

Public Procurement in Albania in 14 years

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Abstract

The consolidated version of the Albanian Public Procurement Law was firstly issued in 2006. Since then 9 revisions were made, hindering the integration process of the law and leaving space to prejudged procedures.

This paper aims to bring attention to public procurement in Albania as an instrument to measure the development of a country and its attitude towards access and transparency of public funds. And also contribute to clarify the standpoint of public procurement in our country, in relation to our own strategies and policies, in relation to Balkan, and of course, in relation to Europe.

Keywords: Balkan, European Union, Public Procurement, Transparency.

Introduction

Public procurements is a very important mechanism for a government to implement promised social and economic policies. The efficiency of usage of every input translates into an assured output in terms of growth and sustainability.

For this reason, the structural reforms that are strictly required on the way to EU integration include public procurement (Chapter 5), and all the candidate countries are obliged to harmonize their legislation with the requirements of EU law - including EU public procurement law. The outcome of this process should be a clear and transparent public procurement system, with the benefits of modern purchasing techniques, efficient and independent enforcement and remedy systems, competent contracting authorities and competitive bidders (JWGAA, 2017).

Effective public procurement system translates to efficient public funds management. 14 years on public procurement (consolidated law) and still the concern raised for our country is the 30% of the total public procurements that is done through the procedure "negotiation without prior publication of a contract notice".

There is a misunderstanding of the procurement cycle, procedure and processes. It is always identified as tendering when in fact there is a long and intensive pre-tendering phase as well as a post-tendering one.

Through this research paper, it is aimed to, understand where Albania stands in the development level of public procurement system, how our countries efforts are perceived though studies in the European arena, and what improvements would project a more decent, transparent and reliable public procurement system.

A. Public Procurement in European Union

Covid-19 pandemic made EU face another challenge, just right when it felt like the Union was over with the reactive attitude toward crises and had it together in building sustainable risk management systems. With the pandemic from one side, US-China-Russia relationships from the other one, UK withdrawal an account on its own, to not forget the past crises (Euro and migration), Europe and the entire world felt again how interconnected we are in terms of production and consumption, but most importantly, it emphasized the quality of this interconnection. Public procurement took again a special place here because in another perspective it measures the ability of a state to deliver/procure goods and services and regulate the market for its citizens. For this, integration and effectiveness correlate positively to the extent upon which EU builds policies and strategies.

The latest example is the response towards the pandemic, where along many measures, including Pandemic Emergency Purchase Programme (PEPP) € 1350 billion, Asset Purchase Programme (APP) €120 billion, Support to Mitigate Unemployment Risk in an Emergency (SURE) €100 billion, Corona virus Response Investment Initiative €70 billion, it was proposed from the European Commission the recovery plan Next Generation EU with a €750 billion package.¹

Regarding measures for the European economic recovery, these include improved coordination of fiscal and monetary policies (through EU Treasury, a common unemployment insurance scheme, increasing recurrent common budgetary resources, a recovery package to foster solidarity and sustainable growth), a stronger and deeper single market (through a barrier-free single market, the digital single market, restore free movement within Schengen borders), common investment and spending in strategic areas (through research and development, innovation, green technologies and digitalization, an effective Green Deal, a more coherent common EU health policy, an EU space, defence and cybersecurity industrial base) and structural reforms for increased EU resilience (through banking union and an effective capital markets union, work pay: certification of job classifications and pay scales, a regulatory environment more supportive to businesses, Stress-testing EU policy and legislation) (Saulnier, 2020). A common public procurement agency in EU is the next strategic instrument to assure proper usage of public funds and channel all this policies.

EU has demonstrated to be supportive of openness of public procurement markets to third countries. The International Procurement Instrument (IPI) is one initiative, yet to be consolidated, that came to the attention again in the new industrial strategy presented this year from the Commission. Its aim was to both improve the conditions under which EU businesses can compete for public contracts in third countries and strengthen the EU's position when negotiating the access of EU goods, services and suppliers to foreign public procurement markets (Titievskaja, 2020). But also create a database to record and track some €2 trillion public procurements in EU.²

¹ Saulnier, J. (2020, July). European economic recovery. European Parliamentary Research Service. *PE 651.995*.

² Titievskaja, J. (2020, March). EU international procurement instrument. European Parliamentary Research

Also EU used agreements in 2 direction: through World Trade Organization (WTO) and Free Trade Agreements (FTA). Within the framework of the WTO, signed in 1994 and substantially revised in 2014, the Government Procurement Agreement (GPA) is a plurilateral agreement, meaning that not all of the 164 WTO members have signed it. The GPA aims to open public procurement markets to partner countries and has only 20 signatory parties comprising 48 WTO members (including the US, Canada, Japan and the EU and the UK, which together count as one member) but not including major emerging economies such as Brazil, China, India and Russia (Titievskaia, 2020). The most successful FTA include the EU-Japan Economic Partnership Agreement and EU-Canada trade agreement (CETA).³

This regulation is necessary but strongly hampered from the climate with important and emerging economies like China and Turkey, which are not signatories of GPA.

For example, China's public procurement market is huge, but largely untapped by EU companies, since access to it is restricted by laws, regulations and policies favoring domestic over foreign goods and services and although China's public procurement policy is inconsistent with the WTO's General Procurement Agreement (GPA), the EU cannot legally challenge it, as long as China is not party to the GPA; meanwhile government procurement is not included in the scope of the future EU-China comprehensive investment agreement (CIA) under negotiation since 2013 (Grieger, 2016).

The main focus of EU is to fulfill as well the objectives of Paris Agreement and the Circular Economy strategy, who's action plan was adopted earlier this year. Public Procurement can be essential in this. A recent study on "The EU's Public Procurement Framework: How is the EU's Public Procurement Framework contributing to the achievement of the objectives of the Paris Agreement and the Circular Economy Strategy?", concluded that the 2 main directives, General Directive 2014/24/EU on public procurement and the Utilities Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sector a specific directive for utilities, *do present a legal basis that opens the way to strategic procurement but do not include any specific mandatory rules on emissions or circular economy, yet they enable public authorities to use strategic procurement to address common societal goals in the procurement process*. The goals targeted include environmental protection, social responsibility, innovation, combating climate change, employment, public health and other social and environmental considerations (Ferrer, 2020).

Strategic procurement approaches that are important for climate change and circular economy are Green Public Procurement (GPP), Sustainable Public Procurement (SPP), Pre-Commercial Procurement (PCP), and Public Procurement for Innovative Solutions (PPI).⁴

B. Public procurement in Western Balkan: Albania

Balkan, especially Western Balkan, has to be treated separately when it comes to

Service. *PE 649.40*.

³ Idem.

⁴ Ferrer, J. (2020, April). The EU's Public Procurement Framework. Department for Economic, Scientific and Quality of Life Policies, Directorate Generle of Internal Policies. *PE 648.770*.

public procurement, not only for the history it holds, but mostly for the importance of the enlargement policies of the European Union from one part and for the fulfillment of a chapter needed for the accession of countries from the other part.

Synthesis report on the Parallel Performance Audit, a project over Public Procurement in Western Balkans, published under the Joint Working Group on Audit Activities (JWGAA), with the aim to establish a “network beyond the project, share experience, learn from each other and mutually support development”, consisting of 6 Supreme Audit Institutions (SAI) in Balkan, posited 2 problems:

1. *Authorities often fail to conduct proper preliminary market research based on a systematic assessment of their needs. Due to this, tenders are not always well prepared, often lacking proper technical specifications and other requirements.*

2. *In a chain of consecutive procurement process steps, these initial deficiencies often cause delays and other irregularities later in the process, which sometimes lead to tender cancellations and problems in project implementation, which in turn jeopardize the functioning of institutions and the availability of services they are responsible for providing. In their efforts to avoid these negative consequences, authorities often undertake direct negotiation procedures.*

The audit also found that the monitoring and control systems do not always provide a good basis for the timely correction of errors. Similarly, the follow-up systems do not provide a good basis for lessons learned and making use of previous experiences to gradually improve procedures (JWGAA, 2017).

For this the study concluded that overall problems in public procurement in the Western Balkans lie in problems with planning and preparation of the procurement process. In the pretender phase there are difficulties related to estimation of future needs properly and in good time, along with failure to conduct proper market research and prepare clear tender specifications. All these affect the coming phases causing delays, incorrect deliveries, inappropriate supplies of goods, works and services, tender annulments, and an inability to effectively implement contracts with suppliers. All this pressure pushes to the necessity to use emergency procurement procedures in order to avoid any further delays. These procedures produce high costs and no transparency. High number of complains for bidders who didn't get a chance to participate in the tender is another problem, adding to the vicious circle. Failure to properly follow-up and monitor the procurement leaves no room for improvement. No documentation of the resolutions create the space to judge on a case by case situation, not following a standard and creating a not reliable system.

Meanwhile each SAI reported problems as shown in the table below:

Country	Main Problem in PP
Albania	Overuse of negotiated public procurement procedures without prior publication of a contract notice
Bosnia Herzegovina	Timeliness of the public procurement procedures
The former Yugoslav Republic of Macedonia	Lack of staff and established procedures make public procurement less effective at local level

Kosovo	Delays and cost overruns in construction contracts
Montenegro	Planning the public procurement of medical equipment
Serbia	Efficiency and economy of the negotiated procedure without invitation to bid

For Albania, High State Control reported these problems:

1) Frequent changes in the law on public procurement; 2) Different interpretations of the law by civil servants; 3) Procedures are not harmonized within the institutions and/or for similar goods; 4) Problems in deciding the upper spending limit; 5) Lack of expertise in managing the tendering procedures (high staff turnover, lack of training and experience (e.g. with technical criteria), use of the electronic public procurement system).

It concluded that the negotiated procedure is used extensively, with around 30 % of all public procurement using this procedure and the below resolutions were recommended to: 1) address the problems related to the definition of cases as emergencies by economic operators and lobby for legal changes to minimize the number of these cases and the related problems; 2) harmonize the law on public procurement procedures and financial management legislation in cooperation with the Ministry of Finance; 3) promote the use of the electronic public procurement system for negotiated procedures in order to increase transparency; Albania 30 4) develop specific guidance for the use of negotiated procedures, detailing the steps, deadlines, evidence of standards and technical specifications; 5) draw up guidelines in cooperation with the relevant ministries for the monitoring of public procurement procedures.

A year before this, another study on “Public Procurement System in the Western Balkans: An assessment of integrity, performance and Vulnerability to capture-Country report for Albania” of the Partnership for Social Development, found the same persisting problems, including: frequent changes of the legislation which lead to legal insecurity, weak supervising of the adoption and implementation of procurement planning, absence of digitalization in the area of data management which leads to lack of ability to detect, analyze, prevent and punish deviations in public procurement, high risk of political influence in appointments to the structure responsible for producing the tender documentation for the contracting authority and the collection of all required materials, or the Procurement Unit, insufficient human resources to deal with the scale of complaints submitted at Public Procurement Commission and conducting administrative investigations into public procurement procedures, upon conclusion of a contract, but not conducting administrative investigations on implemented contracts at Public Procurement Administration, no pro-active investigations to detect and sanction conflict of interest, no certification for public procurement officials.

C. Public Procurement in Albania

The first traces of procurement procedures in Albania date back to 1936.⁵The

⁵ High State Control (2016). Performance Audit Report on Procedures of Public Procurement in Albania. Tirana, Albania.

developments that followed were strongly influenced by the political order and its changes. Thus, in 50 years of the communist regime the procurement of goods and services was carried out centrally by the only provider that was the state. So, there was no trade and certainly no competition, which reflected in value, quality and consequently cost and price.

Then with the changes of the political order in the 90s, the private system was introduced and procurement was one of the developments brought by this concept, through the Decision of the Council of Ministers (DCM) no. 400, dated 17.11.1990 "On the purchase and realization of services outside the state sector", DCM no. 191, dated 22.03.1993 "On the Public Procurement System and the Acquisition and Services Activity of Enterprises and Institutions Financed with the State Budget", DCM no. 467 dated 17.08.1993 "On procurement procedures with public funds".

As market developments were advancing further, having a special law became an urgency and a law no. 7971 dated 26.07.1995 "On Public Procurement" was introduced. This law was further replaced by law no. 9643, dated 20.11.2006 "On Public Procurement". Amended as of today with law no. 9800, dated 10.09.2007, law no. 9855, dated 26.12.2007, law no. 10170, dated 22.10.2009, law no. 10 309, dated 22.07.2010, law no. 22/2012, law no. 131/2012, law no. 182/2014 dhe law no. 47/2017, law no. 103/2018.

It has undergone 9 changes since then. In some cases the argument for these changes is convincing as it is justified by, for example, the implementation of the SSA (2006-2010) or interventions to approximate legislation with the EU according to Union directives, within the single market and free movement of goods and services, capital and people.

The institutions responsible for the administration and implementation of public procurement in Albania are the Public Procurement Agency and the Public Procurement Commission. But of course the process itself takes place to and through Economic Operators and Contracting Authorities.

There lies a public purpose and a public task behind the public procurement, which the contracting authorities provide for by means of the procurement, all this derived from the public need and public fund.⁶

Public procurement is critical for accountability of public expenditure and supports good governance, and it assists with economic and social development and public trust in government.⁷ So they have to be efficient and manageable to reduce, if not eliminate, abuse and waste.

The cycle of public procurement is an entire procurement process and procedure, not just the tendering phase. This is very important to be kept under consideration when judging public procurement and any procurement.

Another problem that deepens this misunderstanding is that according to the PPL, in different phases of the procurement process there are different people or working group responsible for a certain phase. Thus, slowing the procedure and dragging its

⁶ Dobra, E. (2016, January- April). Progress of the Public Procurement System in Albania and in the European Union, *European Journal of Multidisciplinary Studies*, Vol.1, No.2, <https://ideas.repec.org/a/eur/ejmsjr/53.html>.

⁷ Khan, N. (2018). *Public Procurement Fundamentals: Lessons from and for the field (Includes A Simple Step-by-step Generic Procurement Manual)*. Emerald Publishing Limited, United Kingdom.

integration and synthesis, making this big challenge to face, losing the main focus and aim of the procedure. And from the other side, different people in different cycles hamper the opportunity to build professional capacity.

According to the Performance Audit Report on Procedures of Public Procurement in Albania issued in 2016 by the High State Control of Albania, under the assistance and collaboration of SNAO (Sweden), ECA (European Court of Accounts) specialists based on the regional PPA performance audit project II on "Public Procurement", where SAI engaged with SAI of the region, the problems raised were in two aspects: administrative aspect-selection criteria of winners are not in line with: 1. Non discriminating and equal treatment policies of private operators; 2. Transparency in the public procurement procedures, and; 3. Equality in treating the demands and responsibilities of applicants, and legislative aspect- Frequent changes of the law on public procurement; Opportunity to interpret the law in different ways, thus affecting the responsibility of civil servants engaged in the process; Using different procedures when procuring the same goods in different time-periods for the same institutions or in different institutions but for the same time-period; Problems in deciding the upper spending limit; The professionalism of staff appointed to set up the technical criteria and the staff who evaluates the offers against those criteria; The lack of expertise in planning and executing the tender procedures; High turnover of staff throughout public administration; Managing the electronic public procurement system; Training of civil servants engaged in public procurement procedures.

Also the same report concluded that:

a. The monitoring of public procurement procedures best accomplishes the ability to reach the main goal of the public procurement process, cost effectiveness and value for ALL; **b.** Is in line with the strategy of the state, the importance on creating a modern, sustainable and effective public procurement system, harmonizing with the legal and institutional framework of EU legislation and its best standards and practices; **c.** Create a framework of competencies that public procurement workers should have, which should be defined in: integrity, skills, behavior, etc., will make it possible to recognize it as " Profession "in this area also through promotional engagement in schools, colleges and universities to raise people's awareness of procurement as a profession; **d.** Improvement of public procurement procedures and in particular the use of the "negotiation without prior publication of a contract notice" for "emergency" cases are priority of the work of the PPA; **e.** The PPA's measures to identify the cases of using the procurement procedure "Negotiation without prior notice of contract notice" would enable the processing of data on such procedures to make an analytical analyze of them; **f.** Timely withdrawal of budgetary funds and improvement of legislation related to it leads to timely procurement procedures, avoiding artificial emergence of emergencies and creating opportunities for using more transparent and competitive public procurement procedures; **g.** Strengthening the monitoring, investigation and control system of public procurement procedures brings more transparency, increased competition, saving of budgetary funds, increasing taxpayer confidence, the public, etc.; **h.** Studies related to the creation of fictitious emergency cases serve to strengthen the monitoring system, improve complaints review mechanisms, increase transparency in public procurement procedures and public

confidence; **i.** Analysis of cases of extension of public procurement procedures through the appeal deadlines and completing the documentation which lead to the situation "emergency" especially in cases of procurement of funds in the health field, makes intervene to legally enable avoidance their, at times filling with medication needs, medical equipment, etc., as necessary to work in hospitals who save lives every day; **j.** Evaluating, updating, conducting analyzes, approximating legislation, achieving objectives, etc., realizes a fair trial on meeting the interests of stakeholders, on how to implement public procurement procedures of public funds to maximize the measures to be taken; Achieve the best value for money through fair and open competition; **k.** *Well-managed public funds can be achieved through an effective public procurement system. The fact that this system is not seen as a strategic mechanism that helps achieve economic and social objectives through a responsible, effective and transparent system is worrying, both because of the high budget deficit we are facing.* For each of the conclusions, were given the pertaining resolutions through of course recommendations.

D. Public Procurement and the anticorruption

Corruption is a form of dishonesty or criminal offense undertaken by a person or organization entrusted with a position of authority, to acquire illicit benefit or abuse power for one's private gain. ("Corruption", n.d.). Specifically for Albania and Balkan it takes a certain course due to the narrow concept of power and authority, such that it is only seen through public engagement. For this, discussing corruption, even though it can happen in private sector as well, the conversation is build by firstly clarifying public engagement and use of public fund. To measure the access to and transparency of public funds, and consequently corruption, public procurements can be a very important instrument.

Public procurement has developed in time in what we know today as e-procurement and further more green procurement. The benefits it brought include improved access, more transparency, greater integrity and better quality of procurement data that translated in discouraged authorities to open unnecessary tenders, win public trust through more information for usage of funds and performance, easy application for bidders, better assessment of procurements through structured and validated forms.⁸

Not only for the sensitivity of the topic but as well as for the impact that public expenses and investments have in the market of goods and services e-procurement of a country is the key to increase transparency, support innovation and fight corruption or the need to corrupt. Every system of access and transmission of information offers a base that serves for the tracking of the procurement activity but the most important helps in identifying responsibilities by being fair in decision-making and by building social trust.

In a presentation made by Ms. Kashta, General Director o Public Procurement Agency

⁸ Becker, J. (2018, April). Systems and e-Procurement - Improving Access and Transparency of Public Procurement Policy, Department for Economic, Scientific and Quality of Life Policies, Directorate Generle of Internal Policies. *PE 618.990*.

of Albania, on “Corruption and Innovation in the Albanian Public Procurement System”, at the 28th OSCE Economic and Environmental Forum in February 2020, the results of implementation of the e-procurement since 2009 in the country included reduced application time, facilitation and standardization of the process of introduction with tender conditions, reduced costs for economic operators, more information on the procedures, easy download/submission of tender documents and greater accountability due to generating data and statistics reporting in better timing. The most important achievement included the reduction by 30% of the tenders negotiated without prior publications from 2009-2017.

Meanwhile, a study assessing the public procurement legislation in Albania, prepared by the Albanian Institute of Science, Institute for Development of Freedom of Information and Open Society Foundations, named “Transparent Public Procurement Rating”, estimated Albanian legislation on public procurement for the period from 2016-2020 as ‘good compliance with TPPR Standards’. The TPPR Standard is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe. It covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems. It is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components. Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of 0 to 64 (converted to percentages for easier understanding and visualization). The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system (1. Uniformity of the Legislative Framework – 14 indicators 2. Efficiency – 10 indicators 3. Transparency – 18 indicators 4. Accountability and Integrity – 7 indicators 5. Competitiveness and Impartiality – 10 indicators). The methodology also includes the group so called ‘Transparency Environment’ made of 5 indicators that are used to assess legal components that are not directly part of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. Indicators are also arranged according to the procurement process: 1. Pre-tendering Phase – procurement processes leading up to the publication of a notice of intended procurement. 2. Tendering Phase – procurement processes between publication of a notice of intended procurement and selection of a tender winner. 3. Post-tendering Phase – procurement processes after the selection of a tender winner.⁹

The tables below show the results of the study for 3 procurement processes according to the indicators for each group, together with the results on ‘Transparency Environment’.

⁹ Albanian Institute of Science. (2016-2020). Public Procurement Legislation Assessment: Transparent Public Procurement Rating. Tirana, Albania.

Albanian Procurement System		
TPPR Methodology Indicators	No. of indicators (in points)	Score (in points)
Transparency Environment	5	5
General Characteristics	20	16.1
Pre-tendering Phase	9	8
Tendering Phase	17	13
Post-tendering Phase	13	5.4
TOTAL	64	47.5

The most problematic part was the post-tendering phase where from a total of 13 points the assessment for Albanian legislation on public procurement was only 5.4 points meaning that the PPL complies only by 41% with the standards predicted on procurement processes after the selection of a tender. Problems included the inability of PPL to ensure electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents; the inability of PPL to ensure electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents; the inability of PPL to ensure electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents; the inability of PPL to ensure electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents; procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts; the inability of PPL to define specific procedures for modifying contracts; the inability of PPL to stipulate that all procurement related documentation must be maintained.¹⁰

Another problem included the inability of the legislation to provide for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system including whether PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis.

Also it is worth to mention that, earlier this year, Mr. Cuckic, a project assistant at the Centre for Contemporary Politics, mentions in the article titled "Reforming public procurement crucial for fighting corruption in the Western Balkans" published at the European Western Balkan, who also treated the problem of shifting public procurement to PPPs as the issue in Balkan, stated the importance of differentiating public procurement (the full cycle) from tenders (part of the cycle) and also that it remains a political will whether to fight corruption through transparent procurement or not.

Conclusions

To believe and consequently aim to have no issues in public procurement is a very ambitious goal. Is difficult because technology reshaped our life along with the very

¹⁰ Ibid.

different demand for goods and services of today, which all changed the production in itself and distribution channels. What remain and has to be cultivated and transmitted as a value is the strong believe that the winner of a public contract is the best bidder in terms of compliance and finance.

Thus, it is crucial to create a system that manages not the issues/problems/errors in itself, under the belief that when it is not intentional, it is difficult to identify, but the damage that this issues/problems/errors cause, in order to prevent, recover and analyze cause-effects in good order. A system integrated with the information system of the entire public administration that perform procurement activities, institutions that administer and monitor this activities and the institution that treats claims.

Public procurement is a wide cycle of 3 phases (pre-tendering, tendering, post-tendering) and corresponding steps to each phase (Strategic procurement plan, Market research, Long-term and short-term planning, Selecting the procurement approach, Tender specification drafting, Invitation to bid or direct negotiation, Opening the bids, Assessment of bids, Period for complaints, Finalization of the agreement/ contract, Managing the agreement, Monitoring, follow-up and lessons learned).¹¹ These phases don't work separately. In contrast, they affect each other and the importance of a decent start grows as it paves the way for the coming phases, determining the success or not of the procedure.

Yet the success of e-procurement is not achieved because of a system that is not integrated fully on all IT levels involved, there is no standard training before entering the system and no information on procedures regarding the security of the system.

The two main issues remain the procedure of "Negotiation without prior publication of the contract notice" and the amount of complains for public procurement procedures.

Regarding the procedures of "Negotiation without prior publication of the contract notice", what needs to be done is an analysis of on all the emergency situations that bring eventually to the usage of this procedure, identify and monitor closely all such procedures and shift the entire activities for this procedure to an electronic one, not only to make it transparent but also make it assessable.

Regarding the amount of complains for public procurement procedures, it is important to analyze the increase, to unify the attitude specially concerning council or court decisions that have different interpretations/ attitudes toward the same law, to certify each and every employee part of the procedure but particularly employees who inspect and analyze procedures, as a functional duty, during treatment of complains. However all the efforts regarding public procurement procedures, in terms of law, have to be compatible with the EU directives to increase the transparency and ease the accession process.

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¹¹ Idem.

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