

Ten principles for an effective evaluation of corruption proofing:

- Principle 1: Scope
- Principle 2: Prioritisation
- Principle 3: Regulatory corruption risks
- Principle 4: Timing
- Principle 5: Responsible entity
- Principle 6: Recommendations
- Principle 7: Compliance
- Principle 8: Online publicity
- Principle 9: Broader framework on transparency and integrity
- Principle 10: Training and public awareness

Parliamentary approach to corruption:

In Albania, as well as in other constitutional democracies, the drafting of legislation or the law-making process is considered an essential attribute of "Parliament's Sovereignty", which is otherwise known as "Legislative Supremacy". The manner of adoption of legislation is important from the viewpoint of legitimacy of both the legislation and legislature. It is a given that actors with strong legitimacy have a better position from which to both fight corruption and public trust.

Members of Parliament should avoid placing themselves in the role of "notary" of the will of the executive. Voters want to participate on the scrutiny process of bills by their MPs. During the scrutiny of the bills in the committees of the Parliament (committee phase) they must advocate for the citizens to exercise their right "to consult, invite and request the opinions of experts, ministries and relevant state offices, the public and the other interested parties". This way, the Parliament can influence the activity of the executive, and thus the executive will learn to engage and negotiate transformative political actions.

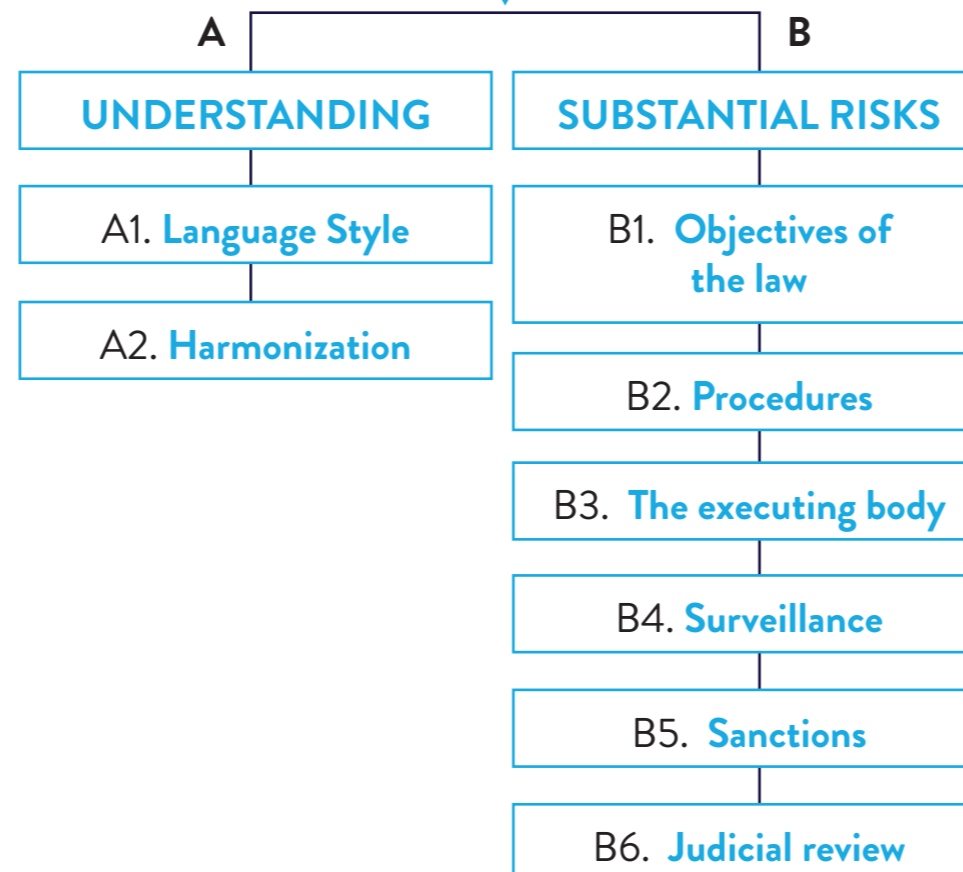
Corruption proofing opinion consist of:

- Corruption risks in the legislative process
- Risk factors and corruption risks in the draft
- Conclusions

Main aspects for MPs when scrutinising a bill:

- who is going to benefit the most from the bill;
- whether there are groups within the society (for example, marginalised groups) upon whom the bill will have a lasting negative impact;
 - whether the bill contains provisions which create discretionary powers for officials;
- whether the bill contains vague or abstract provisions and terms not defined;
- whether, overall, the bill provides less transparency and accountability.

Criteria for evaluation of corrupt areas



PREVENTION OF CORRUPTION IN PUBLIC PROCUREMENT

What is Corruption Proofing of legislation?

Corruption proofing of legislation entails a review of legal acts with the purpose to identify and minimise unintended corruption risks that these legal acts could facilitate when implemented.

Corruption proofing (anti-corruption expertise of draft legislation) a process of reviewing draft laws and by-laws, aimed at discovering provisions that favour or legalize corruption and other abuses in the process of their implementation.

The purpose of corruption-proofing of legal acts:

- Prevention of corruption by eliminating corruption risk factors from draft laws;
- Raising awareness to the authors of the draft laws and the general public about the risk factors and corruption risks identified in the draft laws, and
- Providing additional protective measures to ensure that the legislative process advances the interests of citizens and is motivated by the protection of the public interest.

Anti-Corruption proofing (anti-corruption expertise of draft laws) - a process of reviewing draft laws and by-laws, aimed at discovering provisions that favour or legalize corruption and other abuses in the process of their implementation.



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What does the Corruption Proofing of legislation consist of?

Scope:

- may include all draft laws and the secondary legislation used for their implementation.

The institution responsible for the mandatory corruption proofing of the legislation:

- the proposing institution/department and/or the Parliament for the acts that this institution approves.

Corruption Proofing Time:

- after the final draft is presented by the government, or when it is submitted by the proposing institution/deputy, before it is

sent to the Ministry of Justice for legal opinion/expertise, as well as before consideration by the responsible committees of the Parliament.

Deadline:

- according to the legal procedure of the Parliament, not less than 10 days up to a month is recommended for corruption proofing.

Proofing methodology:

- written and/or software, updated with foreign assistance.

Integrity risks in the procurement process

Pre-tendering phase	Needs assessment and market analysis	<ul style="list-style-type: none"> • Lack of adequate needs assessment • Influence of external actors on officials decisions • Informal agreement on contract
	Planning and budgeting	<ul style="list-style-type: none"> • Poor procurement planning • Procurement not aligned with overall investment decision-making process • Failure to budget realistically or deficiency in the budget
	Development of specifications/ requirements	<ul style="list-style-type: none"> • Technical specifications are tailored for a specific company • Selection criteria is not objectively defined and not established in advance • Requesting unnecessary samples of goods and services • Buying information on the project specifications.
	Choice of procurement procedure	<ul style="list-style-type: none"> • Lack of proper justification for the use of non-competitive procedures • Abuse of non-competitive procedures on the basis of legal exceptions: contract splitting, abuse of extreme urgency, non-supported modifications
Tendering phase	Request for proposal/bid	<ul style="list-style-type: none"> • Absence of public notice for the invitation to bid • Evaluation and award criteria are not announced • Procurement information isn't disclosed and isn't made public
	Bid submission	<ul style="list-style-type: none"> • Lack of competition or cases of collusive bidding (cover bidding, bid suppression, bid rotation, market allocation)
	Bid evaluation	<ul style="list-style-type: none"> • Conflict of interest and corruption in the evaluation process through: Familiarity with bidders over time • Personal interests such as gifts or future/additional employment • No effective implementation of the "four eyes-principle"
	Contract award	<ul style="list-style-type: none"> • Vendors fail to disclose accurate cost or pricing data in their price proposals, resulting in an increased contract price (i.e. invoice mark-ups, channel stuffing) • Conflict of interest and corruption in the approval process (i.e. no effective separation of financial, contractual and project authorities) • Lack of access to records on the procedure
Post-award phase	Contract award	<ul style="list-style-type: none"> • Vendors fail to disclose accurate cost or pricing data in their price proposals, resulting in an increased contract price (i.e. invoice mark-ups, channel stuffing) • Conflict of interest and corruption in the approval process (i.e. no effective separation of financial, contractual and project authorities) • Lack of access to records on the procedure
	Contract management/performance	<ul style="list-style-type: none"> • Abuses of the supplier in performing the contract, in particular in relation to its quality, price and timing: <ul style="list-style-type: none"> - Substantial change in contract conditions to allow more time and/or higher prices for the bidder - Product substitution or sub-standard work or service not meeting contract specifications - Theft of new assets before delivery to end-user or before being recorded - Deficient supervision from public officials and/or collusion between contractors and supervising officials - Subcontractors and partners chosen in an on-transparent way or not kept accountable