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SLOVENSKI STANDARD
oSIST prEN 17687:2021

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Javna naročila - Integriteta in odgovornost - Zahteve in navodilo

Public procurement - Integrity and accountability - Requirements and guidance

Öffentliche Beschaffung - Integrität und Verantwortlichkeit - Anforderungen und Leitfaden

Achats publics - Intégrité et responsabilité - Exigences et recommandations

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EUROPEAN STANDARD

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English Version

Public procurement - Integrity and accountability - Requirements and guidance

Achats publics - Intégrité et responsabilité - Exigences et recommandations

Öffentliche Beschaffung - Integrität und Verantwortlichkeit - Anforderungen und Leitfaden

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EUROPEAN COMMITTEE FOR STANDARDIZATION
COMITÉ EUROPÉEN DE NORMALISATION
EUROPÄISCHES KOMITEE FÜR NORMUNG

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European foreword

This document (prEN 17687:2021) has been prepared by Technical Committee CEN/TC 461 "Public procurement", the secretariat of which is held by SIS.

This document is currently submitted to the CEN Enquiry.

Introduction

This document has been developed following the acceptance by CEN to deliver the European Commission's Pilot Project on Increased use of standards in Public Procurement - Output 3 (Integrity and Accountability Standard). The main objective with Output 3 is to deliver a European Standard focusing on integrity and accountability in public procurement.

The United Nations, together with international organizations such as the OECD, the European Union, International Financing Institutions and NGOs such as Transparency International, have played leading roles in recognizing the importance of good governance and developing technical guidance to enhance integrity in public procurement.

Failure to commit to the fundamental principles of integrity, accountability and transparency in public procurement generates a negative impact on the efficiency and can lead to mismanagement, corruption, lack of competence and lack of due diligence, which harms the public interest, undermines public trust and has a negative impact on people's lives. Still, corruption and fraud are regrettably common features in public procurement globally. The EU regulatory framework on public procurement provides a strong preventative mechanism for the occurrence of potential irregularities. The EU legal system is based on the fundamental principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency, with clear rules on how procurement processes should be conducted to comply with these principles.

A new generation of EU directives was adopted in 2014 that further underline the need for increased integrity and the inclusion of specific rules for situations of conflicts of interest and more stringent requirements on the exclusion of suppliers. However, the main challenges are normally not weak or absent regulatory or institutional frameworks at the member state level, but rather the implementation and practice at the level of contracting authorities and entities.

Integrity needs to be addressed in its broadest sense; it is not just about being true to oneself but also about being accountable to key stakeholders and operating in a transparent manner, such as how the procurement function is organized and managed to secure internationally recognized frameworks for integrity and accountability. Integrity and accountability are two aspects of the same subject and are closely linked to each other.

This document aims to provide a sound framework for generally accepted principles of integrity and accountability in public procurement. The purpose of the informative Annex A is to prevent misinterpretation of the requirements in this document.

In this document, the following verbal forms are used:

a) "shall" indicates a requirement;

b) "should" indicates a recommendation;

c) "may" indicates a permission;

d) "can" indicates a possibility or a capability.

Information marked as "NOTE" is for guidance in clarifying the associated requirement. "Notes to entry" used in Clause 3 provide additional information that supplements the terminological data and can contain provisions relating to the use of a term.

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1 Scope

This document specifies requirements and guidance for buyer organizations, with regards to integrity and accountability in public procurement activities from identification of needs throughout the delivering of goods, services or work contracts.

This document is applicable to use by:

a) buyer organizations;

b) contributors;

c) decision makers.

This document can have an impact on:

— individuals;

— suppliers and individuals acting in support of or on behalf of suppliers, including subcontractors; the official bodies of the member states and of the European organizations which intervene, directly or indirectly, in the public procurement process;

— organizations representing suppliers at the member state or European levels.

NOTE   Further guidance for the interpretation and application of the scope and requirements of this document is provided in Annex A.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminological databases for use in standardization at the following addresses:

— IEC Electropedia: available at https://www.electropedia.org/

— ISO Online browsing platform: available at https://www.iso.org/obp

3.1 Terms related to concepts

3.1.1
accountability
state of being answerable for decisions and activities to the buyer organization's governing bodies, legal authorities and, more broadly, its stakeholders

[SOURCE: EN ISO 26000:2020, 2.1]

3.1.2
integrity
consistent alignment of, and adherence to, agreed ethical values, principles and norms

[SOURCE: OECD Recommendation on Public Integrity, 2017]

3.1.3
integrity pact
contract between a buyer organization and suppliers bidding for public contracts that they will abstain from corrupt practices and will conduct a transparent procurement process

Note 1 to entry: An integrity pact may be monitored by an independent third party.

3.1.4
transparency
open, comprehensive and understandable presentation of information

[SOURCE: EN ISO 14040:2006, 3.7]

3.1.5
value for money
most advantageous combination of cost, quality and sustainability to meet customer requirements

3.1.6
international norms of behaviour
expectations of socially responsible organizational behaviour derived from customary international law, generally accepted principles of international law, or intergovernmental agreements that are universally or nearly universally recognized

Note 1 to entry: Intergovernmental agreements include treaties and conventions.

Note 2 to entry: Although customary international law, generally accepted principles of international law and intergovernmental agreements are directed primarily at states, they express goals and principles to which all organizations can aspire.

Note 3 to entry: International norms of behaviour evolve over time.

[SOURCE: EN ISO 26000:2020, 2.11]

3.1.7
competence
ability to apply knowledge and skills to achieve intended results

[SOURCE: EN ISO 9000:2015, 3.10.4, modified by removing Notes to entry]

3.1.8
effectiveness
extent to which planned activities are realized and planned results are achieved

[SOURCE: EN ISO 9000:2015, 3.7.11, modified by removing Note to entry]

3.1.9
risk
effect of uncertainty on objectives

[SOURCE: ISO 31000:2018, 3.1, modified by removing Notes to entry]

3.2 Terms related to organizations

3.2.1
organization
person or group of people that has its own functions with responsibilities, authorities and relationships to achieve its objectives

Note 1 to entry: The concept of organization includes, but is not limited to, sole-trader, company, corporation, firm, enterprise, authority, partnership, association, charity or institution, or part or combination thereof, whether incorporated or not, public or private.

[SOURCE: EN ISO 9000:2015, 3.2.1, modified by removing Note 2 to entry]

3.2.2
project
temporary endeavour to achieve one or more defined objectives

[SOURCE: ISO 21500:2021, 3.15]

3.2.3
governance
system by which the organization is directed, controlled and held accountable to achieve its core purpose over the long term

Note 1 to entry: Governance is about the whole organization and encompasses everything that the organization is and does.

[SOURCE: BS 13500:2013, 2.7, modified by deleting Notes 2 and 3 to entry]

3.2.4
top management
person or group of people who direct and control the organization at the highest level

[SOURCE: EN ISO 9000:2015, 3.1.1, modified by removing Notes to entry]

3.2.5
business model
organization's approach to operating in its environment

[SOURCE: ISO 30400:2016, 3.4]

3.2.6
buyer organization
organization defined as contracting authority or contracting entity by public procurement rules

[SOURCE: Directive 2014/24/EU of the European Parliament and of Council of 26 February 2014 on public procurement]

3.2.7
supplier
organization that provides products, services or works

Note 1 to entry: A supplier can be an economic operator, as defined by Directive 2014/24/EU of the European Parliament and of Council of 26 February 2014 on public procurement.

[SOURCE: EN ISO 9000:2015, 3.2.5, modified by adding "works", by removing example and existing Notes to entry, and by adding a new Note 1 to entry]

3.2.8
works
outcome of building or civil engineering activities taken as a whole which is sufficient in itself to fulfil an economic or technical function

[SOURCE: Directive 2014/24/EU of the European Parliament and of Council of 26 February 2014 on public procurement]

3.2.9
interested party
stakeholder
person or organization that can affect, be affected by, or perceive itself to be affected by a decision or activity

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[SOURCE: EN ISO 9000:2015, 3.2.3, modified by removing example and Note to entry]

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3.2.10
policy
intentions and direction of an organization as formally expressed by its top management

[SOURCE: EN ISO 9001:2015, 3.2.10]

3.2.11
ethical behaviour
behaviour that is in accordance with accepted principles of right or good conduct in the context of a particular situation and is consistent with international norms of behaviour (3.1.6)

[SOURCE: EN ISO 26000:2020, 2.7]

3.2.12
social responsibility
responsibility of an organization for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour

[SOURCE: EN ISO 26000:2020, 2.18, modified by shortening to first sentence only]

3.2.13
key performance indicator
KPI
indicator of performance deemed by an organization to be significant and giving prominence and attention to certain aspects

[SOURCE: EN ISO 14031:2013, 3.17]

3.2.14
code of conduct
agreement on rules of behaviour for members of a group or organization

3.3 Terms related to procurement

3.3.1
procurement
activity of acquiring products, services or works from suppliers

Note 1 to entry: The procurement process considers the whole cycle from identification of needs through to the end of a services contract or the end of the life of products.

[SOURCE ISO 20400:2017, 3.18, modified by adding "works", modifying Note 1 to entry and deleting Note 2 to entry]

3.3.2
public procurement
procurement by a buyer organization regulated by public procurement rules

Note 1 to entry: Rules can be international, national, regional or local, including from governing bodies such as the EU.

3.3.3
supply chain
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sequence of activities or parties that provides products or services to the organization, directly or indirectly (standards.iteh.ai)

[SOURCE: ISO/TS 26030:2019, 3.3, modified by deleting Note to entry]

3.3.4
contributor
person or organization directly or indirectly involved in the public procurement process in support of, or on behalf of, a buyer organization

3.3.5
decision maker
individuals or official bodies responsible for making high level decisions for a buyer organization

3.4 Terms related to people

3.4.1
worker
person who performs work, whether an employee or someone who is self-employed

[SOURCE: EN ISO 26000:2020, 2.27]