






IP pilot application in Bulgaria: recap, actions in place and perspectives

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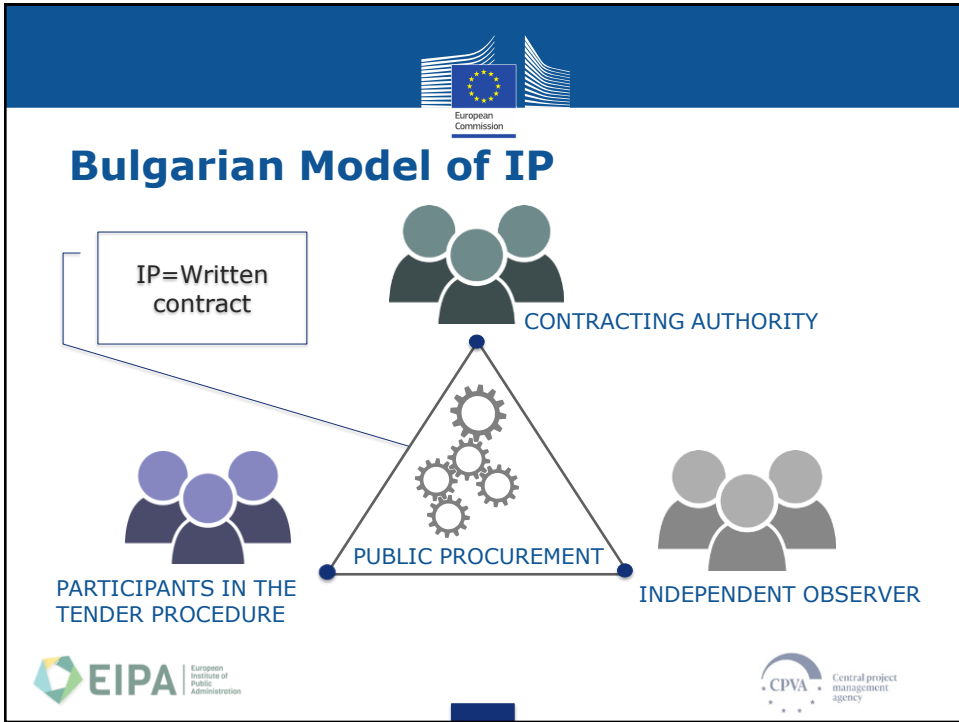


Background – evolution in BG

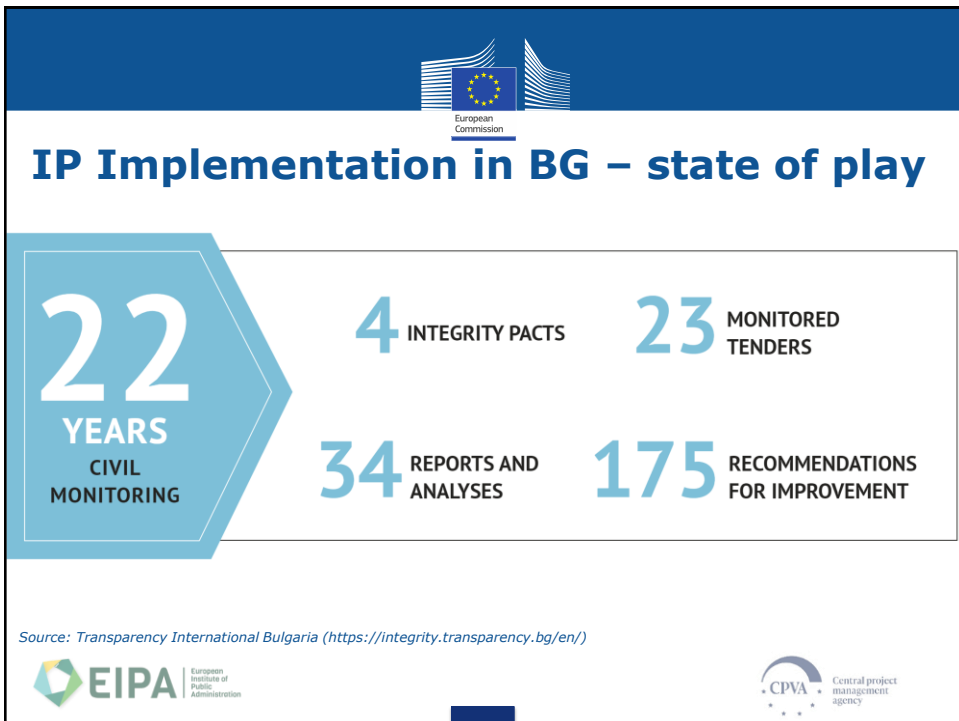
- (2011)** • BULGARIAN MODEL OF THE INTEGRITY PACT
- (2010)** • MONITORING OF TRAKIYA MOTORWAY CONSTRUCTION & METHODOLOGY FOR CIVIL MONITORING OF INFRASTRUCTURE PROJECTS
- (2007)** • RESEARCH “CORRUPTION VIOLATIONS IN PUBLIC PROCUREMENT AWARDING IN BULGARIA”
- (2005)** • MONITORING OF TRAKIYA MOTORWAY CONCESSION CONTRACTING
- (2003)** • PUBLIC PROCUREMENT IN MUNICIPALITIES
- (2000)** • TENDER FOR LICENSING OF THE SECOND GSM PROVIDER IN BULGARIA
- (1999)** • PRIVATIZATION OF THE BULGARIAN TELECOMMUNICATION COMPANY

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European Commission

IP in BG – ZHELEZNITSA TUNNEL CASE



MONITORING THE CONSTRUCTION OF THE ZHELEZNITSA TUNNEL THROUGH AN IP

- Estimate value 250 000 000 BGN
- EU Funded, Operational Programme on Transport and Transport Infrastructure 2014-2020 (OPTTI)

Why Zheleznitsa tunnel?

- an object of national importance
- the most expensive facility built in the last half century



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IP in BG – ZHELEZNITSA TUNNEL CASE

INTEGRITY PACT

PREAMBLE

GUIDED BY THE UNDERSTANDING about the supremacy of public interest, acknowledging the need for transparency and for increasing confidence in the award procedures related to public works, public supply and public services,

AWARE of the threat that corruption poses to the effective absorption of EU funds and the trust in this process by undermining institutions, democratic values, ethical norms, justice, sustainable development and rule of law,

ADHERING to the principles laid down in European Union law in the area of public procurement and competition, to the Convention in particular, freedom and equal opportunities for citizens to participate in the public and private sectors, and to the guiding principle and values of good governance of public affairs and public property, justice, accountability, equality and fair allocation of resources embodied in the Public Procurement Act,

IN ACCORDANCE WITH EU acquis and international law such as the Civil Law Convention on Corruption, the Criminal Law Convention on Corruption, the United Nations Convention against Corruption, the Convention on the Fight against Corruption involving officials of the European Communities or officials of Member States of the European Union, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the guiding principle and values of good governance of public affairs and public property, justice, accountability, and equality before the law, as well as the need to promote zero tolerance for corruption,

CREATING PREREQUISITES for attaining the objectives of national legislation and the respective European and international legal acts and for ensuring effective anti-corruption behaviours, good governance of the public sector and increase of confidence in public spending, including by public and transparent procedures,

Signed and open for accession:
30 November 2015
6 years observation!

Transparency International - Bulgaria (Observer) and National Company "Strategic Infrastructure Projects" (Contracting Authority)

Funded under European Commission initiative „Integrity Pacts – Civil Control Mechanism for Safeguarding EU Funds“. The project involves civil monitoring of public procurement procedures funded by European resources in a total of 11 EU Member States. The initiative has been implemented in partnership with 17 non-governmental organizations and is coordinated by the global anti-corruption movement Transparency International.



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IP Monitoring Methodology

Principles

- Independence
- Confidentiality
- Political impartiality


Two main monitoring aspects

- Observation and evaluation of the implementation of the IP parties' commitments
- Observation and evaluation of the degree of publicity and transparency of the procurement


Documentary analysis
Direct observation
Media monitoring
Sociological methods

IP Monitoring Matrix + Check lists

- Report for each key stage
- Three Monitoring reports (introduction, interim/intermediate and final)



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“Zheleznitsa” project - two unsuccessful procedures

1st procedure
Start: 30.11.2015
Termination: 4.4.2017


- April 2016 - Amended Roads Act and the NCSIP is closed
RIA has been designated as successor
- November 2016 – Changes in RIA management
- February 2017 – Changes in RIA management again
Evaluation committee works for the first time in August 2017
- June 2017 – New RIA management
- April 2017 **Participant's offer disappears!!!**
Procedure is terminated on 4 April 2017

2nd try
Start: 1.9.2017
Termination: 29.9.2017

- 1 September 2017 – RIA announces a new public procurement:
 - divided into three separate lots
 - implementation deadlines are reduced
- Procedure is terminated after negative PPA opinion on 29.09.2017

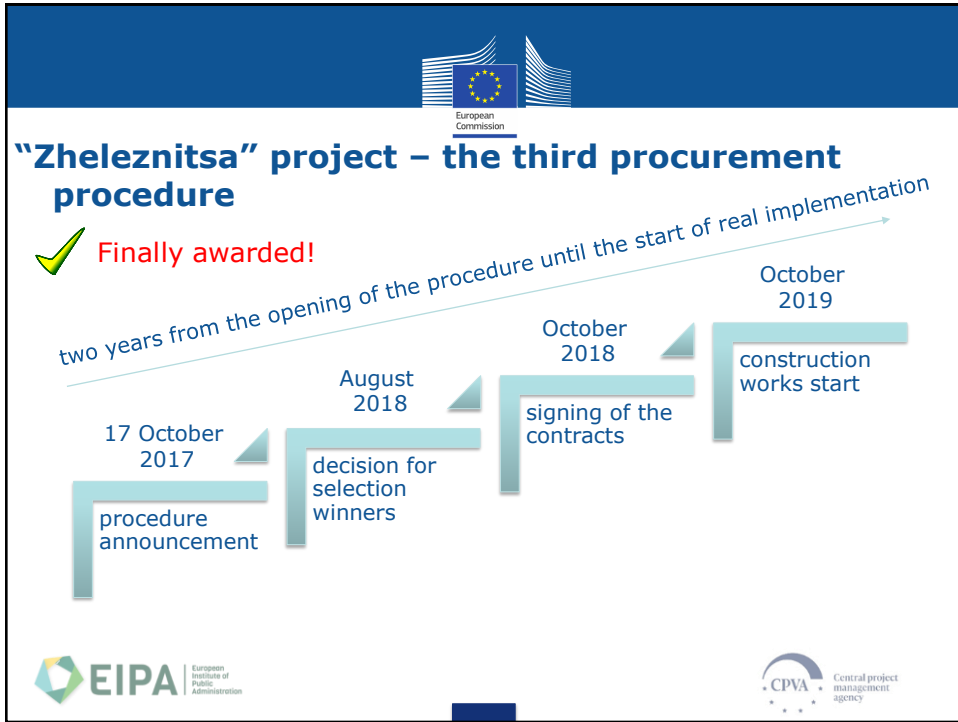


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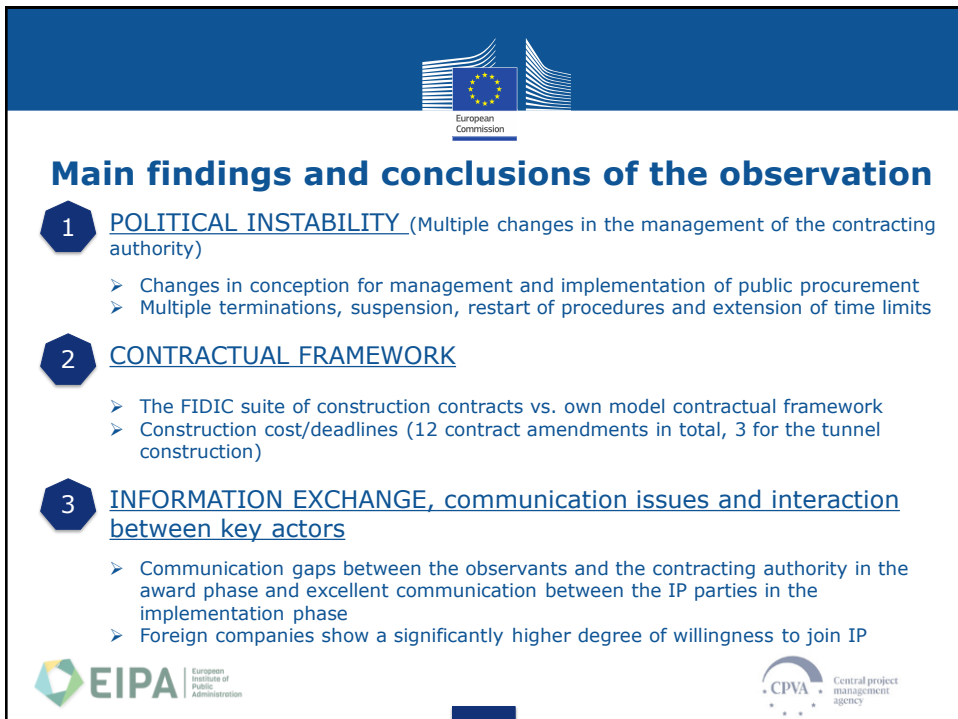


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What's now?

- **Political perspective**
 - ✓ On 01.03.2024 a Memorandum of Cooperation was signed between the Government of the Republic of Bulgaria and Transparency International Bulgaria.



- **Policy perspective**
 - ✓ **Partnership Agreement with Bulgaria on EU funds 2021-2027**
Framework conditions: "promoting the implementation of Integrity Pacts in the planning, awarding and execution of public procurement contracts of high public interest and with a significant corruption risk in order to ensure the good financial management of European and national funds".
- **Legal perspective**
 - ✓ Recent amendments to the Public Procurement Act:
New art. 237a. Control by observers




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The new form of control

The Public Procurement Act Control by observers

Art. 237a. (new - SG 88/2023, **in force from 01.01.2024**) (1) The Minister of Finance may designate persons to participate as observers in the work of the evaluation committee in public procurement of particular complexity, heightened public interest and/or related to critical infrastructures, and whose values are under Art. 20, par. (above the European thresholds).

(2) The persons referred to in par. (1) shall have competence in the subject-matter of the public procurement and/or in the application of public procurement legislation, and shall not have a conflict of interest with the contracting authority, the members of the committee and the candidates or tenderers.

(3) Observers shall prepare a report on their work, which they shall submit to the Minister of Finance and the contracting authority within 10 days of the completion of the work of the commission.

(4) The terms and conditions for the designation and participation of the observers shall be regulated in the Regulations for the Implementation of the PPL.

Public Procurement Act <<https://www2.aop.bg/zakonodatelstvo/nacionalno-zakonodatelstvo/>> (in Bulgarian)




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Thank You!

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