



**Preparatory work in the area of public procurement: possible updates to the
UNCITRAL Model Law on Public Procurement and related texts**

Background note and request for input

26 January 2026

The UNCITRAL Model Law on Public Procurement (MLPP) contains procedures and principles aimed at achieving value for money and avoiding abuses in the procurement process. The MLPP promotes objectivity, fairness, participation and competition, and integrity towards these goals. The MLPP was last updated in 2011.

At its 58th session (Vienna, 7-23 July 2025), the Commission considered a proposal recommending that it mandate a Working Group to develop revisions to the MLPP and related texts ([A/CN.9/1230](#)), including the Guide to Enactment of the MLPP (GTE), Guidance on Procurement Regulations and Glossary.¹

After discussion, the Commission requested the secretariat to conduct preparatory work, in coordination with relevant international organizations, such as WTO, OECD and the World Bank, to refine the scope of possible work on updating the MLPP and related texts to reflect recent developments and to report back to the Commission at its next session ([A/80/17](#), para. 219).

This note is intended to provide background on the secretariat's preparatory work and to seek guidance, information or other input from international organizations and other stakeholders, including individual experts, on the topics and questions discussed below and on other topics that could potentially be included within the scope of work to update the MLPP and related texts. To do so, the note lays out (a) the objective of the work, (b) an overview of the possible topics contemplated thus far, (c) specific topics and issues to be considered and (d) a request for input, together with a brief description of next steps.

A. Objective

The preparatory work is intended to define a precise scope of work for updating the MLPP and related texts, in particular topics to be updated or added, for review and consideration by the Commission at its next session, in July 2026. It is not intended, however, to reopen key procedures and principles of the MLPP. As briefly described in the following section, the Commission requested that the preparatory work not include issues of climate change mitigation, adaptation and resilience ([A/80/17](#), para. 219).

B. Overview of possible topics

Based on the proposal (see [A/CN.9/1230](#)), the Commission considered various possible topics for potential inclusion within the scope of work to update the MLPP and related texts, including recent developments in the area of e-procurement, greening public procurement, broadening coverage of the procurement cycle and suspension and department.

¹ All available at <https://uncitral.un.org/en/texts/procurement>.



Suspension and debarment, as well as **recent developments in area of e-procurement**, were considered as relevant and timely topics deserving of attention. With respect to broadening coverage of the procurement cycle, doubts were expressed about extending the MLPP’s coverage to the planning phase ([A/80/17](#), para. 217), but not about extending coverage to the **contract administration phase**, where updates made in 2019 to the UNCITRAL texts on public-private partnerships may become relevant.² With respect to greening, it was generally felt that embarking on work to update the MLPP in this regard – on which it could be challenging to reach consensus – was not desirable and accordingly the preparatory work does not include issues of climate change mitigation, adaptation and resilience ([A/80/17](#), paras. 215, 218-219).

Other topics that may be relevant for a targeted update of the MLPP and related texts include:

- use of **whitelisting** or **certification schemes** to manage risk, streamline processes and promote certain policies;
- use of **non-price criteria** to further efficiency, integrity and strategic procurement;
- **review procedures** and **dispute resolution methods** in public procurement, including the use of **alternative dispute resolution (ADR)** in public procurement;
- in connection with the contract administration phase, **contract termination** procedures;³
- facilitating MSME participation in public procurement.

The secretariat notes that several topics listed above are interconnected. The use of digital means in procurement, for instance, may be relevant to several other possible topics under consideration (e.g., anti-corruption; contract administration). Not all topics are new. For instance, e-procurement, use of non-price criteria and debarment, including self-cleaning programmes, were examined during the preparation of the MLPP.

The secretariat also notes that the list of topics is not exhaustive. The secretariat would be grateful for any input regarding which provisions of the MLPP should be updated or which additional topics should be considered for further work by UNCITRAL, based on the work undertaken in other organizations and fora – such as the WTO, OECD, World Bank, other MDBs and EU – and on the experience of MLPP-enacting States.⁴

C. Specific topics and issues to be considered

² See chapter IV of the [UNCITRAL Legislative Guide on Public-Private Partnerships](#) (PPP Legislative Guide) – “PPP implementation: legal framework and PPP contract” and corresponding provisions in the [UNCITRAL Model Legislative Provisions on Public-Private Partnerships](#) (PPP Model Legislative Provisions).

³ E.g., building on the PPP texts, PPP Legislative Guide, Chapter V – “Duration, extension and termination of the PPP contract” and corresponding provisions in the PPP Model Legislative Provisions.

⁴ Status: MLPP (2011), https://uncitral.un.org/en/texts/procurement/modellaw/public_procurement/status.



1. E-procurement and digital transformation

When the MLPP was last updated in 2011, a key aim was to enable the use of information technology (IT) systems in public procurement. Several provisions were added in support of the overall objective to harness the potential of e-procurement as a tool to promote public procurement policy objectives, and e-procurement was treated in the GTE. Developments since that time, including with respect to e-procurement and the ongoing digital transformation of public procurement, may indicate the need to consider the following with respect to the MLPP, on which the secretariat would welcome any input, including any additional considerations:

- how digitalization of public procurement and the use of data may assist in promoting the objectives found in the MLPP's **Preamble** (e.g., competition, integrity, transparency);
- whether aspects of **chapter I** (General provisions) should be updated in light of innovative technologies used in procurement and their impact on key general features (e.g., manner for presenting submissions; communication; language; estimation of the value; confidentiality; documentary record);
- whether in **chapter II** (Methods of procurement and their conditions for use; solicitation and notices of the procurement), the sufficiency of existing procedures found in article 27 of the MLPP for the procurement of digital technologies (e.g., AI tools, Cloud services⁵) should be assessed;
- whether provisions in **chapter III** (Open tendering) should be updated to reflect the impact of the use of digital means (e.g., AI tools) on solicitation and notices, presentation of tenders and evaluation of tenders; and
- updating provisions on electronic reverse auctions (**chapter VI**) and open framework agreement procedures (articles 60-61) (**chapter VII**).

The impact of digital transformation may also need to be reflected in new provisions to be added to the MLPP or new guidance in the related texts (e.g., GTE, Guidance on Procurement Regulations):

- the use of AI tools, blockchain, automated bid evaluation and automated decision-making, contracting and grievance mechanisms in procurement procedures and, if so, which technologies specifically, how they are different from the features of the existing procedures found in the MLPP, and related risks and issues (e.g., provision and security of data);
- digital procurement interoperability standards; and

⁵ Regarding Cloud services, issues faced by contracting authorities appear to be particularly relevant to the contract administration phase, see section C.6 below.



- coexistence of digital and paper-based procurement methods in a non-discriminatory and technologically neutral manner, as well as the desirability to incentivize and enhance use of e-procurement through modernized legal frameworks, which could, for instance, be added to the MLPP's Preamble.

The secretariat notes the relevance of several UNCITRAL texts on electronic commerce adopted since the MLPP was last revised, such as the Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services (2022) and the Model Law on Automated Contracting (2024). A related topic is the use of data and IT systems to combat corruption and fraud in procurement (see section 2 below).

2. Exclusion and debarment mechanisms; anti-corruption and transparency aspects

Administrative suspension and debarment are touched upon in article 9 of the MLPP, while exclusion of a supplier or contractor from the procurement proceedings due to the conduct of a supplier or a contractor is addressed in article 21 of the MLPP.⁶ The GTE provides additional information on the context in which both articles may come into play.⁷

The secretariat would welcome inputs regarding the growing role of debarment and other anti-corruption measures in procurement, in particular, among the more recent developments in that area:

- the use of centralized debarment registers;
- expanded grounds for exclusion;
- the distinction between mandatory and discretionary exclusion; and
- the possibility for debarred bidders to be readmitted through corrective measures or programs (e.g., self-cleaning).

The secretariat also notes the relation between debarment and suspension, as suspension under non-procurement law may lead to debarment under procurement law and vice versa. The secretariat also notes that this topic is relevant to work by UNODC on the implementation of article 9 of UNCAC (e.g., the growing use of IT and data to combat corruption in public procurement, on which UNODC is finalizing a set of non-binding guidelines for publication and on which the UNCITRAL secretariat provided comments).

3. Whitelisting or certification schemes

In contrast to exclusion, whitelisting or certification schemes (i.e., pre-approving suppliers or contractors deemed low-risk, compliant and reputable) may be a topic which warrants further discussion, having previously been considered in connection with suppliers'

⁶ The 2011 Model Law refers, in the context of qualifications of suppliers and contractors, to suppliers or contractors having not been disqualified pursuant to administrative suspension or debarment proceedings. MLPP, art. 9.2(f). It also contains an article addressing exclusion of a supplier or contractor from the procurement on the grounds of inducements from the supplier or contractor, an unfair competitive advantage or conflicts of interest. Ibid., art. 21.

⁷ GTE, pt. I, para. 69; pt. II, art. 9, para. 9 and art. 21, para. 10.



lists and framework agreements (**Chapter VII**) and in light of growing use, including in e-procurement systems.⁸ Whitelisting or certification schemes may serve as a tool for managing risk, streamlining procurement processes, increasing transparency, combatting corruption and enhancing sustainability. They may raise concerns, for example, about bias, lack of transparency and negative impact on competition if not implemented properly.⁹

The secretariat would welcome inputs regarding the use of whitelisting or certification schemes and related practices, including with respect to, for instance, performance-based certification; categorisation of businesses (e.g., innovative enterprises, research-driven firms, start-ups, and high social impact enterprises); and certification relating to compatibility, interoperability, and acceptability of digital, AI, and cloud-based products and services.

4. Use of non-price criteria for strategic procurement purposes

Use of non-price criteria is permitted by article 11(3) of the MLPP, under conditions set forth in article 11(4)-(5). The GTE clarifies that use of non-price criteria may allow States to pursue their socio-economic policies (e.g., procuring from and supporting domestic micro, small and medium-sized enterprises (MSMEs)).

The secretariat would welcome inputs on the following:

- To what extent and for what strategic purposes are non-price criteria being commonly used;
- If a detailed list of non-price criteria is usually found in procurement legislation or in procurement regulations, with concrete examples, if any; and
- If non-price criteria can fully replace price for strategic procurement or, alternatively, if the “value-for-money” test may be used.

The secretariat notes that this issue may also be related to broader issues linked to free-trade and cross-border trade (WTO GPA).

5. Use of alternative dispute resolution (ADR) in procurement

The GTE acknowledges that the MLPP does not deal with the possibility of dispute resolution through arbitration or alternative forums, because arbitration was infrequently used in that context and given the nature of challenge proceedings. Recently, some countries have made use of arbitration for public procurement mandatory (e.g., Peru) or expressly permitted (e.g., Colombia). By contrast, other countries have adopted a more restrictive approach to arbitration in public procurement and instead favoured mediation (e.g., India).

The secretariat would welcome inputs on the following:

⁸ GTE, pt. II, ch. VII, para. 3 (“Suppliers’ lists are not provided for in the Model Law because UNCITRAL considers that the very flexible provisions on framework agreements set out in chapter VII of the Model Law allow for the benefits of suppliers’ lists to be achieved, without running the elevated risks to transparency and competition that suppliers’ lists are considered to raise.”).

⁹ See generally *ibid.*



- To what extent arbitration or mediation is being used in public procurement, whether as a review/challenge mechanism (**chapter VIII** of the MLPP) or as a dispute resolution mechanism after award of the contract);
- Whether there are legal limitations or hurdles that prevent such use; and
- Case studies or examples where arbitration and mediation have been effective.

The secretariat notes the relevance of UNICTRAL texts on arbitration¹⁰ and mediation¹¹ to this topic.

6. Contract administration and contract termination procedures

The MLPP does not cover contract administration and – related to that aspect and the use of ADR in public procurement (see above) – the issue of contract termination procedures may also deserve further consideration. This is important, for instance, for long-term procurement contracts (e.g., complex projects) awarded pursuant to sophisticated procurement methods found in the MLPP (RFP with dialogue, RFP with consecutive negotiations).

One possibility appears to be to address this topic by reference to the provisions and related guidance contained in the PPP texts.¹² The secretariat would welcome input on whether those provisions and related guidance could be transposed or tailored to the procurement context, or whether new provisions and guidance should be developed in this regard.

The secretariat notes that the procurement of cloud services may be relevant to this topic, in particular the following aspects: (a) interoperability and integration; (b) vendor lock-in for long-term contracts; (c) cost management planning difficulties; and (d) cybersecurity and compliance throughout the implementation of the contract.

7. Facilitating MSME participation in public procurement

The GTE refers to MSMEs in the context, for instance, of socio-economic policies and e-procurement.¹³ The topic of facilitating MSMEs' participation in public procurement has received significant attention¹⁴ since the MLPP was adopted and may merit more robust treatment, such as in the GTE. Issues for consideration could, among other things, include:

¹⁰ See <https://uncitral.un.org/en/texts/arbitration>.

¹¹ See <https://uncitral.un.org/en/texts/mediation>.

¹² PPP Model Legislative Provisions 33, 44 and 45 (regarding contract administration); and 50-53 (regarding contract termination).

¹³ See, e.g., GTE, pt. I, paras. 12-14 (regarding SMEs and socio-economic policies) and 100-101 (regarding SMEs and e-procurement); see also Guidance on Procurement Regulations, art. 8, para. 2 and art. 39, para. 2 (both of which refer to SMEs in the context of socio-economic policies). The GTE and Guidance on Procurement Regulations use the term small- and medium-sized enterprises (SMEs), whereas this note uses MSMEs, in line with UNCITRAL's more recent work in this area. See, e.g., <https://uncitral.un.org/en/texts/msmes>.

¹⁴ See, e.g., WTO, Report of the Committee on Government Procurement on Best Practices for Promoting and Facilitating the Participation of SMEs in Government Procurement, GPA/CD/6 (9 Oct. 2024), <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:PLURI/GPACD/6.pdf&Open=True>; World Bank, Public-Private Partnership Resource Center, Promotion of SMEs/Local Content in Public Procurement Laws and Regulations, <https://ppp.worldbank.org/promotion-smes-local-content-public-procurement-laws-and-regulation>; OECD, SMEs in Public Procurement: Practices and Strategies for Shared Benefits, OECD Public



- designation of public procurement assistance managers to support MSMEs throughout the procurement cycle, including assistance with performance certification, as well as global marketing specialists trained to support MSMEs in accessing overseas procurement markets;
- promotion of groupings of MSME suppliers or contractors, enabling them to access business opportunities on a footing comparable to large enterprises and to meet tender security requirements; and
- use of public procurement as a tool to encourage the transition of MSMEs to formality.¹⁵

Such an approach would be consistent with UNCITRAL's MSME-related texts, such as the Legislative Guide on Insolvency Law for Micro- and Small Enterprises, which envisages various forms of support for micro- and small enterprises throughout the insolvency process.¹⁶

D. Request for input and next steps

The UNCITRAL secretariat seeks your guidance, information or other input, on the topics and questions discussed in this note and on other topics that could potentially be included within the scope of work to update the MLPP and related texts, by Monday, 23 February 2026.

The secretariat intends to review the input received and to incorporate it into the preparatory work, the results of which will be reported, in the form of a note by the secretariat, to the Commission for consideration at its 59th session (New York, 22 June – 10 July 2026) to facilitate discussions on the scope of future work, including additional topics to be addressed.

Governance Reviews (2018), https://www.oecd.org/en/publications/smes-in-public-procurement_9789264307476-en.html; ILO, Promoting public procurement for micro-small and medium-sized enterprises' growth and transition to formality: Lessons learned from Chile and the Republic of Korea (2025), https://www.ilo.org/sites/default/files/2025-07/Promoting%20public%20procurement%20report-ENG_web.pdf.

¹⁵ See ILO, Promoting public procurement for micro-small and medium-sized enterprises' growth and transition to formality: Lessons learned from Chile and the Republic of Korea (2025), https://www.ilo.org/sites/default/files/2025-07/Promoting%20public%20procurement%20report-ENG_web.pdf.

¹⁶ See UNCITRAL Legislative Guide on Insolvency Law for Micro- and Small Enterprises (2021), https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/msme_lg_insolvency_law_ebook.pdf.