

IACA Procurement Anti- Corruption Training Ministry of Interior of the Kingdom of Bahrain

Professor Christopher Yukins
Tuesday, 5 December 2023

3 – 7 December 2023, Manama

Introductions

Christopher Yukins

- Lynn David Research Professor in Government Procurement Law, George Washington University Law School, Washington DC
- GW Law Government Procurement Law Program founded in 1960
- Advisor to U.S. delegation to revise UNCITRAL Model Procurement Law
- Decades of practical experience, in government and private practice, including in investigations and compliance
- Lecturer and visiting professor – University of Turin & University of Paris - Nanterre



Public Procurement International

A resource on public procurement practice, policy and law, from around the globe.

Training for Moldovan Procurement Officials – New York City

Bahrain — Training in Fighting Corruption in Public Procurement

Webinar — Procurement and Anti-Corruption Efforts: An Update from Brazil

GW Law Model Procurement Code Seminar – Students Present Reform Proposals

UNCITRAL Model Law on Public Procurement

American Bar Association (ABA) Model Procurement Code (MPC) – Materials

Congress Commissions Bid



**Bahrain — Training in Fighting
Corruption in Public
Procurement – البحرين- التدريب على
مكافحة الفساد في المشتريات العامة**

<https://publicprocurementinternational.com/bahrain-anti-corruption-in-procurement-training/>

Agenda – Final 3 Days

December 5-7, 2023

Tuesday – 5 December 2023

Session 1: 9:00-10:30 - Procurement Cycle and Corruption Risks

Session 2: 10:45-12:15 - UNCAC Article 9

Session 3: 12:30-13:30 - E-procurement – team exercise
(must close at 13:15 (COP-28 session))

Wednesday – 6 December 2023

Session 1: 9:00-10:30 - Corruption prevention strategies

Session 2: 10:45-12:15 - Conflict of interest

Session 3: 12:30-13:30 - Collective action

Thursday – 7 December 2023

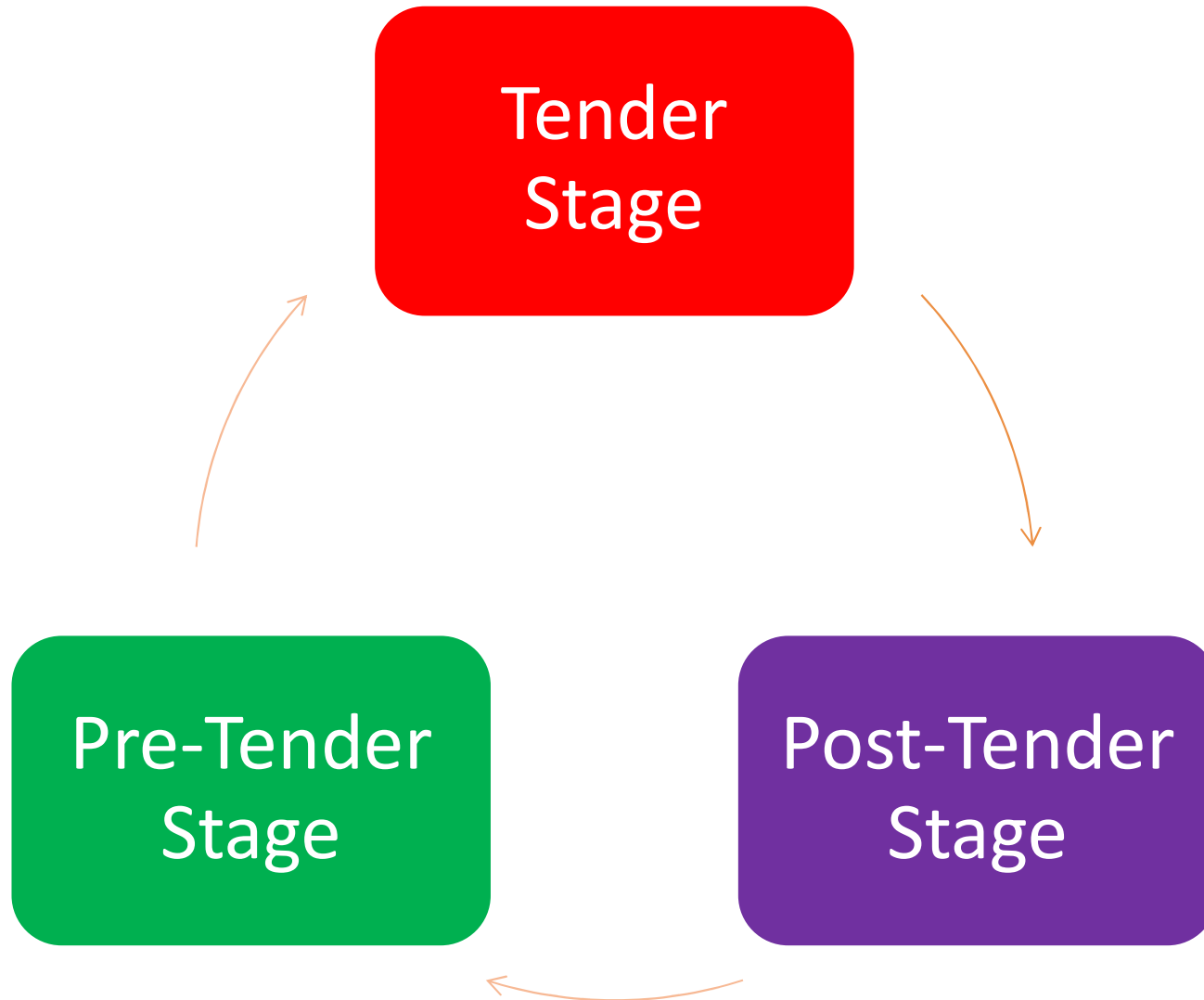
Session 1: 9:00-10:30 - Group work – case study in compliance

Session 2: 10:45-12:15 - Presentations – case study (above)

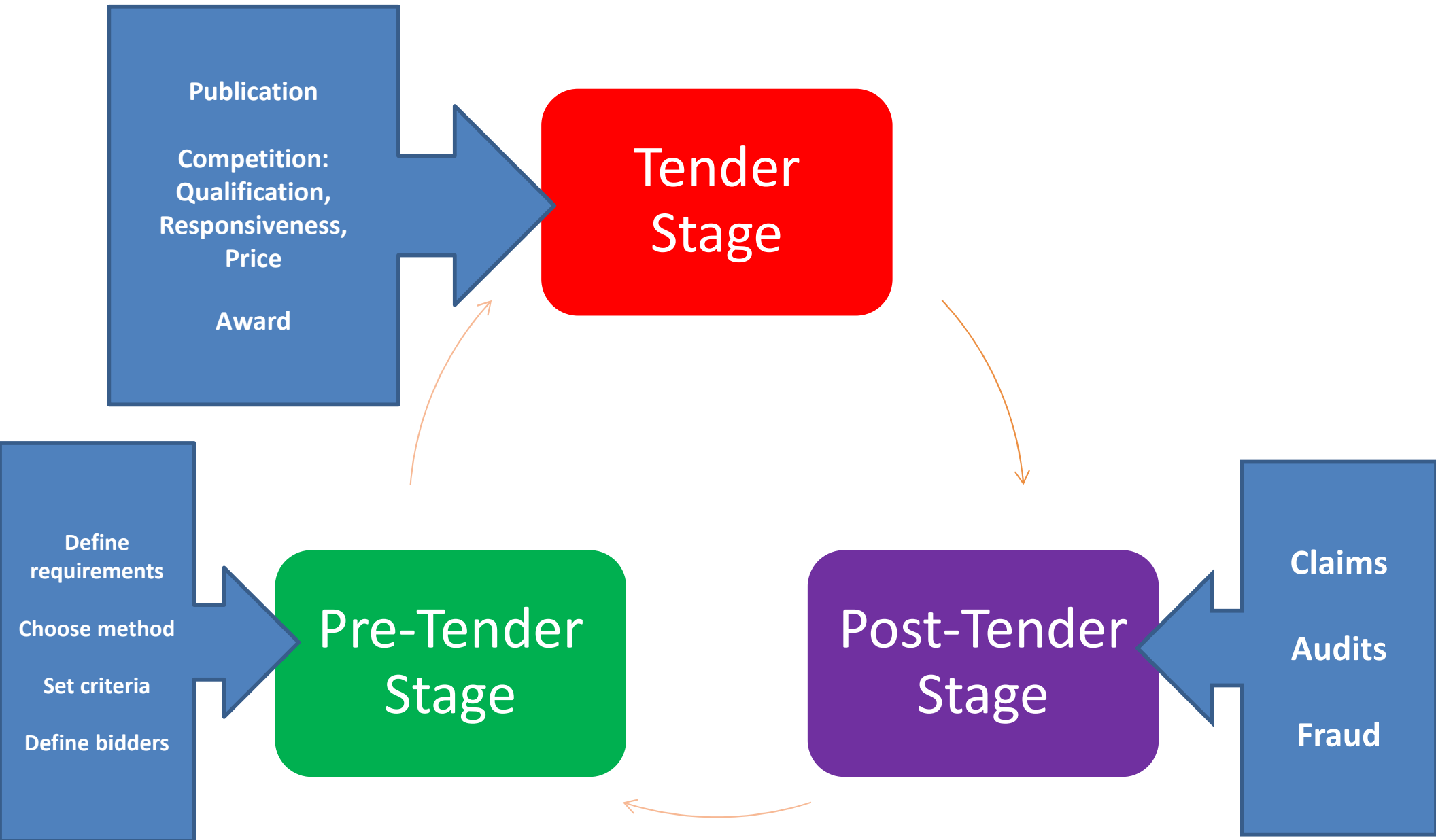
Session 3: 12:30-13:30 - Certificates

SESSION 1 - PROCUREMENT CYCLE AND CORRUPTION RISKS

The Procurement Cycle



The Procurement Cycle



*Stakeholder
Management in
Public Procurement:
Rethinking the
Engagement
Strategy for Co-
Financing in Rivers
State, Nigeria*

Soala Warmate

On ssrn.com



© Source – TrackaNG twitter page

Figure 6: A Multi-million Naira Primary health care facility in Delta State, Nigeria, abandoned since 2016



© Source – TrackaNG twitter page

Figure 7: Rural electrification project in Oyo State. Awarded at 100 million Naira in 2020 but abandoned.

Figure 3: Abandoned monorail project in Port Harcourt



© Source – Ymonitor¹³⁴

Bahrain's Law No. 36:

Article 65: It shall be **prohibited for a supplier or contractor to do any of the following acts:**

(a) To **influence the results of the tender or award decision with the aim of overcoming competition** such as **giving bribes and incentives to any officer in the buyer, Board or any government authority.**

(b) To **obtain information about the tender by unlawful methods.**

(c) To **connive with contractors or suppliers** participating in the tender.

(d) To **engage in any practices leading to a monopoly.**

Are These
“Traditional”
Forms of
Corruption –
Or
Something
Broader?

Major Methods of Competition

Open
Procedure

Restricted
Procedure

Negotiated
Procedure

Sole-
Source

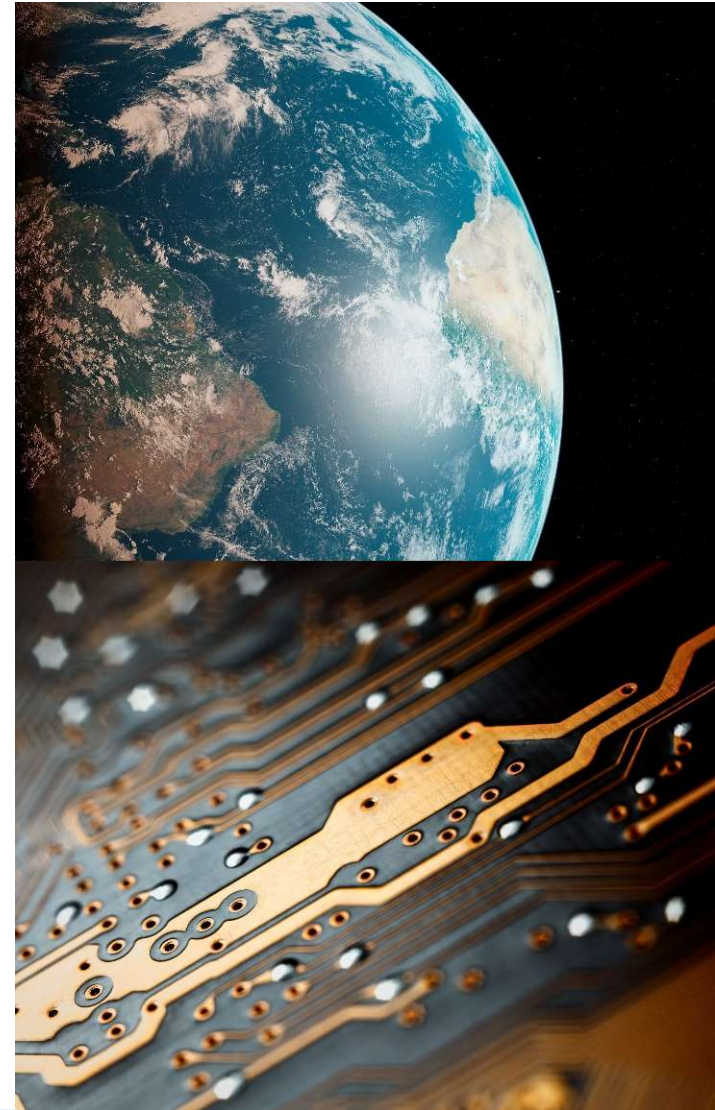
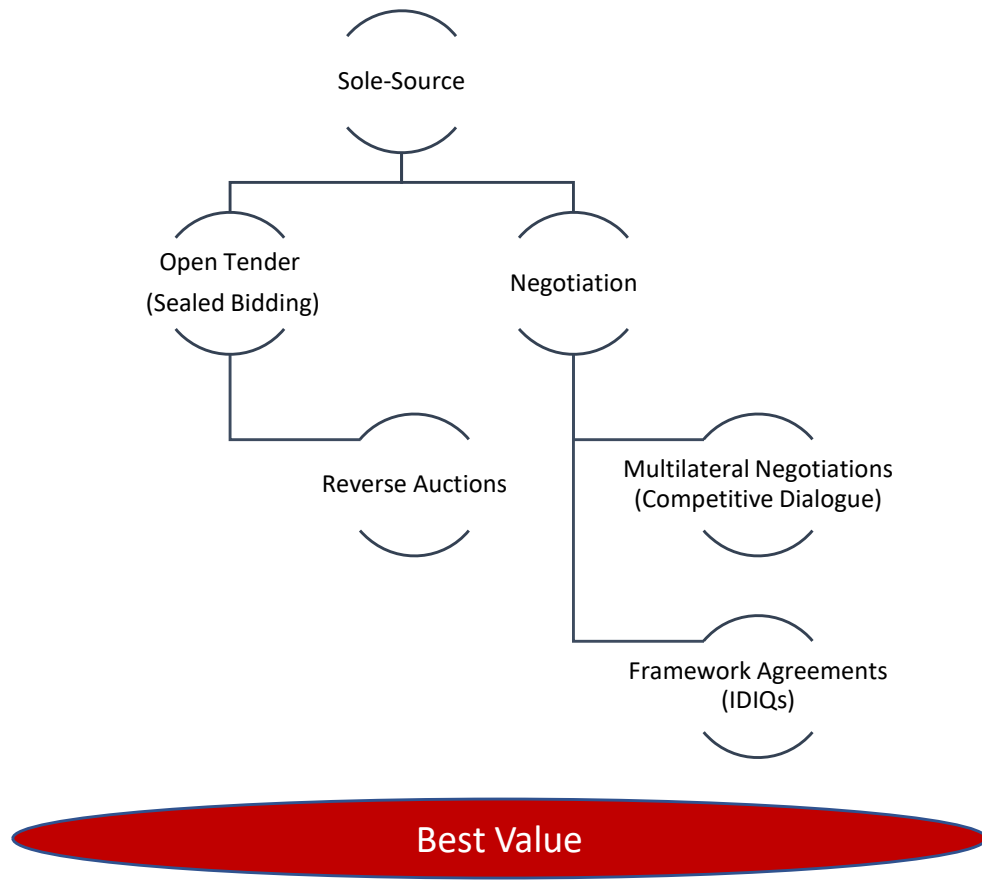
Bahrain's Permitted Methods – Law No. 36, Art. 4

Contracts for the purchase of goods or constructions shall be concluded by the public tender method. However, a buyer may pursuant to a **decision from the Tender Board** enter into a contract in any of the following methods:

- (a) **A tender in two phases.**
- (b) **Limited tender.**
- (c) **Competitive negotiation.**
- (d) **Direct purchasing** (purchase from a single source).
- (e) **Request to present proposals.**

Entering into contracts with respect to services shall take place by way of **requesting the submission of proposals**. However, contracts may be concluded by one of the aforesaid methods upon a resolution of the Board.

Evolution of Procurement





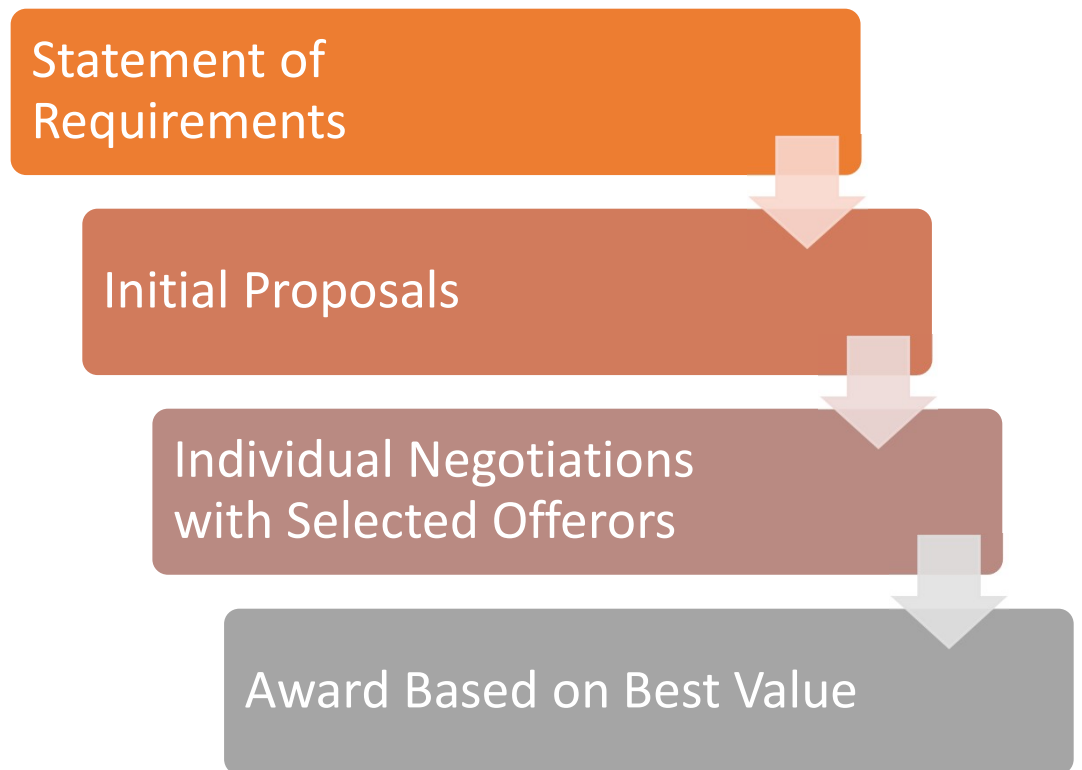
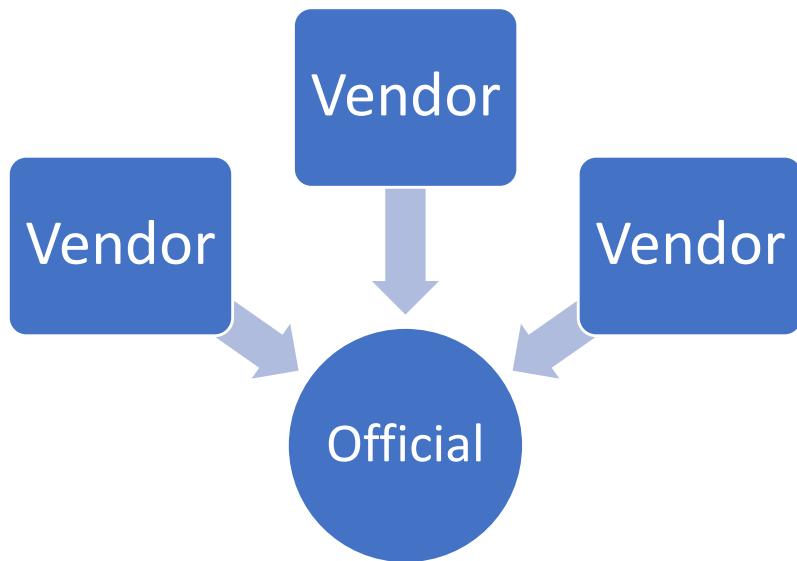
Sole source



Open Tender – Sealed Bidding

Multilateral Negotiations

- “Competitive Dialogue” or “Competitive Negotiations”



Bahrain's Law No. 36 Bars Negotiations (Art. 33) But . . .

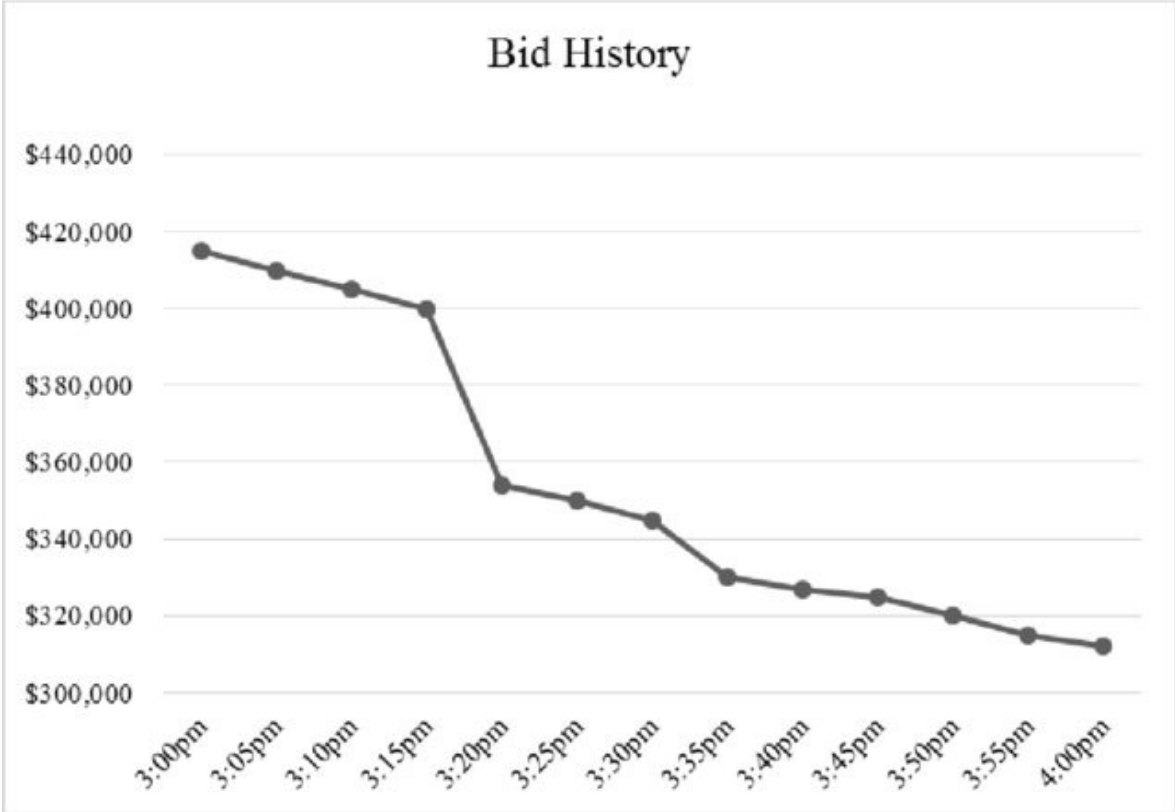
Information relating to the examination of bids, evaluation thereof or comparison between them shall not be disclosed before the award. However, the concerned parties may have access to the register with respect to the purchase formalities in the cases prescribed by the law. The buyer shall not enter into negotiation with any supplier or contractor regarding its bid.

But:

Article 47: In case of following procedures of competitive negotiation, the buyer shall, through a committee that the Board shall decide to form, enter into negotiations with bidders or their representatives. The buyers shall notify the bidders of any requirements, directives, documents or information related to bidding

Article 49: Confidentiality shall be observed in negotiations between the buyer and bidders. It shall be prohibited for either party to reveal any technical or pricing information related to the negotiations without the approval of the other party subject always to complying with the provisions related to access to the purchasing procedures register provided for in this Law.

Reverse Auctions





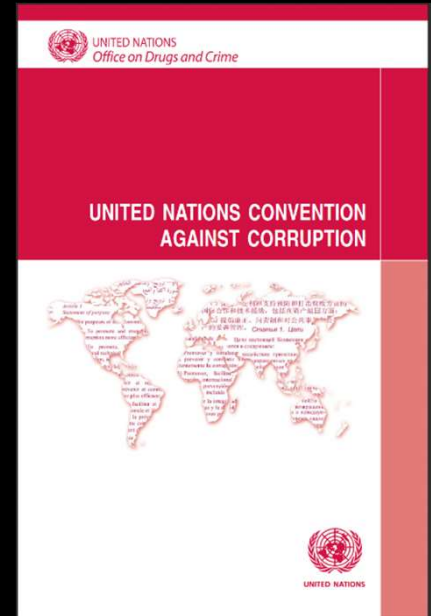
“Framework
Agreements” or
“Indefinite-Delivery /
Indefinite Quantity”
(IDIQ) Contracts

Convergence: Procurement Regulation



	Federal Acquisition Regulation (FAR)	European Procurement Directive 2014/24/EU	World Bank Procurement Framework	WTO Government Procurement Agreement (2012)	ABA Model Procurement Code
Acquisition Planning	Yellow	Green	Green	Green	Yellow
Publication of Opportunities	Green	Green	Green	Green	Green
Electronic Reverse Auctions	Red	Green	Light Green	Green	Red
Sealed Bidding	Green	Green	Green	Green	Green
Competitive Negotiations	Green	Green	Light Green	Yellow	Green
IDIQs (Frameworks)	Green	Green	Green	Red	Red
Publication of Awards	Green	Green	Green	Green	Green
Bid Protests	Green	Green	Yellow	Green	Green
Suspension-Debarment	Green	Yellow	Green	Red	Green
Contract Administration	Green	Red	Red	Red	Yellow

SESSION 2 – UNCAC ARTICLE 9: FROM FUNDAMENTAL PRINCIPLES TO DECISION MAKING





UNODC

United Nations Office on Drugs and Crime

Guidebook on anti-corruption in public procurement
and the management of public finances

Good practices in ensuring
compliance with article 9
of the United Nations
Convention against Corruption

UN Convention Against Corruption (Art. 9)

Public Information

Advance award criteria and publication

Objective and predetermined criteria for award

Bid protest and appeal

**Measures to control procurement personnel –
e.g., rules and codes**

**Transparency, including in budgeting and
accounting**

Bahrain's Law No.
36:

Article 34: The buyer or the committee assigned by the Board to analyse the bids shall forward a copy of the analysis results accompanied by a written confirmation of the availability of the required purchase appropriations in the budget to the Board for approval.

Objective criteria in decision-making

Objective criteria in decision-making

UNCAC stipulates objectivity in connection with criteria for decision-making as one of its cornerstone principles.

Objectivity in decision-making in the context of public procurement refers to striving (as far as possible) to reduce or eliminate biases, prejudices, and subjective evaluations.

Integrity

Nondiscrimination

Bahrain's Law No. 36: Article 35: The Board shall lay down the rules with respect to the determination of criteria on the basis of which the comparison between bids shall take place, provided that such **standards shall be objective and can be quantitatively estimated. Price shall be the principal criterion in case of fulfillment of the technical and other criteria.** The tender documents shall contain the criteria relied upon by the buyer in selecting the successful bid and the **relative weighting of such criteria** including time of execution, maintenance, operation, terms of payment and such other guarantees. **The tender shall be awarded to the bidder who offers the best terms and lowest price after standardising the bases and criteria of comparison between the tenders in the manner to be determined by the Implementing Regulations.** The Board may request the successful bidder to prove his qualification once again, otherwise his bid shall be rejected if he fails to respond to such request.

Impact of UNCAC

Rules Published

Challenge Systems

Codes of Conduct

Debarment

Workforce
Training

Elements of Bid Challenge System – Daniel Gordon

Challenge Systems



SESSION 3 – E-PROCUREMENT

Assessing Electronic Procurement

More efficient?

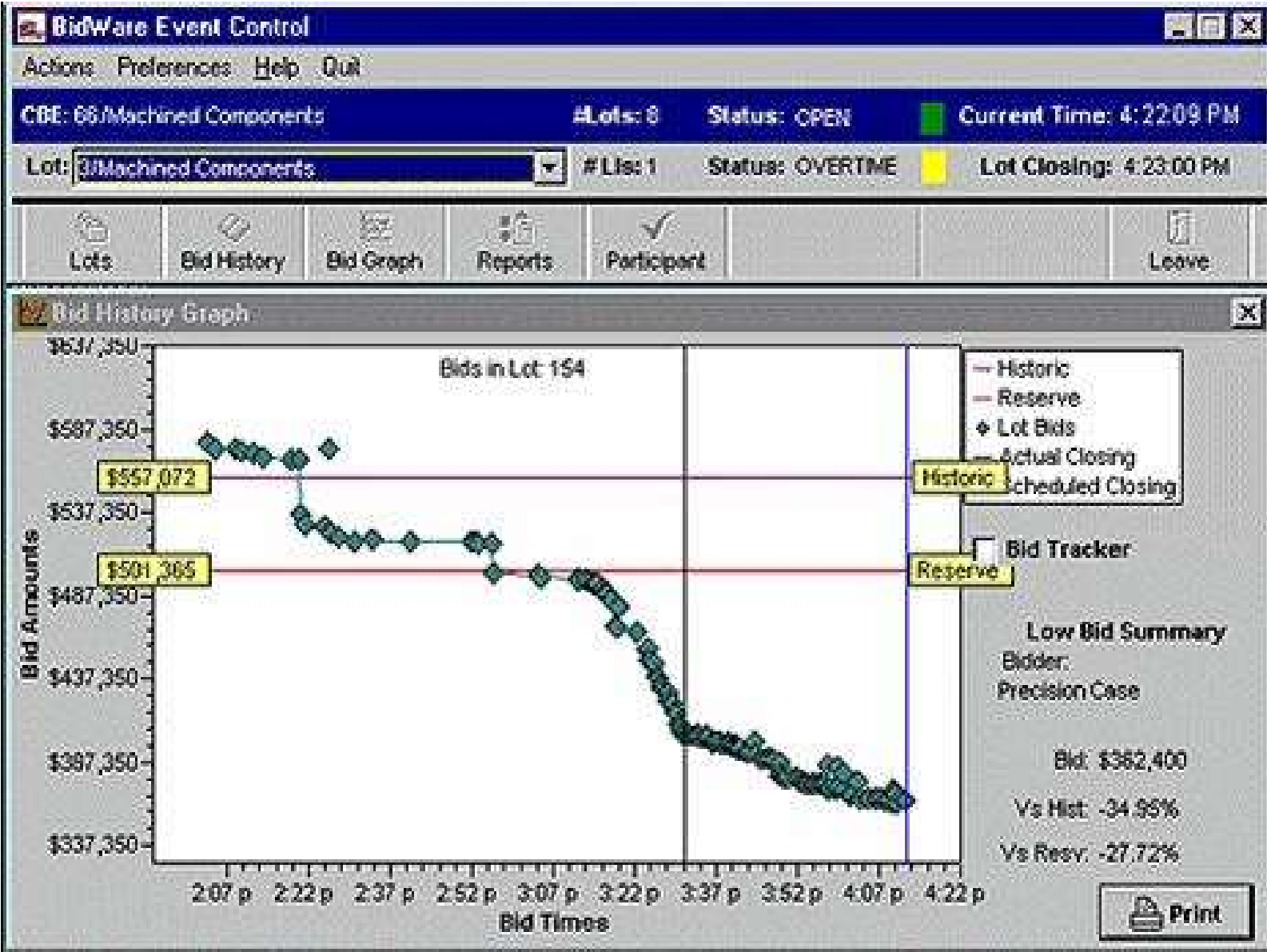
More transparent?

Discriminatory?

**Ready source of
comparative lessons?**

What Is a Reverse Auction?





**US Regulatory
Perspective**



Reverse Auctions

David A. Drabkin, Esq

Overview

- Not prohibited by law or regulation
- A pricing/ordering tool
- Commodities or commoditizable services
- GSA experience

**US Regulatory
Perspective**

Legal Authority

No specific authority for Reverse Auctions

FAR 1.102:

“In exercising initiative, Government members of the Acquisition Team may assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, that the strategy, practice, policy or procedure is a permissible exercise of authority. “

**US Regulatory
Perspective**

- Commodities
- Commoditizable services

**US Regulatory
Perspective**

Application

The U.S. Federal Procurement Rule on Reverse Auctions

Reverse Auction Taxonomy – Sue Arrowsmith

The electronic auction award shall be based:

- Solely on prices when the contract is awarded to the lowest price (Type 1),
- On quality assessment, then weighted price auction (Type 2)
- After price auction, weigh quality and best value subjectively (Type 3)

WTO Government Procurement Agreement (GPA) on Electronic Reverse Auctions

Revised GPA Defines Electronic Reverse Auction

Article I:

(e) **electronic auction** means an iterative process that involves the use of electronic means for the presentation by suppliers of either new prices, or new values for quantifiable non-price elements of the tender related to the evaluation criteria, or both, resulting in a ranking or re-ranking of tenders;

Article XIV Electronic Auctions

Where a procuring entity intends to conduct a covered procurement using an electronic auction, the entity shall provide each participant, before commencing the electronic auction, with:

- (a) the **automatic evaluation method**, including the mathematical formula, that is based on the evaluation criteria set out in the tender documentation and that will be used in the automatic ranking or re-ranking during the auction;
- (b) **the results of any initial evaluation of the elements** of its tender where the contract is to be awarded on the basis of the most advantageous tender; and
- (c) **any other relevant information** relating to the conduct of the auction.

And GPA
Regulates

...

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Mock Auction Rules

- Group descriptions drive bidding strategy
- Auction per mock solicitation
- U.S. rules regarding reverse auctions apply
- U.S. bid protest rules apply
- Bids submitted to auctioneer; low bid posted
- Professor is both auctioneer and arbiter

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3 – 7 December 2023, Manama

Agenda – Today

Wednesday – 6 December 2023

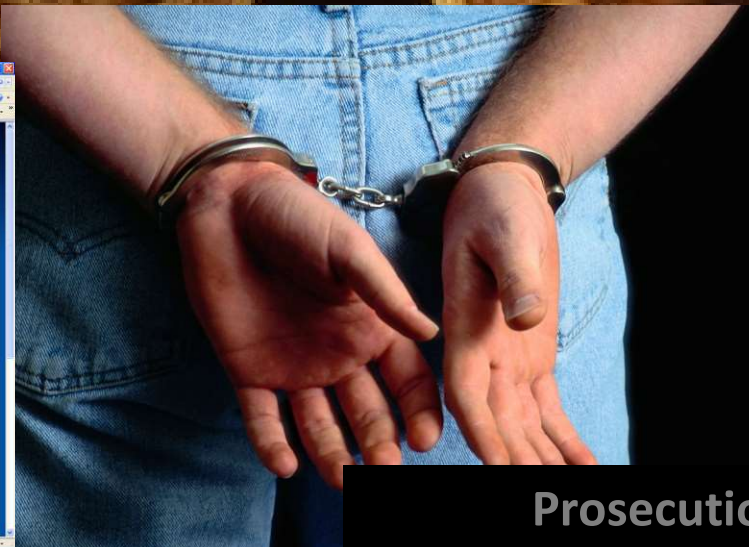
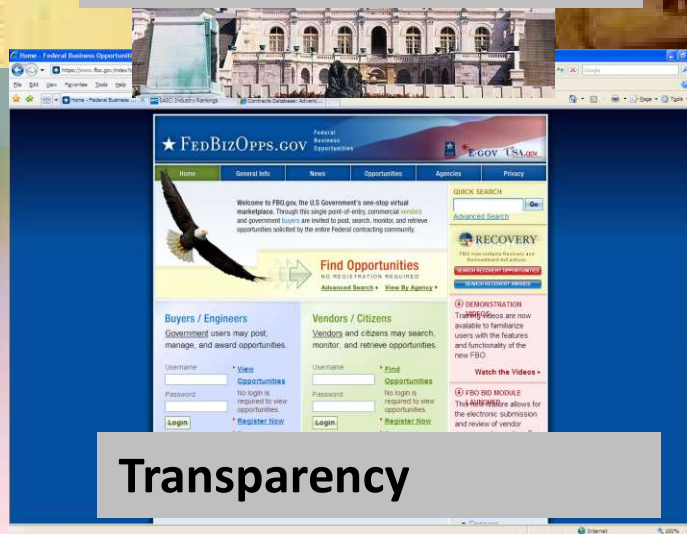
Session 1: 9:00-10:30 - Corruption prevention strategies

Session 2: 10:45-12:15 - Conflict of interest

Session 3: 12:30-13:30 - Collective action

SESSION 1 – CORRUPTION PREVENTION STRATEGIES IN PUBLIC PROCUREMENT

Tools for Fighting Corruption



Anti-Corruption Strategies

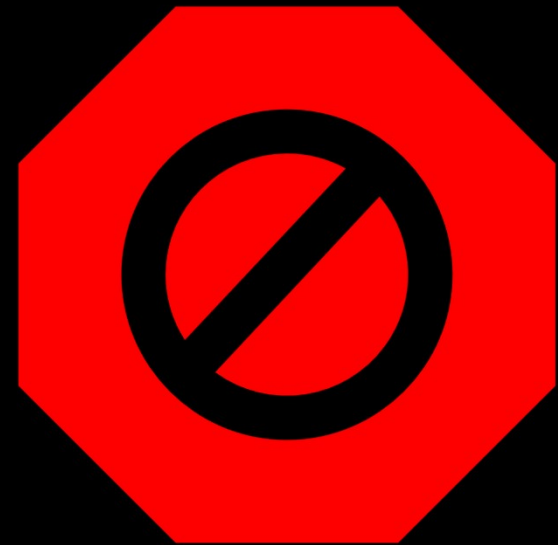






Debarment

- Expanding rapidly worldwide
- Extension of contractor (dis)qualification?
- Sanction or business decision?
 - Exclude based upon reputational and/or performance risk?
- Should other jurisdictions cross-debar?



Contractor Qualification – Bahrain's Law No. 36, Art. 6

Entering into contracts for the purchase of goods, constructions or services from suppliers or contractors who have the creditworthiness and fulfil the prequalification and classification conditions in the manner outlined in the Executive Regulations.



Criminal Prosecution

- **Bribery**
- **Gratuity**
- **Kickback**
- **Conflict of Interest – Personal versus Organizational**
 - **Revolving door**

A hand holding a wooden gavel over a wooden sound block on a table. The background is a blurred courtroom setting.

Bid Protests

- Agency
- Independent agency
- Court

Goal: address wrong done losing bidder, or early-warning of system failure?



Ethics

- Address gifts, conflicts of interest, revolving door, etc.
- Are rules enough?
- Additional, harsher rules for procurement officials? For example, to address mishandling of confidential bidder information?



Oversight

- Legislative
- Investigations
- Community
 - Planning, competition, post-award

Compliance

- Corporate versus government
- Common standards globally





Boards

More difficult to corrupt multiple decisionmakers

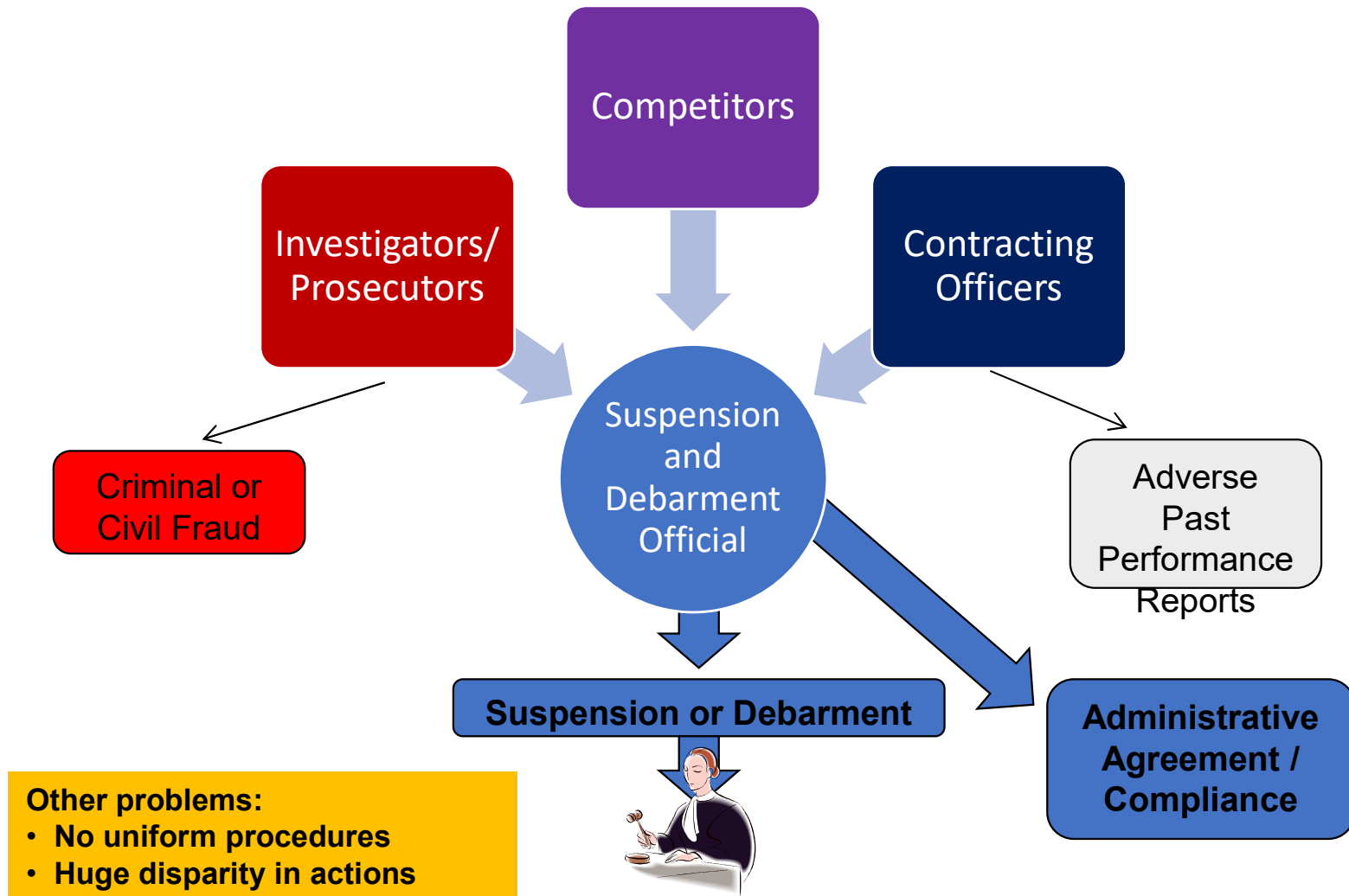
Audits

- After the fact
- Manual or electronic?
- Aberrations in context?
- Finding error or recommending management solutions?



Debarment

U.S. Federal Discretionary Debarment



World Bank Sanctions System

Compliance

Integrity Compliance Officers (within INT)

- Monitors integrity compliance by sanctioned companies (or codes of conduct for individuals)
- Decides whether the compliance condition established by the SDO or Sanctions Board as part of a debarment has been satisfied.

Adjudicative

Sanctions Board

- Comprised of 4 external members and 3 Bank staff
- Reviews case 'de novo'
- May hold a hearing with parties and witnesses
- Imposes sanctions (not bound by SDO's recommendation)
- Decisions are final and not appealable
- **39% of cases resolved at this level**

Suspension and Debarment Officer (SDO)

- Evaluates evidence presented by INT
- Issues Notice of Sanctions Proceedings to respondent
- Temporarily suspends respondent
- Recommends a sanction (becomes effective if respondent does not contest)
- **61% of cases resolved at this level**

Investigative

Integrity Vice Presidency

- Investigates allegations of fraud, corruption, collusion, coercion and obstruction
- Prepares and submits a Statement of Accusations and Evidence (SAE) to the Office of Suspension and Debarment





EU 2014/24/EU: Self-Cleaning

Art. 57

6. Any economic operator that is in one of the situations referred to in paragraphs 1 and 4 may provide evidence to the effect that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion. If such evidence is considered as sufficient, the economic operator concerned shall not be excluded from the procurement procedure.

For this purpose, the economic operator shall **prove that it has paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct, clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities and taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.**

The measures taken by the economic operators shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered to be insufficient, the economic operator shall receive a statement of the reasons for that decision.

An economic operator which has been excluded by final judgment from participating in procurement or concession award procedures shall not be entitled to make use of the possibility provided for under this paragraph during the period of exclusion resulting from that judgment in the Member States where the judgment is effective.

Recital 102

Allowance should, however, be made for the possibility that **economic operators can adopt compliance measures aimed at remedying the consequences of any criminal offences or misconduct and at effectively preventing further occurrences of the misbehaviour.** Those measures might consist in particular of personnel and organisational measures such as the severance of all links with persons or organisations involved in the misbehaviour, appropriate staff reorganisation measures, the implementation of reporting and control systems, the creation of an internal audit structure to monitor compliance and the adoption of internal liability and compensation rules. **Where such measures offer sufficient guarantees, the economic operator in question should no longer be excluded on those grounds alone.** Economic operators should have the possibility to request that compliance measures taken with a view to possible admission to the procurement procedure be examined. However, **it should be left to Member States to determine the exact procedural and substantive conditions applicable in such cases.** They should, in particular, **be free to decide whether to allow the individual contracting authorities to carry out the relevant assessments or to entrust other authorities on a central or decentralised level with that task.**

Brazil



- Debarment list maintained
 - Sanction for poor performance or corrupt conduct
- Under certain circumstances, court may order debarment
- Exception to mandatory punishment:
 - Leniency agreements (similar to administrative agreements)
- Source: Cristiana Fortini, Mariana Avelar & Christopher Yukins, *A Comparative View of Debarment and Suspension of Contractors in Brazil and in the USA*, 66 Admin. & Constit. L. Rev. 61 (Brazil 2016), available at <https://ssrn.com/abstract=3080396> or <http://dx.doi.org/10.2139/ssrn.3080396>.

Trinidad & Tobago – Sample Exclusion Provision

(3) The Office may add a supplier or contractor to the ineligibility list where the supplier or contractor—

- (a) consistently fails to provide satisfactory performance;*
- (b) is found to be indulging in corrupt or fraudulent practices; or*
- (c) is convicted of an offence under this Act.*



Four Paradigms: Debarment

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Responsibility (Qualification)

Only

- On a case-by-case basis
- In U.S. – done by contracting officer
- Allowed by new EU Directives

Discretionary Debarment – U.S. Federal

- Based on “present responsibility”: focus on present status
- Debarment is a cross-government “meta-qualification” determination

Adjudicative Debarment for “Bad Acts”

- E.g., World Bank

Court- Ordered Debarment, After Judicial Proceedings

Performance
Risk

Reputation
Risk



Part of Shift
to Open
Government?

Context

Anti-
Competitive?

Market



Better than
voluntary?

Comparative

Open Questions on Mandatory Disclosure

Looming Issue: Cross-Debarment

Options:




- Automatic cross-debarment
- Listed debarments to be considered in other systems
- Adverse information regarding contractors to be considered
- Do nothing

Corporate Compliance (Governance)

What Is a Compliance System?

- 1. Standards and procedures**
- 2. Knowledgeable leadership**
- 3. Exclude risky personnel**
- 4. Training**
- 5. Monitor, evaluate, reporting hotline**
- 6. Incentives and discipline**
- 7. Adjust program to risk**
- 8. Victim compensation?**



				
1. Standards and procedures	✓	✓	✓	✓
2. Knowledgeable leadership	✓	✓	✓	✓
3. Exclude risky personnel	✓	✓	✓	✓
4. Training	✓	✓	✓	✓
5. Monitor, evaluate, reporting hotline	✓	✓	✓	✓
6. Incentives and discipline	✓	✓		
7. Adjust program to risk	✓	✓		

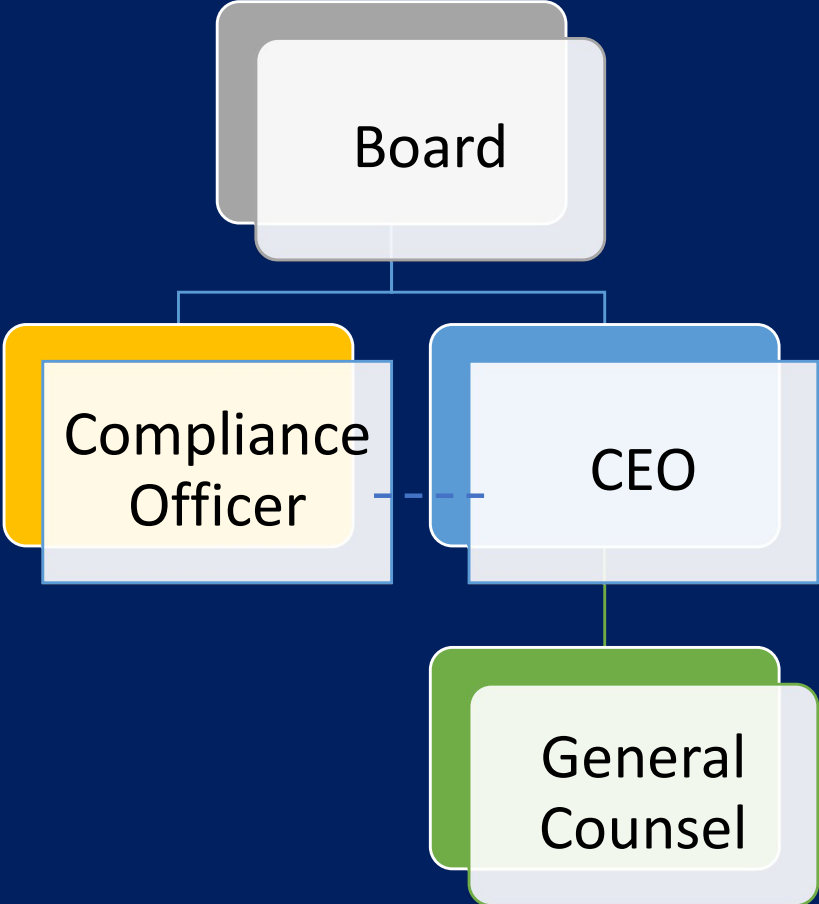


Code of Conduct

- Message from senior officer
- Outline of system
- Rules of conduct
- Market standard

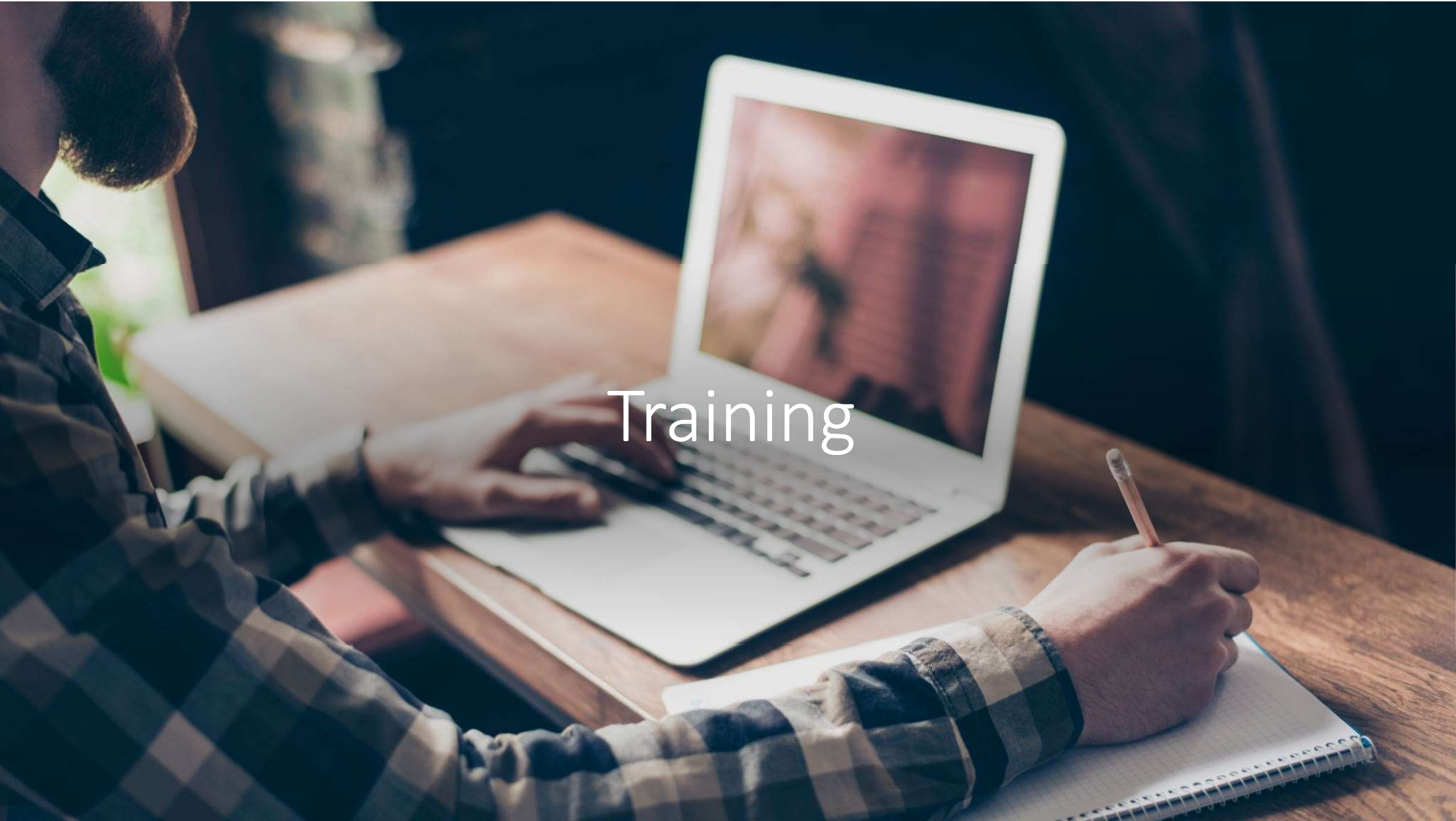


Knowledgeable Leadership



A man in a white shirt and tie is sitting at a desk in an office. He is holding a tablet computer and looking at it with a thoughtful expression, his hand resting on his chin. The background shows office shelves and a desk with papers and a pen. The text "Exclude Risky Personnel" is overlaid on the image in white.

Exclude Risky Personnel

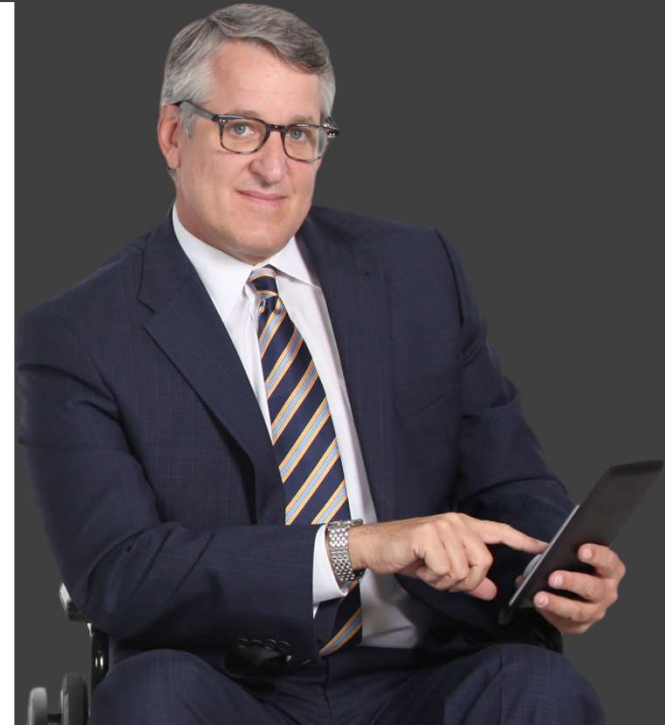


Training



Reporting Hotline

- Whistleblower -- Protect and Encourage
 - No retaliation
 - Anonymity
 - Reward



Monitor and Audit





Incentives and Discipline



Adjust Program to Risk



Elements of An Effective Compliance Program

Steps to Building a Compliance Program

- Identify Risks to the Company
- Prepare policies that respond to the identified risks
- Implement policies with a specific compliance program tailored to company's risk areas



Victim Compensation



European Procurement Directive – 2014/24/EU – Art. 57

6. Any economic operator that is [excluded for corrupt acts] may provide evidence to the effect that **measures taken** by the economic operator **are sufficient to demonstrate its reliability** despite the existence of a relevant ground for exclusion. . . .

For this purpose, **the economic operator shall prove that it has paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct**, clarified the facts and circumstances in a comprehensive manner by actively **collaborating with the investigating authorities** and taken **concrete technical, organisational and personnel measures** that are appropriate to prevent further criminal offences or misconduct.

Different Pathways to Compliance



**Compliance Is a
Affirmative Defense
or Mitigates a
Criminal Sentence**

(e.g., US Sentencing
Guidelines; UK
Bribery Act; Brazil)



**General
Requirement to
Establish
Compliance System**

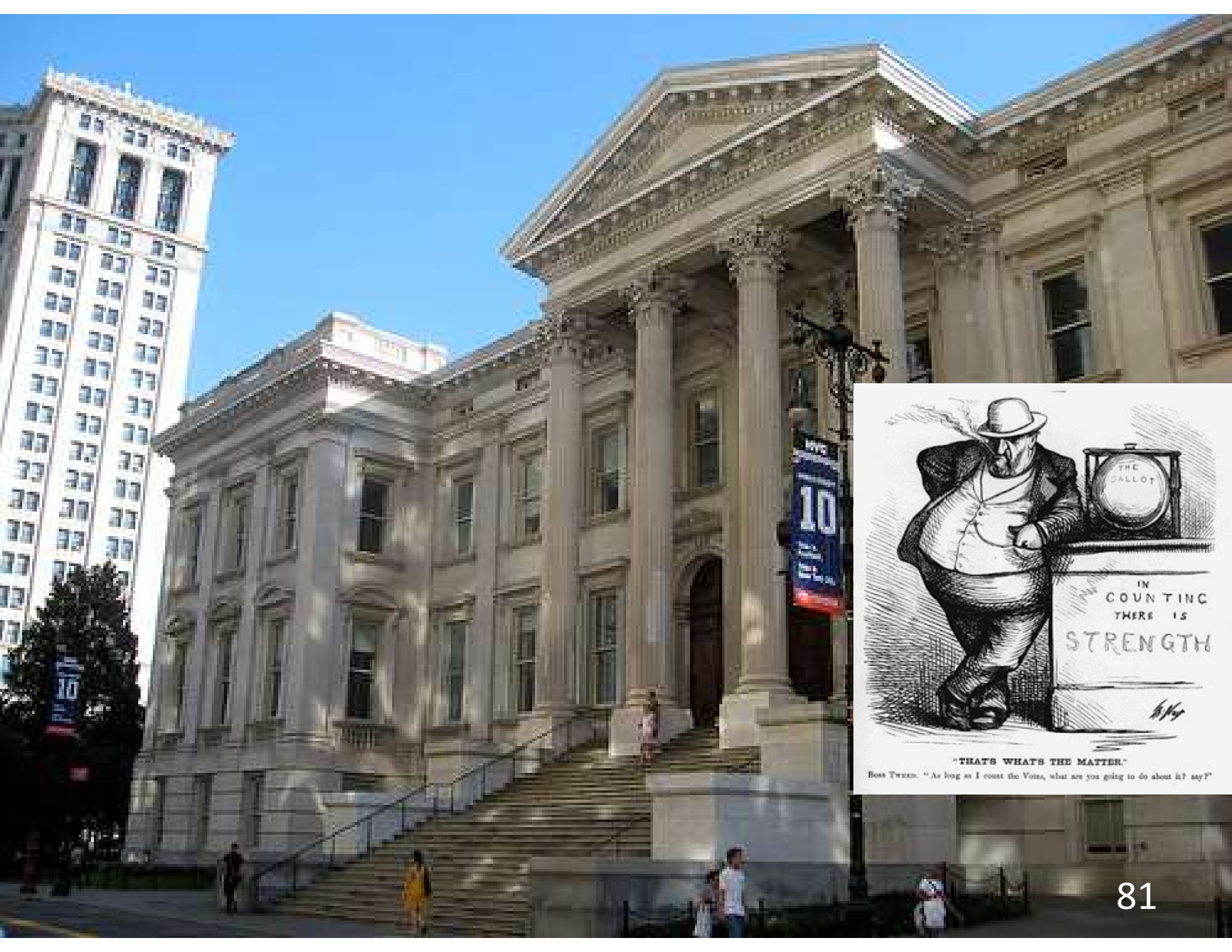
(e.g., Federal
Acquisition
Regulation; France's
"Sapin II" Law)



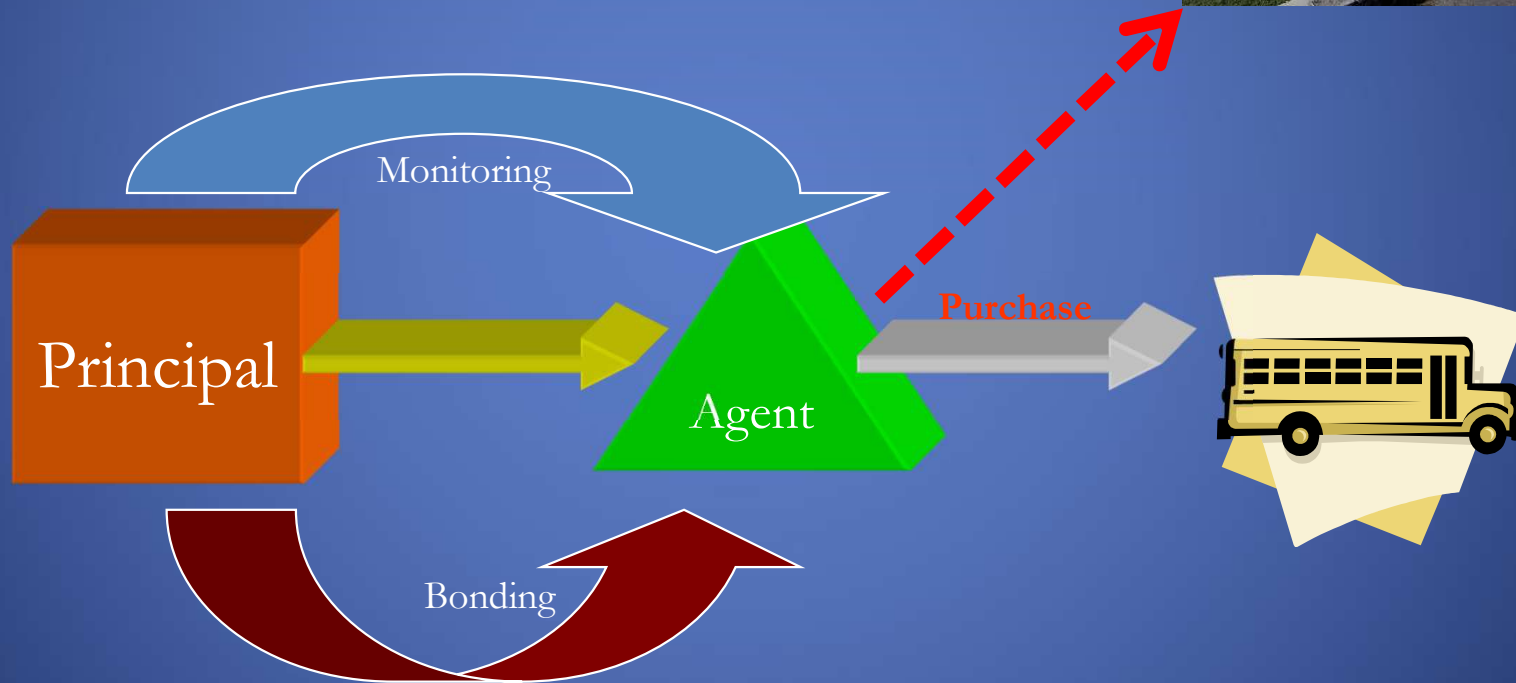
**"Self-Cleaning" –
Remedial Measures
After Bad Act**

(e.g., European
Procurement
Directives)

SESSION 2 – CONFLICTS OF INTEREST



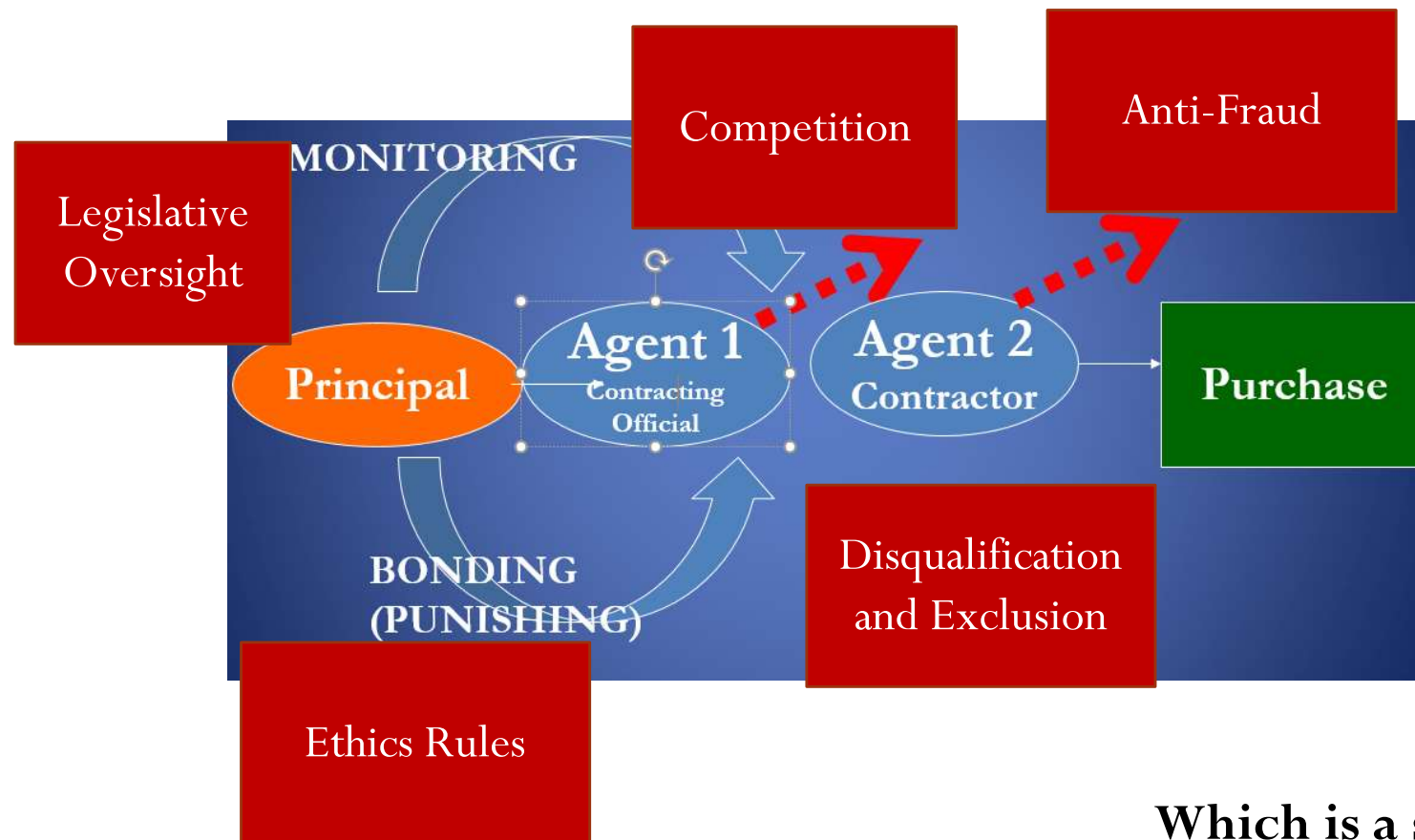
Principal-Agent Model



Principal-Agent Model



Anti-Corruption Tools: Assessing the Principal-Agent Model



Which is a surprising
anti-corruption tool?

Bahrain's Law on Conflicts re: Contracting – Law No. 36, Art. 7

Civil servants, government officials and other employees of the authorities to whom the provisions of this Law are applicable **shall not personally or through third parties submit bids or offers to the Government** or such authorities. Further, **no goods shall be purchased from them nor shall they be instructed to execute works. . . .** That shall take place in compliance with the restrictions and according to the rules and procedures to be set forth by the Implementing Regulations.

Law No. 36 (Art. 16) Bars Tender Board Members' and Contracting Officials' Conflicts

A Board member or any person who participates in tender activities shall refrain from taking part in all the procedures thereof if he has a direct interest in the proposed transaction. A direct interest means that the member, person, spouse or one of his relatives to the third degree is the one who has submitted the bid in question or owns a share thereof, a board member of the organisation that has submitted the bid, an officer thereof, an agent acting on its behalf or a sponsor thereof.

Both the **buyer and Board or any committee formed by the Board shall maintain a register to be called the “Purchase Procedures Register”** in which shall be **confirmed all the purchase procedures**. The Implementing Regulations shall detail the particulars to be entered in such Register, persons and government authorities who may have access to such particulars.

A **buyer shall not divulge any of the particulars included in the Register** the disclosure of which involves a violation of the law or constitutes a conflict with the public interest or damages the legitimate interests of parties or leads to unfair competition. Further, the **particulars related to examination and evaluation of bids shall not be disclosed except in the manner to be determined by the Implementing Regulations**.

Bahrain's Law No. 36 (Art. 17) Protects Internal Government Procedures

Bribe Disqualifies a Bid

– Law No. 36, Art. 31

Bids shall be evaluated according to the criteria indicated in the tender documents, provided that a **bid shall be rejected in the following events:**

a) **Bidder's disqualification.**

.....

c) If the **bidder gives a bribe or any temptation** to an employee in the buyer or in an any other government authority.

U.S. Rule Against Contingent Fees

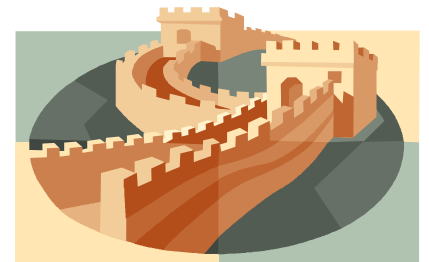
- Contractor must certify
- No person or agency retained on a contingent fee
- To solicit or obtain contract
- Exceptions:
 - “Bona fide” employee or agency
 - “Commercial items”
 - Small contracts
- If breach: government may annul contract, or deduct contingent fee

Questions

- What is a contingent fee?
- Why must contractor certify?
- Why exception for “bona fide” employee or agency?
- Why exception for commercial item contracts?
- Why exception for small contracts?
- Why allow government to recover contingent fee, or annul contract?


Organizational Conflicts of Interest

- Principles of **organizational conflicts of interest (“OCI”)** – recognized under U.S. federal procurement law, European procurement law, the UNCITRAL Model Procurement Law and the WTO Government Procurement Agreement -- prohibit contractors from gaining an **unfair advantage**, such as by **designing systems that they will deliver**, or **using internal agency information**; they also prohibit organizational conflicts of interest that undermine the contractor’s duty of loyalty to the agency as a client.
 - But under U.S. law, if a contractor and a contracting officer **set up safeguards**, to ensure that the contractor doesn’t gain an unfair advantage or provide biased advice, **the OCI can be “mitigated”** – and, with the contracting officer’s consent, the contractor may proceed with follow-on work



Bahrain's Regulations Contemplate Consultant Assisting in Drafting Specifications

- Article 37 In each of the authorities subject to the provisions of the Law, a **committee that is experienced in the required goods, construction works or services shall lay down the specifications. It may seek the assistance of technical personnel from the other relevant authorities. If necessary, and with approval of the Board, it may seek the assistance of consultancy firms in the Kingdom or abroad.** The committee shall ensure the consistency of such specifications with the nature of local production as far as possible. Moreover, such specifications shall comply with the Bahrain standard specifications and other specifications to be approved by the specialized technical authorities. The Board shall be entitled to verify the efficiency and safety of the technical specifications by seeking the assistance of technical personnel and consultant experts in the Kingdom or abroad.



**SESSION 3 – COLLECTIVE
ACTION AND THE ROLE OF
CIVIL SOCIETY IN
MONITORING PUBLIC
PROCUREMENT**

Anti-Fraud





Anti-Fraud



- Key questions for fighting fraud in procurement
 - Whistleblower for inside information
 - Incentivize or protect?
 - Must government prove *knowing* fraud?
 - Penalties severe?
 - Contractual remedies – or civil or criminal penalties?



Whistleblower
Recovers 10-30%
Plus Atty. Fees

FALSE CLAIMS ACT: CIVIL (& CRIMINAL)

Basis for Liability

1. Submission of “claim for payment” to the federal government;
2. The claim is “false” or “fraudulent;” and
3. The defendant acted “knowingly.”

Does Not
Mean
Specific
Intent . . .



DAMAGES:

1. Triple the amount of damages suffered by the United States PLUS
2. A civil forfeiture of between \$10,781.40 and \$21,562.80 per false claim; damages can be reduced in some cases from triple to double

1. Actual knowledge;
2. Acts in deliberate ignorance of the truth or falsity of the information; **or**
3. Acts in reckless disregard of the truth or falsity.

Other Means of Civil Society Involvement

Bid challenges?

Citizen reports
(Trinidad/Tobago)?

Community
involvement in
defining requirements
(Mongolia)?

Involvement in
contract formation
process (Nigeria)?

Open records?

Opposition
involvement in audit
process (UK)?

Open Data

Accessible

Machine-
readable

IACA Procurement Anti-Corruption Training Ministry of Interior of the Kingdom of Bahrain

Professor Christopher Yukins
Day 3 - 7 December 2023

3 – 7 December 2023, Manama

Agenda – Today

Thursday – 7 December 2023

Session 1: 9:00-10:30 - Group work – case study in compliance

Session 2: 10:45-12:15 - Presentations – case study (above)

Session 3: 12:30-13:30 - Certificates

SESSION 1 – GROUP WORK: CASE STUDY AND EXERCISE IN REDUCING CORRUPTION RISK IN PROCUREMENT

Exercise posted:

<https://publicprocurementinternational.com/bahrain-anti-corruption-in-procurement-training/>

SESSION 2 – PRESENTATION OF GROUP WORK AND POTENTIAL SOLUTIONS

Exercise posted:

<https://publicprocurementinternational.com/bahrain-anti-corruption-in-procurement-training/>

SESSION 3 – CERTIFICATES