Open Contracting

Open Contracting as a Foundational Element of Open Government

Open contracting is the practice of producing and using open, accessible, and timely information on public contracts. Reforms in this area seek to engage stakeholders across sectors to mitigate corruption and deliver value for money on government procurement and licensing. When contracting data is open, it enables effective oversight of government services by revealing who is getting paid how much to deliver what, as well as how they were selected, and whether they delivered on time and with quality.

Transparent public procurement has become a foundational reform to fight corruption and improve government efficiency. Open contracting, done right, saves money, increases competition, strengthens supply chains, reduces risk, and encourages greater inclusion.

This section outlines: the growth of open contracting reform in OGP, several of the ways the OGP Support Unit has supported this growth, and some of the next steps to further advance contracting reform in OGP.

A Trajectory in OGP

The number of local and national governments advancing open contracting <u>is growing</u>. In the early years of this work, just ten percent of OGP members focused on open contracting, but by 2021, three in four OGP members had implemented open contracting and public procurement reforms. This steady growth has helped establish open contracting as a global norm—an unwritten standard of good governance.

OGP members have also increasingly integrated open contracting into commitments in other policy areas and sectors. For example, some countries have focused on implementing open contracting in the natural resource governance sector while others have worked to make open contracting data interoperable with company ownership data.

Open contracting commitments yield positive results. Commitments around open contracting and public procurement have delivered some of OGP's most transformative results based on Independent Reporting Mechanism (IRM) data. One in three open contracting commitments have resulted in significant changes to open government practices, making it one of the highest rated policy areas.

Building Global Networks to Support National Action

At the global level, the OGP platform has helped translate high-level conversations on international commitments into ground-level action. OGP's <u>recent analysis</u> found that embedding global pledges into national action plans ensures better follow through. For example, several members have used their OGP action plans to put into practice pledges to open up contracting, like those made at the 2015 G20 meeting and the 2016 UK Anti-Corruption Summit.



About OGP and this series

In 2011, government leaders and civil society advocates came together to create a unique partnership—one that combines these powerful forces to promote transparent, participatory, inclusive and accountable governance. As the Open Government Partnership (OGP) completes 10 years, this series of thematic snapshots provide a glimpse how policy areas have advanced, as accelerated by the OGP platform and a growing global community of reformers in governments, civil society, business, media and international organizations.



The OGP Support Unit and Steering Committee have worked with partners such as the Open Contracting Partnership, Hivos, CoST Infrastructure, Development Gateway, Open Data Charter, Natural Resource Governance Institute, and Extractive Industries Transparency Initiative to grow and sustain a global network of contract transparency reformers.

How OGP Supports Open Contracting Reform

The rapid growth and success described above is made possible by the support, advocacy, and coalition-building efforts of the OGP Support Unit and Steering Committee across multiple sectors and levels of government. Some examples of this are outlined below.

Cultivating country-level coalitions

The OGP process fosters collaboration between reformers from government and civil society that often results in ambitious reforms. For example, an independent evaluation of OGP (launching in late 2021) found that in Kenya and the Philippines the OGP process facilitated coalition-building around the shared goal of implementing open contracting. These coalitions, the evaluation finds, helped deliver stronger results than individual coalition members would have achieved on their own.

Supporting inclusive local participation

The OGP platform creates a space for citizens and civil society, including those from underrepresented communities, to improve open contracting commitment design and implementation. For instance, <u>Elgeyo Marakwet, Kenya</u> committed to enabling citizen feedback and oversight over procurement decisions and project implementation. At the national level, Kenya is ensuring access to contracting opportunities to groups that are often left out of contracting processes by requiring that 30 percent of public procurement opportunities be awarded to women, youth, or people with disabilities..

Sector-level partnerships

The OGP platform is a useful tool for open contracting standards in other high-impact areas, including extractive industries and beneficial ownership transparency. Through their OGP commitments, <u>Malawi</u> and <u>Panama</u> are applying Construction Sector Transparency Initiative (CoST) standards. These commitments are prompting the Malawian government to create accessible channels for citizen feedback and the Panama government to publish open procurement data on public infrastructure projects.

National members also use the OGP platform to accelerate progress under the Extractive Industries Transparency Initiative (EITI). Providing a significant boost to civil society advocates, ten EITI/OGP members pledged to disclose public contracts in extractives before it became a requirement in 2021. For example, through an OGP commitment, the <u>Slovak Republic</u> built open contracting into its beneficial ownership registry. Since its launch in 2015, civil society organizations have been able to trace publicly-awarded contracts to their beneficial owners, unveiling a number of sizable conflicts of interest that resulted in withdrawing or redirecting public funds.

Real-world Impact: Open Contracting Commitments & Covid-19

The COVID-19 pandemic makes clear exactly what is at stake if procurement remains opaque. Public procurement systems around the world are under unprecedented pressure to secure medical supplies at the most efficient rates possible. In this context, corruption risks in public spending undermine effective, life-saving action.

However, thanks to previous open contracting commitments, several national and local OGP governments were up to the task. The following examples illustrate how countries adapted previous OGP commitments for new emergency procurement challenges.

In <u>Ukraine</u>, the ProZorro and DoZorro platforms, both open source "eProcurement" systems developed in partnership with government, business, and civil society, have helped cut perceptions of corruption in half. The systems have also saved the government billions of dollars and reduced pharmaceutical prices.

→ In Paraguay, the National Department for Public Contracts published all COVID-19 emergency procurement data on its procurement platform in easily searchable forms according to the Open Contracting Data Standard. Paraguay also updated its national OGP website to incorporate an adaptation of <u>MapaInversiones</u>, a wellknown accountability platform, to publish information about COVID-19 spending.

→ Ecuador developed a public contracting transparency platform linked to emergency purchases for the pandemic, thanks to <u>collaboration between the</u> <u>National Public Contracting Service and civil society organizations</u>. According to civil society representatives, a 2019 OGP commitment paved the way for collaboration with government on the platform.

Looking Ahead

While open contracting commitments have resulted in a number of critical successes, much remains to be done. The pandemic has exposed the continued fragility of many public procurement systems. Additionally, where contracting is opaque rather than open, corruption is given free reign to fuel democratic backsliding.

Broadly, the OGP Support Unit and Steering committee will continue collaborating with partners to institutionalize open contracting as a global good governance norm. Specifically, OGP will encourage reformers to make procurement data more actionable by linking it across key government sectors. OGP will also continue: shaping incentives; pushing for high-quality sustainable data, delivered on time; and bringing in new allies like journalists and businesses. Finally, OGP will work with reformers to better address remaining implementation gaps, including in public monitoring of contracting data and citizen feedback loops to ensure that citizen inputs are acted upon.

