PUBLIC PROCUREMENT IN MONTENEGRO

- Review of the training program –

Public Procurement Directorate
Legislation

Public Procurement Law

(“Official Gazette of Montenegro”, No. 46/06)
LEGISLATIVE FRAMEWORK

Public Procurement Law
(“O.G. of Montenegro”, no. 46/06)

Secondary legislation
(“O.G. of Montenegro”, no. 71/06)

Standard forms
(“O.G. of Montenegro”, no. 71/06)
Structure of the Law

Chapter I
Main provisions
- Subject and application
- Exemptions
- Principles and definitions
- Anticorruption rules and conflict of interest
- General provisions

Chapters II and VIII
Institut. framework / Administrative tasks and tasks of control of application and protection of bidders’ rights and public interest
- Competent public administrative body - Public Procurement Directorate
- Commission for the control of the public procurement procedures

Chapters III, IV and V
Contract award procedures
- Open
- Restricted
- Negotiated
- Framework agreement
- Contest (design contest)
- Consultant services
- Direct agreement

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Article 16:

An administrative body responsible for public procurement activities - Public Procurement Directorate shall provide conditions for cost-effective, efficient and transparent use of public funds and create competitive and equal conditions for all tenderers.

Through its competences defined in the Art. 17 of the Law
Article 17:

1) to participate in the preparation of laws, subsidiary legislation and other regulations concerning public procurement;

2) to design appropriate standard forms needed for the application of this Law;
3) to monitor and review the implementation of the public procurement system, from the aspect of compliance with EU legislation, and propose measures to ensure such compliance of procedures;

4) to give prior approval to contracting authorities for the choice of procedure in the cases envisaged by this Law;
5) to offer advisory and consulting services in the field of public procurement to contracting authorities, when asked so;

6) to participate and cooperate in organizing staff training in public procurement activities;
VRÄENJE UPRAVNIH POSLOVA U OBLASTI JAVNIH NABAVKI

7) objavljuje pozive za javno nadmetanje i odluke o dodijeljenim ugovorima na internet stranici tog organa uprave u sluÄajevima predviÄenim ovim zakonom;

8) unaprjeÄuje sistem informisanosti naruÄilaca i ponuÄaÄa o propisima o JN i objavljuje i vrÄ distribuciju odgovarajuÄe struÄne literature;
PERFORMANCE OF ADMINISTRATIVE TASKS IN THE PUBLIC PROCUREMENT AREA

9) to prepare sample tender documents and contracts, for typical public contracts;

10) to initiate and encourage the development of electronic procurement and communication practices in the field of public procurement;

11) to pursue international cooperation with institutions and specialists in the field of public procurement;

12) to notify the State Audit Institution and file reports to other competent authorities on cases of violation of public procurement procedures that it has become aware of in the conduct of its tasks and duties;
13) to collect information from contracting authorities and maintain appropriate records;

14) to prepare, publish and update a list of covered parties under this Law on its website;

in the case that some of the parties are not included in the list, and they fulfill the criteria from the Art. 2, they are obliged to act in accordance with the PPL’s provisions;

15) to prepare uniform bases for establishing records and official lists of tenderers, on the basis of data on undertaken and executed public contracts;
16) to monitor the public procurement procedures and ensure that they meet the needs of general interest;
17) to issue public procurement bulletins;
18) to submit to the Government annual reports on the public procurement carried out in the Republic;
19) to perform other duties, in accordance with the Law.
Organization of training for the staff performing public procurement tasks

- Professional development and training/training, individually and in cooperation with other subjects
- Cooperation with Human Resource Management Authority
- Identifying training needs
- Plan of training
- Training program
- Training of trainers
- Realization of training
Role of the Directorate

- Organization of trainings in cooperation with Human Resource Management Authority, individually, with international organizations and institutions, NGOs, Chamber of Commerce.
- Certified trainers
- Established Training Program for 2010 for parties covered by the Public Procurement Law- contracting authorities
IPA Assistance project 2009-2012
Strengthening the public procurement system in Montenegro

- Improvement of the legislation
- Provision regarding training
- Strengthening of the administrative capacities of the Directorate – sector, department
- Training strategy
- Plans and programs
- Training modules
- Realization
Realized trainings
-for Law’s subjects-


- April-June 2009, cooperation with the OSCE Mission to Montenegro, realized training program, regionally, for local selfgovernment institutions – two-day seminars for coastal municipalities, municipalities of the central region and northern municipalities (3 x 7-8 municipalities with 40 participants each).

- The training for institutions at the state level realized in cooperation with OSCE (30 institutions).
Media campaign

- The trainings had media coverage – public campaign, promotion of the training results, appearances at radio and television, promotion of the publications and a brochure as well as of the Comments on the Public Procurement Law.

- Now in print, in cooperation with the OSCE, a new Manual on public procurement, based on the material from the realized trainings.
Dissemination of the brochures

- For the public procurement officers – contracting authorities the brochures and magazines have been provided, along with the Law and its comments.

- The parallel trainings are conducted by the Commission for control of public procurement procedures in cooperation with Human Resource Management Authority, in the part concerning the protection of rights in the procurement procedure.
Ethical rules

- Promotion of the significance of the integrity in public procurement through legal principles and rules contained in the Ethical Code of the state officers and employees.
- The Ethical Code is applied accordingly to the local self-government.
Contents - rules

- The concept of the Ethical Code
- Application
- Impartiality and political neutrality
- Loyalty, professionalism and courtesy
- Devotion to clients/service users
- Treatment of service users
- Conflict of interests
Rules

- Performance of other jobs
- Preservation of public confidence
- Impartiality and political neutrality
- Access to information
- Keeping the Official secret
- Reporting unethical requests
- Gifts and offers
Rules

- Reaction to the gift and offer
- Abuse of the job performance
- Protection of property and means
- Superiors
- Superiors and employees
- Treatment of other employees
- Treatment of former employees
Rules

- Employment outside the state authorities
- Living and working environment
- Decent clothing and behavior
- Violation of the Ethical Code
- Special Ethical Code
- Publicatione
Ethical Code of public officers and employees

TREATMENT OF SERVICE USERS

- Acts correctly, kindly and decently and his/her attitude is based on objectiveness and impartiality,
- Acts professionally and constructively, showing interest and patience, especially towards an ignorant client,
- Gives data and information timely, correctly and accurately, in accordance with law and other regulations
Ethical Code - Gifts and offers

- Justice before the door and a bribe through the door

Reaction to an inappropriate offer

Influence of the others

Abuse of the position
Ethical Code of public officers and employees

REPORTING UNETHICAL REQUESTS

WHAT AM I TO DO NOW, I AM LAPSED FROM HONOR
Let the goof work his fingers to the bone
When he has no powerful friends “upstairs”
Ethical Code of public officers and employees

- MY CHEEKS ARE ROSY AGAIN WHEN I SEE THE GREEN BANKNOTES
What never changes is the responsibility of contracting authorities.
Proper and timely planning and acting, as well as insisting on the appropriate education of the operational staff, results as the only correct path/way of effective implementation of the Law’s provisions.