

**The GPA's transparency and procedural rules:
flexibilities for sub-national and Annex III ("other")
entities in the GPA**

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Contents of presentation

- Overview of main transparency and procedural rules;
- General approach re: sub-central and “other” entities (e.g., public utilities or state-owned enterprises), and specific examples;
- Different approaches to the scheduling of sub-central government entities; and
- The biggest and most important source of flexibility: the GPA’s thresholds.

Overview of main transparency and procedural rules (1)

- ❑ (from yesterday) The GPA's transparency and procedural rules are intended to ensure that the system "works" – i.e., all interested suppliers have access to information necessary to prepare responsive tenders, pre-qualify or gain access to supplier lists, etc.; have sufficient time and are not treated in a discriminatory fashion. They also help to ensure public accountability and prevent corruption.
- ❑ Examples of relevant provisions include: Information on the procurement system (Article VI); Notices (Article VII); Qualification of suppliers (Article IX); Technical specifications and tender documentation (Article X); Time-periods (Article XI); Treatment of tenders and awarding contracts (Article XV); and Transparency of (post-award procurement information (Article XVI).
- ❑ Time permitting, we will look at some examples.

General approach re: sub-central and “other” entities, and examples

- Sub-central and “other” entities (e.g., public utilities or state-owned enterprises) are generally subject to the same procedural and transparency rules as central government entities, but often with additional flexibility or leniency.
- **Examples:**
 - Greater flexibility with respect to notices (e.g. Article VII: (1) and (5));
 - The maintenance of multi-use lists (Article IX:(12 and 13)); and
 - The collection and reporting of statistics (Article XVI(4)).

Different approaches to the scheduling of Annex 2 and 3 entities

- Compare the approaches e.g., of:
 - Australia;
 - Canada;
 - the European Union; and
 - the United States.
- (We will look at some.)

The biggest and most important source of flexibility: the GPA's thresholds

- See details at: <https://e-gpa.wto.org/en/ThresholdNotification/FrontPage>
- Note: SDR 130,000 = (approx.) USD 180,000 (= approx. **947,000 Brazilian Reais**)
- Likewise: SDR 5 mil. = (approx.) USD 7 mil. (= approx. **26,000,000 Reais**)
- We will look at various examples.