in Poland
- Limitations of competition in public procurement
- Proposals how to make public tendering more effective and pro-competitive

Public procurement - responsible authorities:

- Public Procurement Office
- Office of Competition and Consumer Protection
- National Board of Appeal
- General courts



Public procurement - responsible authorities:

- Central Anti-Corruption Bureau
- Internal Security Agency
- Persecutor's Office
- Police



POLICJA



Public debate - Warsaw, September 2013:

- Authorities
- Contracting institutions
- Commercial chambers
- Private companies
- Lawyers



Proposals of the Competition Authority

Goals:

- To eliminate barriers of access to public procurement
- To facilitate fighting with bid rigging
- To increase effectiveness of public procurement

Proposals of the Competition Authority

Eliminating barriers:

- Educational activities
- Tender securities - changing rules
- Size criterion - limited application
- All notices in national bulletin

Proposals of the Competition Authority

Against bid rigging:

- Raising awareness
- Obligation to notify suspicion of bid rigging
- Creating tools of communication with CA
- Certificate of Independent Bid Determination
- Limiting the scope of use of other entity's capacity



Proposals of the Competition Authority Against bid rigging:

- Changing transparency rules
- Increased access to the results of tender procedures
- Colluding entities - excluded, their bids rejected
- Leniency applicants avoid penal responsibility
- Longer termination period

Proposals of the Competition Authority

Increasing effectiveness of public procurement:

- Specialized court
- Enhancing elimination of unreliable entrepreneurs from public procurements
- Facilitating complex analysis

Inspirations:



Thank you

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