

BIBLIOGRAPHY ON PUBLIC PROCUREMENT LAW AND REGULATION



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INTRODUCTION TO THE BIBLIOGRAPHY

1. General introduction and acknowledgements

This bibliography is a document that aims to list in a comprehensive manner reading in the English language on public procurement law and regulation.

The bibliography was initially produced by the EU-Asia Inter University Network for Teaching and Research in Public Procurement Regulation (2008-2011), under the supervision of Professor Sue Arrowsmith, Achilles Professor of Public Procurement Law and Policy at the University of Nottingham. The Network was led by University of Nottingham and the other consortium members were Copenhagen Business School, the University of Copenhagen, the Central University of Finance and Economics (Beijing), Xinjiang University, and the University of Malaya. The project was undertaken with the financial assistance of the EU. However, the contents of the material is the sole responsibility of the members of the consortium involved in the EU Asia Inter University Network for Teaching and Research in Public Procurement Regulation and can under no circumstances be regarded as reflecting the position of the European Union.

Very significant assistance with the original bibliography was provided by Professor Geo Quinot and Professor Phoebe Bolton of Stellenbosch University (for initial compilation of the section on Africa) and Kenneth Rudolf, Young Lee and John Linarelli of University of Laverne (including for providing extensive lists of materials on the United States of America). We are most grateful for their assistance, but all errors and omissions are the responsibility of the consortium.

We would also like gratefully to thank Sandeep Verma, Derek Leschinsky and Derrick McKoy who have assisted by providing materials, and to express our appreciation to those within the University of Nottingham who worked so efficiently providing research and technical assistance, namely Susan Russell (the main research assistant), Pedro Telles, Elly Aspey, Gabor Soos, Debbie Yu and Richard Craven.

From 2011 the bibliography has been maintained by the University of Nottingham using financial resources provided by Achilles Information Ltd, sponsors of the Public Procurement Research Group at the University of Nottingham. Significant assistance with the bibliography and its updating has also been provided by Stellenbosch University and University of Laverne.

2. Updating, improvement and correspondence on the bibliography

From 2011 the bibliography has been maintained, improved and updated under the supervision of the University of Nottingham using financial resources kindly provided by Achilles Information Ltd.

It is inevitable that with such an ambitious work the early versions must inevitably be considered a “work in progress”. We recognize that this work is not currently fully complete and, in particular, that some sections are more comprehensive than others, and that there may also be occasional errors in the references. The work will be updated annually at the end of each year and at that time or earlier we will seek also to expand and correct the initial content of the bibliography.

With that in mind, we would like positively to encourage others to contact us with information on further works that should be included, on relevant works published in the future and on any errors in the current work. Such information should be notified by email to: public.procurement.bibliography@nottingham.ac.uk

We would be grateful if your email could please provide any relevant references *in the exact house style of the bibliography*. Please also ensure that all proposed entries comply with the eligibility criteria as set out later below – in particular, note that in general we include only books, book chapters and articles in refereed journals, and not case notes or similar.

Unfortunately, because of limited resources we cannot generally undertake to send a reply to any correspondence or information sent to us (e.g. to provide individual explanations of why we consider certain works do or do not meet the criteria for inclusion). However, we will endeavour to consider all points that come to our attention and to take them into account to make appropriate corrections/additions.

3. Use and reproduction of the bibliography

This material may be reproduced in whole or in part in hard copy provided that the whole of this Introductory section (Introduction to the Bibliography, sections 1-8) are included in that reproduction and provided that any reproduction is made only from the most up to date version existing at the time of reproduction, as available at www.nottingham.ac.uk/law/pprg.

It may not be reproduced in electronic form but instead a link or reference should be given to the website address just stated.

Note that we are currently looking at making the references available in future in a form that can be used for footnoting and other referencing in different styles.

4. Scope of the bibliography: the concept of regulation of public procurement

For the purpose of this bibliography the concept of public procurement is used in its broadest possible sense. First, it refers all the government's activity of acquiring the goods, construction and services that it needs to carry out its functions. This includes activity that is not necessarily classified as procurement in some legal systems (for example, the award of concession contracts that have the purpose of providing public services or infrastructure, which are sometimes considered a separate category of transaction from ordinary procurement). Secondly, it refers to all phases of the procurement process, namely planning, contract award and execution of the contract. Most English-language works on public procurement regulation are concerned with the second phase, not least because it is the one subject to the most regulatory controls, but works on the other phases are also included in the bibliography where they exist.

The bibliography does not attempt to include all works on public procurement, but only those that are concerned with, or affect, regulation of this activity (whether through hard law or soft law instruments). However, it adopts a very broad approach in applying this principle. It is not limited to works concerned with the content of legal rules but includes also, for example, works that consider the economic impact of regulatory rules; works which explain, or have implications for, the design of regulatory policy; and works which set regulatory systems in context. It is by no means confined to the work of legal or socio-legal scholars but includes works by those from many other relevant disciplines.

5. Language

This bibliography covers only works in the English language.

6. Approach to the organization of material

The bibliography is divided into several sections.

Part I of the bibliography contains a section on works of a general nature that is not concerned with specific regimes or instruments.

Part II contains sections on various international instruments on public procurement that are not tied to specific regions. These include, for example, the UNCITRAL Model Law on Public Procurement and the World Bank Guidelines.

Part III contains sections on specific regional and national regimes. It is divided up on a continent-by-continent basis, commencing with sections of works on a cross-country basis (including, where applicable, a section on any regional instruments on procurement) and then sections on various individual countries within the continent in question.

Part IV contains works on the procurement processes of various international organizations themselves.

The general section and sections on each system are in many cases divided into further sub-sections for the purpose of listing material in books and major articles. These use a number of headings which are common to all or many of the systems covered e.g. Procuring Entities Covered, Methods of Procurement, and Remedies and Enforcement.

In certain cases the sub-sections have further sub-divisions to reflect the volume of specialist material. These sub-headings are sometimes used only for particular systems for which they are relevant and/or are warranted by the volume or nature of material.

In addition, some sections have headings which are relevant only for that section or for one or two other sections. This may be because of the nature of the system in question (e.g. the heading Accessions is only relevant for international agreements on procurement, such as the World Trade Organization's Government Procurement Agreement, to which the concept of accession applies) or because of the specific concepts developed in that system which are not found elsewhere.

In some cases works are listed in more than one section – for example, works that involve a comparison of two specific systems, or cover more than one of the headings.

General authored/co-authored books or articles that cover several or all of the sub-sections under each heading are listed at the start of each heading under a heading "General works" and NOT under each sub-heading. However, readers should not that these general works sometimes contain very detailed analysis of certain topics under the sub-headings.

For collections of essays by *different* authors, chapters specific to particular sub-headings are listed under the sub-headings concerned.

7. Terminology and conceptual divisions

An on-going problem for public procurement scholarship is, of course, the use of different terminology by different procurement systems to describe the same concept(s) or problem, and the use of different conceptual divisions.

The approach that we have adopted has been to use as the primary terminology and concepts those used in the English-language versions of the UNCITRAL Model Law on Public Procurement and in the UNCITRAL model provisions on procurement of privately financed infrastructure. We consider that this is appropriate because of the fact that these are instruments of the United Nations, because they are the product of broad and diverse input, because of their significant influence in practice, and because of the fact that translations exist in several other widely-understood languages. Where there is no appropriate UNCITRAL terminology we have used the terminology that we consider most widely used in the law and legal/regulatory literature. In this approach we follow that of the pioneering work on procurement regulation from an international and comparative perspective, S. Arrowsmith, J. Linarelli and D. Wallace, *Regulating Public Procurement: National and International Perspectives* (Kluwer Law International, 2000). We have used this terminology

even for systems that do not themselves use it in their own laws, as a primary purpose of the bibliography is to make all material accessible to those from all jurisdictions.

One exception to the above is that the single word “supplier” has been used to denote a firm or consortium interested in obtaining a contract or who has obtained a contract (UNCITRAL refers to “supplier or contractor”, but this is considered rather unwieldy).

In addition, however, we have listed in brackets for each heading other terminology which is used in the English language in one or more systems to express the same concept, or to refer to some of the subject matter falling within that concept. In some cases we have provided notes on the terminology at the start of the bibliography.

8. Eligibility of works

The bibliography lists published books, chapters by separate authors in published collections, and major articles. So far as articles are concerned, it is generally confined to works published in the main articles section of academic journals that use a peer review process. We have also, however, included in the main list works from some recognized journals that do not apply a formal peer review process but which contain articles that are in general of an appropriate academic standard.

We have not included, on the other hand, book reviews, most non-peer reviewed articles, case notes and other pieces contained in news/note sections of journals. We recognize that these are valuable and useful in many cases. However, to include all these in the main part of the bibliography would result in much repetition, since often cases are the subject of notes in many different journals, and would make it more difficult for those using the bibliography to identify the more significant works in the field. An ideal approach would be to undertake an item-by-item review of notes etc and include in the main part under relevant sub-headings those identified as being particularly useful. However, resource constraints mean that this is simply not possible.

The bibliography does not include papers or reports of governments themselves or of international institutions where these take the form of official policy papers or guidance (primary regulatory material). However, it includes books published by those institutions where these take the form of general information or critique.

9. Related work

The Network has also produced short introductory bibliographies that contain key selected readings on: i) Regulating public procurement: general issues and regulation under the UNCITRAL Model Law on procurement; ii) Public procurement regulation within the WTO; and ii) EU Public Procurement Law. These are available at www.nottingham.ac.uk/law/pprg. Further short bibliographies will be published in due course.

PART I: REGULATING PUBLIC PROCUREMENT: GENERAL SECTION

This Part lists work on public procurement regulation that are not tied to any specific national or international instrument(s) or regime(s), but which are general in nature and/or involve comparison of a range of regimes.

Works that focus on one or two regimes only, or on regimes within a specific region, are not included in this section but in the relevant system-specific Parts (Part II-IV) below.

1 General works

This heading covers books and articles that range across several parts or all of the subject matter of the heading.

Many of these general works cover in detail the various section headings set out below. Authored works that constitute coherent texts will not be listed again under those headings, but later headings will include separate chapters from edited collections that contain distinct contributions on different topics.

Books

M.A. Abramson and R.S. Harris III (eds), *The Procurement Revolution* (Rowman and Littlefield, 2003)

S. Arrowsmith (ed.), *Public Procurement Regulation: an Introduction*, available at www.nottingham.ac.uk

S. Arrowsmith and A. Davies (eds), *Public Procurement Global Revolution* (London: Kluwer Law International, 1998)

OECD, *Government Purchasing: Regulations and Procedures of OECD Member Countries* (Paris: Organisation for Economic Co-operation and Development, 1976) S. Arrowsmith (ed.), *Public Procurement Regulation: an Introduction* (2011) available at www.nottingham.ac.uk/law/pprg

S. Arrowsmith, J. Linarelli and D. Wallace, *Regulating Public Procurement: National and International Perspectives* (London: Kluwer Law International, 2000)

S. Arrowsmith and M. Trybus (eds.), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International 2002)

N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006)

J.D. Hanrahan, *Government by Contract* (New York: Norton 1983)

R. Hernández Garcia (ed.), *International Public Procurement: A Guide to Best Practice* (Globe Law and Business, 2009)

S. Kelman, *Procurement and Public Management* (Washington: AEI Press, 1990)

A. Kovacs, *Enhancing Procurement Practices: Comprehensive Approach to Acquiring Complex Facilities and Projects* (Boston: Kluwer Academic, 2004)

G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007)

H-J. Priess, (ed.), *Getting the Deal Through: Public Procurement 2010* (Global Competition Review: London, 2010)

K.V. Thai (ed.), *International Handbook of Public Procurement* (CRC Press, 2008)

K.V. Thai (ed.), *Towards New Horizons in Public Procurement* (Florida: PRAcademics Press, 2010)

P. Trepte, *Regulating Procurement: Understanding the Ends and Means of Public Procurement Regulation* (Oxford: OUP, 2004)

Articles and Essays in Edited Collections

G.L. Albano, G. Calzolari, F. Dini, E. Iossa and G. Spagnolo, "Procurement contracting strategies", ch.4 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 82

S.K. O'Byrne, "Public Power and Private Obligation: an Analysis of the Government Contract" (1992) 14 *Dalhousie Law Journal* 485

G. Callender and D. Mathews, "The Economic Context of Government Procurement: New Challenges and New Opportunities" (2002) 2 *Journal of Public Procurement* 216

G.C. Callender and D. Matthews, 'Economic Context of Public Procurement' in K.V. Thai (ed), *International Handbook of Public Procurement* (London: CRC Press, 2009) at 737.

L. Carpineti, G. Piga and M. Zanza, "The variety of procurement practice: evidence from public procurement", ch.2 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 14

P.A. Mori and N. Doni, "The Economics of Procurement Contract Awarding: Problems and Solutions in Theory and Practice" (2010) 10 *Journal of Public Procurement* 93

A.F.M. Maniruzzaman, "State contracts in contemporary international law: monist versus dualist controversies" (2001) 12 *European Journal of International Law* 309

J. McLean, "Government to State: Globalization, Regulation, and Governments as Legal Persons" (2003) 10 *Indiana Journal of Global Legal Studies* 173

E. Prier and C. Csáki, "A Decision-Making Framework to Analyze the Impact of Public Procurement Regulatory Policy" in K.V. Thai (ed.), *Towards New Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 412

H-J. Preiss, D. Harvey and P. Friton, "Global Overview", ch.1 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 3

G. Rosenberg, "International construction procurement—the developing regulatory framework" (1997) 14 *International Construction Law Review* 168

A. Sementelli, "Public Procurement: Political Spectacles and Ritual" in K.V. Thai (ed.), *Towards*

New Horizons in Public Procurement (Florida: PRAcademics Press, 2010) 42

J. Schwartz, "Procurement Rules in Times of Crisis: Lessons from U.S. Government Procurement in Three Episodes of "Crisis" in the 21st Century" ch.26 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

P.R. Schapper, J.V. Malta and D.L. Gilber, "An Analytical Framework for the Management and Reform of Public Procurement" (2006) 6 *Journal of Public Procurement* 1

S.L. Schooner, D.I. Gordon and J.L. Clark, "Public Procurement Systems: Unpacking Stakeholder Aspirations and Expectations (Working Paper)" (2008) *SSRN eLibrary* (<http://ssrn.com/paper=1133234>) 13

O. Soudry, "A Principal-Agent Analysis of Accountability in Public Procurement", ch.19 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 432

T.K. Taylor, "The Proper Use of Offsets in International Procurement" (2003) 3 *Journal of Public Procurement* 338

K.V. Thai, "Public Procurement Reexamined" (2001) 1 *Journal of Public Procurement* 9

K.V. Thai, 'International Public Procurement: Concepts and Practices' in K.V. Thai (ed), *International Handbook of Public Procurement* (London: CRC Press, 2009) at 1.

K.V. Thai, "Advancing Public Procurement: Practices, Innovation and Knowledge Sharing", ch.1 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 1

J. Verdaux, "Public Procurement in the European Union and in the United States: a Comparative Study" (2003) 32 *Public Contract Law Journal* 713

D. Wallace, Jr., "World Trading System, the WTO and Dispute Settlement, and Arab and Islamic Countries" in *Strengthening Relations with Arab and Islamic Countries through International Law: E-Commerce, the WTO Dispute Settlement Mechanism, and Foreign Investment* (The Hague: Kluwer Law International, 2002) 251

R.B. Watermeyer, "A generic and systemic approach to procurement: the case for an international standard" (2005) 14 *Public Procurement Law Review* 39

C. Yukins et al., "International procurement" (2006) 40 *The International Lawyer* 337

2 Objectives of regulation and general principles

This sub-section contains works dealing with the objectives of public procurement regulation and the general principles for achieving those objectives (e.g. transparency).

2.1 Objectives of public procurement regulation

Articles and Essays in Edited Collections

S. Arrowsmith, "National and International Perspectives on the Regulation of Public Procurement: Harmony or Conflict?" ch.1 in S. Arrowsmith and A. Davies (eds), *Public Procurement Global Revolution* (London: Kluwer Law International 1998)

S. Arrowsmith, "Transparency in Government Procurement: the Objectives of Regulation and the Boundaries of the World Trade Organization" (2003) 37 *Journal of World Trade* 283

A. Sanchez-Graells, "More Competition-Oriented Public Procurement to Foster Social Welfare" in K.V. Thai (ed.), *Towards New Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 81

S. Schooner, "Desiderata: Objectives for a System of Government Contract Law" (2002) 11 *Public Procurement Law Review* 103

2.2 Transparency and competition as principles for achieving public procurement objectives

Articles and Essays in Edited Collections

S. Arrowsmith, "The EC procurement directives, national procurement policies and better governance: the case for a new approach" (2002) 27 *European Law Review* 3

P. Bajari and S. Tadelis, "Incentives and award procedures: competitive tendering versus negotiations in procurement", ch.5 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006)

O. Bandiera, A. Prat and T. Valletti, "Active and Passive Waste in Government Spending: Evidence from a Policy Experiment" (2009) 99 *American Economic Review* 1278

S. Kelman, "Remaking Federal Procurement" (2002) 31 *Public Contract Law Journal* 581

K. Krüger, “Ban-on-negotiations in tender procedures – undermining best value for money?” in K. V. Thai (ed), *International Handbook of Public Procurement* (Boca Raton, FL: CRC Press, 2009)

R.P McAfee and J. MacMillan, “Bidding for Contracts: a Principal-Agent Analysis” (1986) 17 *Rand Journal of Economics* 326

J. Pegnato, “Assessing Federal Procurement Reform: has the Pendulum Stopped Swinging?” (2003) 3 *Journal of Public Procurement* 145

S. Schooner, “Commercial Purchasing: the Chasm between the United States Government’s Evolving Policy and Practice”, ch.8 in S. Arrowsmith and M. Trybus (eds), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International, 2002)

S. Schooner, “Fear of Oversight: the Fundamental Failure of Businesslike Government” (2001) 50 *American University Law Review* 627

S. Schooner and C. Yukins, “Model Behaviour? Anecdotal Evidence of Evolving Commercial Public Procurement Practices and Trade Policy” (2003) 9 *International Trade Law and Regulation* 4

J. Schwartz, “Regulation and Deregulation in Public Procurement Law Reform in the United States”, ch.8 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Rato: PRAcademics Press, 2007)

J.J. Snider Smith, “Competition and Transparency: What Works for Public Procurement Reform” (2008) 39 *Public Contracts Law Journal* 85

P. Trepte, *Transparency and Accountability as Tools for Promoting Integrity and Preventing Corruption in Public Procurement* (2005) (paper to OECD Expert Group meeting on Integrity in Public Procurement)

C. Vacketta, “Lessons from the Commercial Marketplace” (2002) 11 *Public Procurement Law Review* 126

3 Organisation of public procurement systems and human resources issues

This contains works on the organization of public procurement systems and their regulation e.g. centralized and decentralized approaches; and on human resources issues.

Books

C.P. McCue, *Fundamentals of Leadership and Management in Public Procurement*. (NIGP, 2005)

Articles and Essays in Edited Collections

J. Badenhorst-Weiss, G. Callender, and J. McGuire, "Building the procurement profession: a comparative review" in K.V. Thai (ed.), *Towards New Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 22

E. Bakker, H. Walker and C. Harland, "Organizing for Collaborative Procurement: An Initial Conceptual Framework", ch.2 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 15

N. Dimitri, F. Dini and G. Piga, "When should procurement be centralized?", ch.3 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 47

C. McCue and E. Prier, "Using Agency Theory to Model Cooperative Public Purchasing", ch.3 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 45

E. Prier and C.P. McCue, "The Implications of a Muddled Definition of Public Procurement" (2009) 9 *Journal of Public Procurement* 326

E. Prier, C. McCue and R. Behara, "The Value of Certification in Public Procurement: the Birth of a Profession?" (2010) 4 *Journal of Public Procurement* 512

A.C. Richard, "Overview of Budget Systems and Public Procurement in OECD Countries" in P. Kunzlik (ed.), *The Environmental Performance of Public Procurement: Issues of Policy Coherence* (Paris: OECD Publishing, 2003) 101

4 Reform of regulatory systems in public procurement
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This sub-section contains general articles on issues relating to the reform of regulatory systems in public procurement. It also includes reference to case studies of specific countries or regions that elaborate lessons of wider relevance (which will also be included, where appropriate, in the country-specific sections of the bibliography).

Books

S. Kelman, *Unleashing Change: A Study of Organisational Renewal in Government* (2005)

International Trade Centre UNCTAD/GATT, Guide No. 23, *Improving Public Procurement Systems* (1993)

Articles and Essays in Edited Collections

E. Agaba and N. Shipman, "Public Procurement Reform in Developing Countries: the Uganda Experience", ch.16 in G. Piga and K. Thai (eds.), *Advancing Public Procurement: practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007)

F. Anechiarico, "Reforms in Procurement Policy and their Prospects", ch.9 in S. Arrowsmith and M. Trybus (eds), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International 2002)

J. Edgardo Campos and J. Syquia, "Managing the Politics of Reform: Overhauling the Legal Infrastructure of Public Procurement in the Philippines" World Bank Working Paper No.70 (November 2006), available at <http://siteresources.worldbank.org/EXTDEVCOMMENG/Resources/Procurement-book.pdf>

C. Herbert, "Public Procurement Law Reform: Some design issues for small island States – a perspective from Trinidad and Tobago" (2003) 29 *Commonwealth Law Bulletin* 552

B. Hoekman, "Using International Institutions to Improve Public Procurement" (1998) 13 *The World Bank Research Observer* 249

R. Hunja, "Obstacles to Public Procurement Reform in Developing Countries", Ch. 2 in S. Arrowsmith and M. Trybus (eds.), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International, 2002)

D. Jones, "Public Procurement in South East Asia: Challenge and Reform" (2007) 7 *Journal of Public Procurement* 3

S. Kelman, "Remaking Federal Procurement" (2002) 31 *Public Contract Law Journal* 581

W. Kumorotomo, "Undisbursed Local Budgets: The Dilemma of Public Procurement Reform and Anti-Corruption Initiatives in Indonesia" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 170

V. Mosoti, "Reforming the Laws on Public Procurement in the Developing World: the Example of Kenya" (2005) 54 *International and Comparative Law Quarterly* 621.

C.L. Pallas and J. Wood, "The World Bank's Use of Country Systems for Procurement: a Good Idea Gone Bad?" (2009) 27 *Development Policy Review* 215

P. Pease and K. Faridi, "Procurement and Governance: An Uneasy Partnership" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 498

J. Pegnato, "Assessing Federal Procurement Reform: has the Pendulum Stopped Swinging?" (2003) 3 *Journal of Public Procurement* 145

E. Piselli, "The Establishment and Development of a Public Procurement System for Kosovo", Ch. 4 in S. Arrowsmith and M. Trybus (eds.), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International 2002)

P. Schapper, J. Nuno Veiga Malta and D.L. Gilbert, 'Analytical Framework for the Management and Reform of Public Procurement' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 87.

J. Schwartz, "Learning from the United States' Procurement Law Experience: On "Law Transfer" and its Limitations" (2002) 11 *Public Procurement Law Review* 115

J. Schwartz, "On Globalisation and Government Procurement", ch.3 in S. Arrowsmith and M. Trybus (eds), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International, 2002)

J.J. Snider Smith, "Competition and Transparency: What Works for Public Procurement Reform" (2008) 39 *Public Contracts Law Journal* 85

P. Trepte, "Procurement Regulation and Emerging Economies: The Examples of Laos and Bhutan", ch.6 in S. Arrowsmith and A. Davies (eds.), *Public Procurement Global Revolution* (London: Kluwer Law International 1998)

P. Trepte, "Building Sustainable Capacity in Public Procurement" ch.12 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge CUP, 2011)

D. Wallace, "The Changing World of National Procurement Systems: Global Reformation", (1995) 4 P.P.L.R. 57

W.A. Wittig and H. Jeng, "Challenges in Public Procurement: Comparative Views of Public Procurement Reform in Gambia" in K.V. Thai, A. Araujo, R.Y. Carter et al. (eds), *Challenges in Public Procurement: An International Perspective* (Boca Raton: PrAcademics Press, 2005) 21

5	Harmonisation of regulatory provisions on public procurement and the influence of international instruments
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This sub-section contains articles on the issue of harmonization and divergence in public procurement and on the influence of different national and international systems on this.

Articles and Essays in Edited Collections

S. Arrowsmith, "Public Procurement: an Appraisal of the UNCITRAL Model Law as a Global Standard" (2004) 53 *International and Comparative Law Quarterly* 17

S. Arrowsmith, "Transparency in Government Procurement: the Objectives of Regulation and the Boundaries of the World Trade Organization", (2003) 37 *Journal of World Trade* 283

J-B. Auby, "Comparative approaches to the rise of contract in the public sphere" [2007] *Public Law* 40

A. Kovacs, "The Global Procurement Harmonisation Initiative" (2004) 13 *Public Procurement Law Review* 15

E. Nwogwugwu, "Towards the Harmonisation of International Procurement Policies and Practices" (2005) 14 *Public Procurement Law Review* 131

S. Schooner and C. Yukins, "Incrementalism: eroding the impediments to a global public procurement market" (2007) 23 *Georgetown Journal of International Law* 529

R.B. Watermeyer, "A Generic and Systemic Approach to Procurement: The Case for an International Standard" (2004) 13 *Public Procurement Law Review* 39

6 The interplay between public and private law in public procurement

Books

S. Arrowsmith, *Civil Liability and Public Authorities*, (Earlsgate, 1992)

S. Arrowsmith, *Government Procurement and Judicial Review* (Carswell, 1988)

A. Davies, *The Public Law of Government Contracts* (OUP, 2008)

C. Donnelly, *Delegation of Government Power to Private Parties* (OUP, 2007)

G. Quinot, *State Commercial Activity: a Legal Framework* (Juta, 2009)

Articles and Essays in Edited Collections

S. Arrowsmith, "Government Contracts and Public Law" (1990) 10 *Legal Studies* 231

S. Arrowsmith, "Judicial Review and the Contractual Powers of Public Authorities" (1990) 106 *Law Quarterly Review* 277

F.A. Mann, "The Theoretical Approach towards the Law Governing Contracts between States and Private Persons" (1975) 11 *Revue Belge de Droit International* 562

J.D.B. Mitchell, "A General Theory of Public Contracts" (1951) 63 *Juridical Review* 60

S.K. O'Byrne, "Public power and private obligation: an analysis of the government contract" (1992) 14 *Dalhousie Law Journal* 485

7 Procuring entities covered

This sub-section deals with the entity coverage of public procurement rules – for example, the question of how public bodies are defined for the purpose of applying public procurement rules.

8 Contracts covered: classifications

This sub-section deals with the types of contract subject to regulation in principle under public procurement rules (e.g. distinction between procurement and other contracts) and classification of contracts for different regulatory purposes (thresholds at which certain procedures apply, distinction adopted in some systems between procurement and concessions for determining whether contracts are regulated at all, scope of exclusions e.g. of defence contracts etc). It also covers material on the divide between contract and other supply mechanisms.

9 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different available methods of procurement (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement etc).

Articles and Essays in Edited Collections

A. Ancarani, 'Service Sourcing', in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 187

P. Bajari and S. Tadelia, "incentives and award procedures: competitive tendering versus negotiations in procurement", ch.5 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 121

P. Bolton, "Grounds for dispensing with public tender procedures in Government Contracting" (2006) 9 *Potchefstroom Electronic Law Journal* 1 and online at http://www.puk.ac.za/opencms/export/PUK/html/fakulteite/regte/per/issuepages/2006Volume9no2/2006x2x_Bolton_art.pdf

G. Holmes, "To tender or negotiate: the buyer's dilemma" (1995) 1 *Journal of Marketing Practice: Applied Marketing Science* 7

J.M. Keisler and W.A. Buehring, 'How Many Vendors Does It Take To Screw Down a Price? A Primer on Competition in Procurement' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 211

D. Parker and K. Hartley, "The Economics of Partnership Sourcing versus Adversarial Competition: a critique" (1997) 3 *European Journal of Purchasing and Supply Management* 115

10 The conduct of procurement proceedings

Articles and Essays in Edited Collections

G.L. Albano, N. Dimitri, R. Pacini and G. Spagnolo, "Information and Competitive tendering", ch.6 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 143

G.L. Albano, N. Dimitri, I. Perrigne and G. Piga, "Fostering participation", ch.11 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 267

A. Ancarani, 'Service Sourcing', in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 187

N. Caldwell and E. Barker, 'Procurement Process in the Public Sector: An International Perspective' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 427

C. Dellarocas, F. Dini and G. Spagnolo, "Designing reputation mechanisms", ch.18 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 446

N. Dimitri, R. Pacini, M. Pagnozzi and G. Spagnolo, "Multi-contract tendering procedures and package bidding in procurement", ch.8 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 193

F. Dini, R. Pacini and T. Valletti, "Scoring rules", ch.12 in N. Dimitri, G. Piga and G. Spagnolo, *Handbook of Procurement* (CUP, 2006) 293

A.R. Engel, J-J. Ganuza, E. Hauk and A. Wambach, "Managing risky bids", ch.13 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 322

V. Grimm, R. Pacini, G. Spagnolo and M. Zanza, "Division into lots and competition in procurement", ch.7 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 168

W.C. Lawther, 'Contract Negotiations' in K.V Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 563

T.R. Lewis and H. Yildirim, "Managing dynamic procurements", ch.17 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 433

F. Roodhooft and A. van den Abbeele, "Public procurement of consulting services - Evidence and comparison with private companies" (2006) 19 *IJPSM* 490

K.F Snider and M.F. Walkner, "Enhancing Use of Past Performance as a Source Selection Criterion", ch.31 in K.V. Thai (ed.), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 613

11 Specifications

12 Qualification of suppliers/contractors (responsibility)

12.1 General

Articles and Essays in Edited Collections

C. Dellarocas, F. Dini and G. Spagnolo, "Designing reputation mechanisms", ch.18 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 446

A. Estache and A. Iimi, "Bidders' entry and auctioneer's rejection: Applying a double selection model to road procurement auctions" (2011) *XIV Journal of Applied Economics* 199

12.2 Supplier lists (approved lists, qualification lists)

12.3 Exclusion and debarment for criminal offences and other misconduct

Books

H. Puender, H-J. Priess and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Carl Heymanns, 2009)

Articles and Essays in Edited Collections

F. Anechiarico and J. B. Jacobs, "Purging Corruption from Public Contracting: the "solutions" Are Now Part of the Problem" (1995) 40 *New York Law School Law Review* 143

T. Medina Arnaiz, 'EU Directives as Anticorruption Measures: Excluding Corruption-Convicted Tenderers from Public Procurement Contracts' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 105.

H. Puender, "Self-cleaning: a Comparative Analysis" in H. Puender, H-J. Priess and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Carl Heymanns, 2009) 187

13 Framework agreements (ID/IQ contracts, umbrella contracts, recurring contracts)
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Articles and Essays in Edited Collections

S. Arrowsmith and C. Nicholas, "Regulating Framework Agreements under the UNCITRAL Model Law on Procurement", ch.2 in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009) 95

M.M. Linthorst and J. Telgen, "Public Purchasing Future: Buying from Multiple Suppliers", ch.21 in G. Piga and K.V. Thai (eds), *Advancing Public Procurement: practices, Innovation and Knowledge-sharing* (PrAcademics Press, 2007)

T.S. Reed, D.E. Bowman and M.E. Knipper, "The Challenge of Bringing Industry Best Practices to Public Procurement": Strategic Sourcing and Commodity Councils" ch.14 in K.V. Thai, A. Araujo, R.Y. Carter et al. (eds), *Challenges in Public Procurement: An International Perspective* (Boca Raton: PrAcademics Press, 2005)

C.R. Yukins, "Are IDIQs Inefficient? Sharing Lessons with European Framework Contracting" (2008) 37 *Public Contract Law Journal* 545

14 Electronic procurement

14.1 Electronic communications and tendering

Articles and Essays in Edited Collections

G. Bruno, E. Esposito, M. Mastroianni and D. Vellutino, "Analysis of Public E-Procurement Web Site Accessibility" (2005) 5 *Journal of Public Procurement* 344

S.R. Croom and A. Brandon-Jones, "Key Issues in E-Procurement: Procurement Implementation and Operation in The Public Sector" (2005) 5 *Journal of Public Procurement* 367

S. Croom and A. Brandon-Jones, 'Key Issues in E-Procurement: Procurement Implementation and Operation in the Public Sector' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 445

K. Dooley and S. Purchase, 'Factors Influencing E-Procurement Usage' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 459.

B. Jullien, "Pricing and other business strategies for e-procurement platforms", ch.10 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 249

M.J. Lee, "An Exploratory Study on the Mature Level Evaluation of E-Procurement Systems" (2010) 3 *Journal of Public Procurement* 405

S.A. MacManus, "Understanding the Incremental Nature of E-procurement Implementation at the State and Local Levels" (2002) 2 *Journal of Public Procurement* 5

M J. Moon, "E-Procurement Management in State Governments: Diffusion of E-Procurement Practices and Its Determinants" (2005) 5 *Journal of Public Procurement* 54

P. Schapper, "The impact of e-procurement on corruption: The potential of e- procurement for curbing corruption risks" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 113

C. Tonkin, "E-Procurement: a Cross-Jurisdictional Comparison" in L. Knight, C. Harland, J. Telgen et al. (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 216

K. Vaidya, G.C. Callender and A.S.M. Sajeev, "Facilitators of Public E-Procurement: Lessons Learned from the U.K., U.S. and Australian Initiatives" in K.V. Thai (ed.), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 473

K. Vaidya, A.S. M. Sajeev and G. Callender, "Critical Factors That Influence E-Procurement Implementation Success in the Public Sector" (2006) 6 *Journal of Public Procurement* 70

14.2 Electronic reverse auctions

Articles and Essays in Edited Collections

G.L. Albano, N. Dimitri, R. Pacini and G. Spagnolo, "Information and Competitive tendering", ch.6 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 143

S. Arrowsmith, "Regulating Electronic Reverse Auctions under the UNCITRAL Model Law on Procurement", ch.11 in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009) 357

L.M. Ausubei and P. Cramton, "Dynamic auctions in procurement", ch.9 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 220

K. Dooley and S. Purchase, 'Factors Influencing E-Procurement Usage' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 459.

W.E. Kovacic, R.C. Marshall. L.M. Marx and M.E. Raiff, "Bidding rings and the design of anti-collusive measures for auctions and procurements", ch.15 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 381

M.E. Shalev and S. Asbjornsen, "Electronic Reverse Auctions and the Public Sector: Factors of Success" (2010) 3 *Journal of Public Procurement* 428

15 Debriefing, freedom of information rules and other information requirements
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Articles and Essays in Edited Collections

M. McDonagh, "Disclosure of Information Relating to Public Procurement: the Role of Freedom of Information Law" (2002) 11 *Public Procurement Law Review* 172

16 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)

16.1 General

This section includes articles that range across several of the policies below or which deal with general themes.

Books

C. McCrudden, *Buying Social Justice: Equality, Government Procurement, & Legal Change* (OUP, 2007)

Articles and Essays in Edited Collections

S. Arrowsmith, "Horizontal Policies in Public Procurement: a Taxonomy" (2010) 10 *Journal of Public Procurement* 149

S. Arrowsmith, "A taxonomy of horizontal policies in public procurement", ch.3 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (CUP, 2009) 107

R.B. Watermeyer, "Facilitating Sustainable Development Through Public and Donor Procurement Regimes: Tools and Techniques" (2004) 13 *Public Procurement Law Review* 30

16.2 Industrial development policies

Books

M.A. Yülek and T.K. Taylor, *Designing public procurement policy in Developing Countries how to foster technology transfer and industrialization in the global economy* (New York: Springer, 2012)

Articles and Essays in Edited Collections

L. Cabrai, G. Cozzi, V. Denicoló, G. Spagnolo and M. Zanza, "Procuring innovations", ch.19 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 483

P.A. Geroski, "Procurement Policy as a Tool of Industrial Policy" (1990) 4 *International Review of Applied Economics* 182

L. Hommen and M. Rolfstam, "Public Procurement and Innovation: Towards a Taxonomy" (2009) 9 *Journal of Public Procurement* 17

R. Kattel and V. Lember, "Public Procurement as an Industrial Policy Tool: an Option for Developing Countries?" (2010) 3 *Journal of Public Procurement* 368

V. Lember, T. Kalvet, and R. Kattel "Urban Competitiveness and Public Procurement for Innovation" (2011) 48 *Urban Studies* 1373

W. Phillips, N. Caldwell and T. Johnsen, "Early Public Procurement Involvement in Emerging Technologies? The Case of Tissue Engineering", ch.20 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 452

L. Preuss "On the Contribution of Public Procurement to Entrepreneurship and Small Business Policy" (2011) 23 *Entrepreneurship and Regional Development* 787

F. Ssenengo, *Discriminatory Public Procurement Policies*, (2010), PhD Thesis, University of Twente

T.K. Taylor, 'Offset Policy Design in International Procurement' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 749

T. K. Taylor, "Countertrade Offsets in International Procurement: Theory and Evidence" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 345

16.3 Regional policy

Articles and Essays in Edited Collections

P.A. Geroski, "Procurement Policy as a Tool of Industrial Policy" (1990) 4(2) *International Review of Applied Economics* 182

16.4 Small and medium-sized enterprises in public procurement

Books

International Trade Centre, *Improving SME access to public procurement: the experience of selected countries* (2000)

16.5 Social policies (including equality, labour policies and human rights)

Books

T. Fox, H. Ward and B. Howard, *Public Sector Roles in Strengthening Corporate Social Responsibility: A Baseline Study* (World Bank, 2002)

Articles and Essays in Edited Collections

- J. Charlesworth and V. Voruz, "The Contract Compliance Policy: An Illustration of the Persistence of Racism as the Failure of Modernity" (1998) 7 *Social and Legal Studies* 193
- J. Diller, "A Social Conscience in the Global Marketplace? Labour Dimensions of Codes of Conduct, Social Labelling and Investor Initiatives" (1999) 138 *International Labour Review* 99
- A. Erridge and R. Fee, "Contract Compliance: National, Regional and Global Regimes" (1999) 27 *Policy and Politics* 199
- R.J. Flanagan, "Actual versus potential impact of government antidiscrimination programs" (1976) 29(4) *Industrial and Labor Relations Review* 486
- P. Geroski, "Procurement Policy as a Tool of Industrial Policy" (1990) 4(2) *International Review of Applied Economics* 182
- S. Griller, "International economic law as a means to further human rights?: selective purchasing under the WTO Agreement on Government Procurement" in S. Griller (ed.), *International Economic Governance and Non-economic Concerns: New Challenges for the International Legal Order* (Springer, 2003) 267
- U. Kullmann, "'Fair Labour Standards" in International Commodity Agreements" (1980) *Journal of World Trade Law* 527
- C. McCrudden, "Corporate Social Responsibility and Public Procurement" in D. McBarnet, V. Voiculescu and T. Campbell (eds), *The New Corporate Accountability: Corporate Social Responsibility and the Law* (Cambridge University Press, 2007)
- C. McCrudden, "Social Policy Issues and Economic Regulators: Some Issues for the Reform of Utility Regulation" in C. McCrudden (ed.), *Regulation and Deregulation: Policy and Practice* (OUP, 1999) 275
- C. McCrudden, "Using Public Procurement to Achieve Social Outcomes" (2004) 28 *Natural Resources Forum* 257
- P.L. Martin, "Performance-Based Contracting for Human Services: Lessons for Public Procurement?" (2002) 2 *Journal of Public Procurement* 55
- A.S. Miller, "Government Contracts and Social Control: A Preliminary Inquiry" (1955) 41 *Virginia Law Review* 27
- P. Morris, "Legal Regulation of Contract Compliance: an Anglo-American Comparison" (1990) 19 *Anglo-Am. L. Rev.* 87
- M. Orton and P. Ratcliffe, 'New Labour Ambiguity or Neo-Consistency? The Debate About Inequality in Employment and Contract Compliance' (2005) 34 *Journal of Social Policy* 255
- E.R. Pedersen and M. Andersen, 'Safeguarding Corporate Social Responsibility (CSR) in Global Supply Chains: How Codes of Conduct are Managed in Buyer-Supplier Relationships' (2006) 3-4 *Journal of Public Affairs* 228

K.A. Rodman, "Think Globally, Punish Locally: Nonstate Actors, Multinational Corporations and Human Rights Sanctions" (1998) *Ethics and International Affairs* 19

J-M. Servais, "The social clause in trade agreements: Wishful thinking or an instrument of social progress?" (1989) 128 *International Labour Review* 423

G. van Liemt, "Minimum labour standards and international trade: Would a social clause work?" (1989) 128 *International Labour Review* 433

H. Ward, "Common but Differentiated Debates: Environment, Labour and the World Trade Organisation" (1996) *International and Comparative Law Quarterly* 592

16.6 Environmental policies (green procurement)

Books

C. Erdmenger (ed.), *Buying into the Environment*, (Sheffield: Greenleaf Publishing 2003)

L. Mastny, *Purchasing Power: Harnessing Institutional Procurement for People and the Planet*, *Worldwatch paper 166* (Washington, DC: Worldwatch Institute, 2003)

OECD, *The Environmental Performance of Public Procurement: Issues of Policy Coherence* (OECD Publishing, 2003)

OECD, *Greener Public Purchasing: Issues and Practical Solutions* (Paris: Organisation for Economic Co-operation and Development, 2000)

Articles and Essays in Edited Collections

H. Chang, 'An Economic Analysis of Trade Measures to Protect the Global Environment' (1995) 83 *Georgia Law Journal* 2131

C. Day, "Buying green: the crucial role of public authorities" (2005) 10 *Local Environment: The International Journal of Justice and Sustainability* 201

S. Gaines, "Processes and Production Methods: How to Produce Sound Policy for Environmental PPM-Based Trade Measures" (2002) 27 *Columbia Journal of Environmental Law* 383

L. W. Ho, N. M. Dickinson and G.Y. Chan "Green Procurement in the Asian Public Sector and the Hong Kong Private Sector" (2010) 34 *Natural Resources Forum* 24

P. Kunzlik, "International Procurement Regimes and the Scope for the Inclusion of Environmental Factors in Public Procurement" (2003) 3 *OECD Journal on Budgeting* 107

D.B. Marron, "Buying Green: Government Procurement as an Instrument of Environmental Policy" (1997) 25 *Public Finance Review* 285

K. Otsuki, "Sustainable Partnerships for a Green Economy: a Case Study of Public Procurement for Home-Grown School Feeding" (2011) 35 *Natural Resources Forum* 213

G. van Calaster, "Green Procurement and the WTO – Shades of Grey" (2003) 11 *RECIEL* 298

M. van Valkenburg and M.C.J. Nagelkerke, "Interweaving Planning Procedures for Environmental Impact Assessment for High Level Infrastructure with Public Procurement Procedures" (2006) 6 *Journal of Public Procurement* 250

17 Remedies and enforcement

The sub-section on remedies and enforcement is sub-divided into two parts – one on mechanisms which are mainly focused on, and controlled by, individual supplies, and the other on other enforcement mechanisms.

17.1 Supplier review

17.1.1 General

Articles and Essays in Edited Collections

D. Gordon, "Constructing a Bid Protest System: The Choices that Every Procurement Challenge System Must Make" (2006) 35 *Public Contracts Law Journal* 427

R.E. Lloyd, "Bid Protests: Theory and Practice", ch.33 in K.V. Thai (ed.), *International Handbook of Public Procurement* (CRC Press, 2008) 659

R. Marshall, M. Meurer and J-F. Richard, "Curbing agency problems in the procurement process by protest oversight" (1994) 25 *Rand Journal of Economics* 297

A. Reich, "On Procurement, Protectionism and Protests: a Survey Among Canadian Procurement Officers" (1994) 23 *Canadian Business Law Journal* 107

X. Zhang, "Forum for Review by Suppliers in Public Procurement: an Analysis and Assessment of the Models in International Instruments" (2009) 18 *Public Procurement Law Review* 201

X. Zhang, "Supplier review as a mechanism for securing compliance with public procurement rules: a critical perspective" (2007) 16 *Public Procurement Law Review* 325

17.2 Other enforcement mechanisms

Articles and Essays in Edited Collections

P. Carrier, “Analysis of Public Procurement Authorities in Central European Countries” (2003) 12 *Public Procurement Law Review* 131

P. Pease, “What makes a good procurement oversight body?—Lessons from recent experience” in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 95

18 Conflicts of interest

Books

OECD, *Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences* (OECD Publishing, 2003)

Articles and Essays in Edited Collections

H-J. Priess, “Conflict of Interest in Tender Proceedings: How to Deal with Conflicts of Interest (Family Ties, Business Links and Cross-Representation of contracting Authority Officials and Bidders)” (2002) 11 *Public Procurement Law Review* 153

19 Bribery and other corruption in public procurement

See also the sub-heading “Exclusion and debarment for criminal offences and other misconduct”.

19.1 General

Books

F. Anechiarico and J. Jacobs, *The Pursuit of Absolute Integrity: How Corruption Control Makes Government Ineffective* (Chicago: University of Chicago Press, 1996)

International Trade Centre, *A Framework for Balancing Business and Accountability within a Public Procurement System* (UNCTAD/WTO)

International Trade Centre UNCTAD/GATT, Guide No. 23, *Improving Public Procurement Systems* (1993)

OECD, *Bribery in Public Procurement: Methods, Actors and Counter-measures* (OECD Publishing, 2007)

OECD, *Fighting Corruption and Promoting Integrity in Public Procurement* (OECD Publishing, 2005)

OECD, *Integrity in Public Procurement: Good Practice from A to Z* (OECD Publishing, 2007)

S. Rose-Ackerman, *Corruption and Government: Causes, Consequences and Reform*, chs.1-5 (Cambridge: CUP, 1999)

Articles and Essays in Edited Collections

F. Anechiarico, "Reforms in Procurement Policy and their Prospects", ch.9 in S. Arrowsmith and M. Trybus (eds), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International 2002) 171

F. Anechiarico and J. B. Jacobs, "Purging Corruption from Public Contracting: the "solutions" Are Now Part of the Problem" (1995) 40 *New York Law School Law Review* 143

E. Beth, "The OECD Checklist: A systemic approach for enhancing integrity in public procurement" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 57

A.J. DeAses, "Developing Countries: Increasing Transparency and Other Methods of Eliminating Corruption in the Public Procurement Process" (2005) 34 *Public Contract Law Journal* 553

N. Ehlermann, "Fighting bribery in public procurement: The work of the OECD Working Group on Bribery" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 45

B.C. George and K.A. Lacey, "A Coalition of Industrialized Nations, Developing Nations, Multilateral Development Banks and Non-governmental Organizations: a Pivotal Complement to Current Anti-corruption Initiatives" (2000) 33 *Cornell International Law Journal* 547

M. Greenwood and J.M. Klotz, "The fight against corruption public procurement: an introduction to best practices" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 57

D. Kauffmann, A. Kraay and M. Mastruzzi, "Measuring Corruption: Myths and Realities" in *Global Corruption Report 2007* (Transparency International) 318

Y. Lengwiler and E. Wolfstetter, "Corruption in procurement auctions", ch.16 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 412

J. Linarelli, "Corruption in Developing Countries and Economies on Transition: Economic and Legal Perspectives", ch.7 in S. Arrowsmith and A. Davies (eds), *Public Procurement Global Revolution* (London: Kluwer Law International, 1998)

R. Malik, "The role of civil society in monitoring public procurement: The Indonesian experience" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 201

C. Rees, "Bribery concerns for international businesses" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 191

P. Schapper, "The impact of e-procurement on corruption: The potential of e-procurement for curbing corruption risks" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank 2008) 113

I. Shihata, "Corruption: a General Review with an Emphasis on the Role of the World Bank" (1997) 15 *Dickinson Journal of International Law* 451

F. Stapenhurst and P. Langseth "The Role of the Public Administration in Fighting Corruption" (1997) 10 *International Journal of Public Sector Management* 311

S. Z. S. Tabish and K. N. Jha "Analyses and Evaluation of Irregularities in Public Procurement in India" (2011) 29 *Construction Management and Economics* 261

C. Yukins, "Integrating Integrity and Procurement: the United Nations Convention against Corruption and the UNCITRAL Model Procurement Law" (2007) 36 *Public Contracts Law Journal* 307

Transparency International Sourcebook, ch.12 on Public Procurement at <http://www.transparency.org/publications/sourcebook>

P. Trepte, *Transparency and Accountability as Tools for Promoting Integrity and Preventing Corruption in Public Procurement* (paper to OECD Expert Group meeting on Integrity in Public Procurement) (2005)

G. Villalta Puig, "Unethical Conduct in the Performance of International Government Contracts: AWB Ltd. and the United Nations Oil-for-food Programme" (2007) 37 *Public Contract Law Journal* 59

M. Wiehen, "Corruption risk management by companies and the role of civil society: The experience of the Integrity Pact" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 187

M. Wiehen, "Enabling civil society to participate in monitoring and safeguarding public procurement: The experience of the Partnership for Transparency Fund" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank 2008) 197

M. M. Wihardja, "Corruption in Public Procurement Auctions: Positive Equilibrium Analysis, Incentive Mechanism Design, and Empirical Study" (2010) 35 *Journal of Economic Development* 35

19.2 International conventions on bribery

Books

P.H. Cohen and A. Marriott, *International Corruption* (loose leaf) (Sweet and Maxwell, 2010)

K. Elliott (ed.), *Corruption and the Global Economy* (Washington: Institute for International Economics, 1996)

Articles and Essays in Edited Collections

B. Earle, "The United States Foreign Corrupt Practices Act and the OECD Anti-bribery Recommendation: When Moral Suasion Won't Work, Try the Money Argument" (1996) 14 *Dickinson Journal of International Law* 207

D. Gantz, "Globalizing Sanctions against Foreign Bribery: The Emergence of a New International Legal Consensus" (1998) 18 *Northwestern Journal of International Law and Business* 457

B. Harms, "Holding Public Officials Accountable in the International Realm: a New Multi-layered Strategy to Combat Corruption" (2000) 33 *Cornell International Law Journal* 159.

M. Murphy, "International Bribery: An Example of an Unfair Trade Practice?" (1995) 21 *Brook Journal of International Law* 385.

P. Nichols, "Are Extra-territorial Restrictions on Bribery A Viable and Desirable International Policy Goal Under the Global Conditions of the Late Twentieth Century?" (1999) 20 *Michigan Journal of International Law* 451

P. Nichols, "The Myth of Anti-bribery Laws as Transnational Intrusion" (2000) 33 *Cornell International Law Journal* 627

P. Nichols, "Regulating Transnational Bribery in Times of Globalization and Fragmentation" (1999) 24 *Yale Journal of International Law Journal* 257

C. Rees, "Bribery concerns for international businesses" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank, 2008) 191

S. Salbu, "A Delicate Balance: Legislation, Institutional Change and Trans-national Bribery" (2000) 33 *Cornell International Law Journal* 657

S. Salbu, "Extra-territorial Restriction of Bribery: A Premature Evocation of the Normative Global Village" (1999) 24 *Yale International Law Journal* 223

S. Salbu, "The Foreign Corrupt Practices Act as a Threat to Global Harmony" (1999) 20 *Michigan Journal of International Law* 419

K. Surjadinata, "Revisiting Corrupt Practices from a Market Perspective" 12 *Emory International Law Review* 1021

R. Zedalis, "How does the New OECD Convention on Bribery Stack up Against the Foreign Corrupt Practices Act?" (1998) 32 *Journal of World Trade* 167

R. Zedalis, "Internationalizing Prohibitions on Foreign Corrupt Practices" (1997) 31 *Journal of World Trade* 45

N. Zucker Boswell, "An Emerging Consensus on Controlling Corruption" (1997) 18 *University of Pennsylvania Journal of International Economic Law* 1165

19.3 The role of the international development banks

Articles and Essays in Edited Collections

P. Chanda, "The Effectiveness of the World Bank's Anti-Corruption Efforts: Current Legal and Structural Obstacles and Uncertainties" (2004) 32 *Denver Journal of International Law and Policy* 315

I. Shihata, "Corruption: a General Review with an Emphasis on the Role of the World Bank" (1997) 15 *Dickinson Journal of International Law* 451

B.C. George and K.A. Lacey, "A Coalition of Industrialized Nations, Developing Nations, Multilateral Development Banks and Non-governmental Organizations: a Pivotal Complement to Current Anti-corruption Initiatives" (2000) 33 *Cornell International Law Journal* 547

20 Collusion by suppliers (bid-rigging)
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Articles and Essays in Edited Collections

G.L. Albano, P. Buccirossi, G. Spagnolo and M. Zanza, "Preventing collusion in procurement", ch.14 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 347

R.D. Anderson and W.E. Kovacic, "Competition Policy and International Trade Liberalisation: Essential Complements to Ensure Good Performance in Public Procurement Markets" (2009) 18 *Public Procurement Law Review* 67

R.D. Anderson, W.E. Kovacic and A.C. Müller, "Ensuring Integrity and Competition in Public Procurement Markets: a Dual Challenge for Good Governance", ch.22 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

W.E. Kovacic, R.C. Marshall, L.M. Marx and M.E. Raiff, "Bidding rings and the design of anti-collusive measures for auctions and procurements", ch.15 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 381

Y. Lengwiler and E. Wolfstetter, "Corruption in procurement auctions", ch.16 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 412

21 Competition law and public procurement

Articles and Essays in Edited Collections

R.D. Anderson and W.E. Kovacic, "Competition Policy and International Trade Liberalisation: Essential Complements to Ensure Good Performance in Public Procurement Markets" (2009) 18 *Public Procurement Law Review* 67

R.D. Anderson, W.E. Kovacic and A.C. Müller, "Ensuring Integrity and Competition in Public Procurement Markets: a Dual Challenge for Good Governance", ch.22 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

A. Iimi, "(Anti-) Competitive effect of joint bidding: evidence from ODA procurement auctions" (2004) 18 *Journal of the Japanese and International Economies* 416

A. Sanchez-Graells, "More Competition-Oriented Public Procurement to Foster Social Welfare" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010)

22 Pricing of public procurement contracts

Books

R.P. McAfee and J. MacMillan, *Incentives in Government Contracting* (University of Toronto Press, 1988)

Articles and Essays in Edited Collections

G.L. Albano, G. Calzolari, F. Dini, E. Iossa and G. Spagnolo, "Procurement contracting strategies", ch.4 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 82

D.W. Chan, P.T. Lam, A.P. Chan and J.M. Wong, "Achieving better performance through target cost contracts: The tale of an underground railway station modification project"

(2010) 28 *Facilities* 261

A.W. Mewett, "Settlement of government contract disputes---a comparative study" (1960) 9 *Catholic University Law Review* 65

W.A. Peeters, "Incentives in Government Procurement Contracts" (1993) 2 *Public Procurement Law Review* 197

L.S. Pheng, "The Price-quality Method: Legal Implications of the Evaluation Process" (2007) 24 *International Construction Law Review* 168

L.S. Pheng, "Comparative Study of the Price-quality Method in Singapore, Hong Kong, the United Kingdom and New Zealand" (2007) 24 *International Construction Law Review* 318

R.G. Rhodd, 'Pricing Strategies and Cost Analysis in Public Procurement' in K.V. Thai (ed), *International Handbook of Public Procurement*, (London: CRC Press, 2009) at 689

23 Contract execution

Articles and Essays in Edited Collections

G.L. Albano, G. Calzolari, F. Dini, E. Iossa and G. Spagnolo, "Procurement contracting strategies", ch.4 in N. Dimitri, G. Piga and G. Spagnolo (eds), *Handbook of Procurement* (Cambridge: CUP, 2006) 82

J.K. Benti, "Liability for breaches of public works contracts under the ACP-EEC Convention" (1992) 9 *International Construction Law Review* 190

B. Davidson and R.J. Sebastian, "The Relationship between Contract Administration Problems and Contract Type" (2009) 9 *Journal of Public Procurement* 262

P. Dunham, "Balancing Sovereignty and the Contractor's Rights in International Construction Arbitrations Involving State Entities" (2006) 23 *International Construction Law Review* 130

C.S. Dees, "Enforcing the Bargain: Contract Administration" (2002) 11 *Public Procurement Law Review* 131

O. Dekel, "Modification of a Government Contracts Awarded Following a Competitive Procedure" (2009) 38 *Public Contract Law Journal* 401

P. Fenn, I. Csaba and SA. McGuire, "Long-term Contracts in the Market for Health Care", ch.8 in D. Campbell and P. Vincent-Jones (eds), *Contract and Economic Organisation* (Dartmouth, 1996) 143

S. Kelman, "Strategic Contracting Management", ch.4 in J.D. Donahue and J.S. Nye, Jr. (eds), *Market-Based Governance, Supply Side, Demand Side, Upside and Downside* (Brookings Institution Press, Washington D.C. and *Visions of Governance in the 21st Century*, Cambridge, MA, 2002) 88

T. Kirat and L. Vidal, "Litigation on Public Contracts Performance: A Comparative Study of the Treatment of Additional Costs and Contract Equilibrium by Administrative Judges in the United States and France" (2008) 38 *Public Contracts Law Journal* 153

G. M. Racca, "[Competition in the Execution Phase of Public Procurement](#)" (2011) 41 *Public Contract Law Journal* 89

24 Foreign aid and public procurement
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25 Outsourcing of public services
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Books

S. Arrowsmith, *Civil Liability and Public Authorities* (Earlsgate, 1992)

A. Davies, *The Public Law of Government Contracts* (OUP, 2008)

J.D. Donahue and J.S. Nye Jr (eds), *Market-based Governance: Supply Side, Demand Side, Upside and Downside* (Brookings, 2002)

C. Donnelly, *Delegation of Government Power to Private Parties* (OUP, 2007)

J. Freeman and M. Minow (eds), *Government by Contract: Outsourcing and American Democracy* (Harvard University Press, 2009)

Organisation for Economic Co-operation and Development, *Contracting Out Government Services: Best Practice Guidelines and Case Studies*, OECD Occasional Paper No.20 (1997)

K. Walsh, N. Deakin, P. Spurgeon, P. Smith and N. Thomas, "Contract for Public Services: A Comparative Perspective", ch.11 in D. Campbell and P. Vincent-Jones (eds), *Contract and Economic Organisation* (Dartmouth, 1996) 212

Articles and Essays in Edited Collections

Y-C. Chen and J.L. Perry, "IT Outsourcing: A Primer for Public Managers", ch.5 in M.A. Abramson and R.S. Harris, Jr. (eds), *The Procurement Revolution* (Rowman & Littlefield Publishers Inc., 2003) 127

J.D. Donahue, "Market-based Governance and the Architecture of Accountability", ch.1 in J.D. Donahue and J.S. Nye, Jr. (eds), *Market-Based Governance, Supply Side, Demand Side, Upside and Downside* (Brookings Institution Press, Washington D.C. and Visions of Governance in the 21st Century, Cambridge, MA, 2002) 1

J.D. Donahue, "The Problem of Public Jobs", ch.11 in J.D. Donahue and J.S. Nye, Jr. (eds), *Market-Based Governance, Supply Side, Demand Side, Upside and Downside* (Brookings Institution Press, Washington D.C. and Visions of Governance in the 21st Century, Cambridge, MA, 2002) 264

K. Eggleston and R. Zeckhauser, "Government Contracting for Health Care", ch.2 in J.D. Donahue and J.S. Nye, Jr. (eds), *Market-Based Governance, Supply Side, Demand Side, Upside and Downside* (Brookings Institution Press, Washington D.C. and Visions of Governance in the 21st Century, Cambridge, MA, 2002) 29

P. Frumkin, "Service Contracting with Nonprofit and For-Profit Providers: On Preserving a Mixed Organizational Ecology", ch.3 in J.D. Donahue and J.S. Nye, Jr. (eds), *Market-Based Governance, Supply Side, Demand Side, Upside and Downside* (Brookings Institution Press, Washington D.C. and Visions of Governance in the 21st Century, Cambridge, MA, 2002) 66

S. Kelman, "Strategic Contracting Management", ch.4 in J.D. Donahue and J.S. Nye, Jr. (eds), *Market-Based Governance, Supply Side, Demand Side, Upside and Downside* (Brookings Institution Press, Washington D.C. and Visions of Governance in the 21st Century, Cambridge, MA, 2002) 88

P. Vincent-Jones, "Citizen Redress in Public Contracting for Human Services" (2005) 68 *The Modern Law Review* 887

26	The procurement of privately financed infrastructure/services and other major infrastructure/services (Public-private partnerships, Build-Operate-Transfer (BOT), concessions)
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Books

M. Bult-Speiring and G. Dewulf, *Strategic Issues in Public Private Partnerships; An international perspective* (Blackwell Publishing, 2006)

J. Delmon, *Public-private Partnership Projects in Infrastructure: An Essential Guide for Policy Makers* (Cambridge: Cambridge University Press, 2011)

C.D. Tvarnø (ed.), *Public-Private Partnerships: An international analysis from a legal and economic perspective* (2011)

G. A. Hodge, C. Greve and A. E. Boardman (eds.), [International Handbook On Public-Private Partnerships](#) (Edward Elgar, 2012)

Articles and Essays in Edited Collections

P. Burger and I. Hawkesworth, "How to Attain Value for Money: Comparing PPP and Traditional Infrastructure Public Procurement" (2011) 11 *OECD Journal on Budgeting* 91

S.Y.L. Chong and G.C. Callender, "One More TimeHow to Measure Alliance Success in Conditions of Public-Private Partnering", ch.5 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 95

N. Constantino, R. Pellegrino and F. Sciancalepore, "Evaluation of Different Tolling Systems for a Transportation PPP project" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 301

J.A. Huse, "Use of the FIDIC Silver Book in the context of a BOT project" (2000) 17 *International Construction Law Review* 384

D.A. Levy, "Build-Operate-Transfer (BOT) and public procurement: a conceptual framework" (1996) 7 *Indiana International and Comparative Law Review* 95

J. Sekolec and J.A. Estrella Faria, "The work of the United Nations Commission on International Trade Law (UNCITRAL) concerning privately-financed infrastructure projects" ("La labor de la Comisión de las Naciones Unidas para el Derecho Mercantil Internacional (CNUDMI) sobre proyectos de infraestructura con financiación privada") (1997) 67 *News (Noticias)* 6

S. Verma, "Government obligations in public-private partnership contracts" (2010) 4 *Journal of Public Procurement* 564

D. Wallace, Jr., "Private and Capital Infrastructure: Tragic?: Useful and Pleasant?: Inevitable?" in M.B. Likosky (ed.) *Privatising Development: Transnational Law, Infrastructure and Human Rights* (Leiden, the Netherlands: Martinus Nijhoff Publishers, 2005) 131

D. Wallace, Jr., "Creating law in changing societies: the case of law for privately financed infrastructure projects" in I.F.I. Shihata, S. Schlemmer-Schulte and K-Y. Tung (eds), *Liber amicorum* (The Hague: Kluwer, 2001) 827

27 Defence procurement

28 International trade agreements and public procurement

Books

F. Ssenengo, *Discriminatory Public Procurement Policies*, (2010), PhD Thesis, University of Twente

Articles and Essays in Edited Collections

R.D. Anderson, A.C. Müller, K. Osei-Lah, J.P. De Leon and P. Pelletier, "Government Procurement Provisions in Regional Trade Agreements: a Stepping Stone to GPA Accession?", ch.20 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

S. Arrowsmith, "Public Procurement as a Tool of Policy and the Impact of Market Liberalisation" (1995) 111 *Law Quarterly Review* 235

S. Evenett and B. Hoekman, "Transparency in Government Procurement: What Can We Expect from International Trade Agreements?" in S. Arrowsmith and M. Trybus (eds), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International, 2002)

L. Jiang, "Developing Multilateral Rules on Government Procurement: the Value of Soft Law", ch.23 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

C. Nicholas, "Work of UNCITRAL on Government Procurement: Purpose, Objectives, and Complementarity with the Work of the WTO", ch.24 in S. Arrowsmith and R.D. Anderson

(eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

M. Pomeranz, "Toward a new international order in government procurement" (1982) 12 *Public Contract Law Journal* 129

F. Ssenneoga, "Examining Discriminatory Procurement Practices in Developing Countries" (2006) 6 *Journal of Public Procurement* 218

F. Trionfetti, "Discriminatory Procurement and International Trade" (2000) 23 *The World Economy* 57

F. Trionfetti, "Home-biased Government Procurement and International Trade: Descriptive Statistics, Theory and Empirical Evidence" in S. Arrowsmith and M. Trybus (eds), *Public Procurement: The Continuing Revolution* (The Hague: Kluwer law International, 2003) 223

**PART II: INTERNATIONAL INSTRUMENTS
RELEVANT TO THE REGULATION OF PUBLIC
PROCUREMENT**

Section 1: UNCITRAL INSTRUMENTS ON PUBLIC PROCUREMENT

1 General works

This section covers works that range across several subjects under the UNCITRAL instruments.

These general works may cover many of the various section headings set out below. These books will not be listed again under those headings, except for the case of collections that involve contributions by different authors on discrete subjects.

Books

S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009)

S. Arrowsmith, J. Linarelli and D. Wallace, *Regulating Public Procurement: National and International Perspectives* (London: Kluwer Law International, 2000)

P. Trepte, *Regulating Procurement: Understanding the Ends and Means of Public Procurement Regulation* (OUP, 2004)

K.V. Thai (ed.), *International Handbook of Public Procurement* (Florida: CRC Press, 2009)

Articles and Essays in Edited Collections

S. Arrowsmith, "Public Procurement: an Appraisal of the UNCITRAL Model Law as a Global Standard" (2004) 53 *International and Comparative Law Quarterly* 17

S. Arrowsmith and C. Nicholas, "The UNCITRAL Model Law on Procurement of Goods, Construction and Services: Past, Present and Future", ch.1 in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009) 1

A. Beviglia-Zampetti, "The UNCITRAL Model Law on Procurement of Goods, Construction and Services", ch.15 in B. Hoekman and P. Mavroidis (eds), *Law and Policy in Public Purchasing* (Ann Arbor: University of Michigan Press, 1997) 273

R. Hunja, "The UNCITRAL Model Law on Procurement of Goods, Construction and Services and its Impact on Procurement Reform", ch.5 in S. Arrowsmith and A. Davies (eds), *Public Procurement: Global Revolution* (London: Kluwer Law International, 1998) 97

J. Linarelli, "The WTO Agreement on Government Procurement and the UNCITRAL Model Procurement Law: A View From Outside the Region" (2006) 1 *Asian Journal of WTO and Health Law and Policy* 317

J. Myers, "UNCITRAL Model Law on Procurement" (1993) 21 *International Business Lawyer* 179

C. Nicholas, "The UNCITRAL Model Law: an example for the global community" in R. Hernández García (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 19

OECD, Comparison between the EC Procurement Directives and the UNCITRAL Model Law SIGMA Paper No.28, CNNM/SIGMA/PUMA (2000) 32, OECD; also published in (2000) 9 *Public Procurement Law Review* 287

H.A. Rawlins, "Aspects of the UNCITRAL regimes for procurement and for international commercial arbitration, and government international commercial contracts in the Commonwealth Caribbean" (1997) 7 *Journal of Transnational Law and Policy* 41

S.A. Sahaydachny, "Model procurement legislation" ("Loi-type sur la passation de marchés publics"; "Mustergesetz über die öffentliche Auftragsvergabe") (1995) 5 *EU public contract law (Droit européen des marchés publics; Europäisches Vergaberecht)* In English, French and German, 116, 118 and 120 respectively

S.A. Sahaydachny, "UNCITRAL adopts Model Law on Procurement" ("UNCITRAL p ijímá vzorový zákon o zadávání veřejných zakázek") (1995) 4 *Evropské a mezinárodní právo* 22 (In Czech and English)

A.L. Sarria, "The Future of Public Procurement Law in Cuba: Why the UNCITRAL Model Law Is Havana's Best Option" (2007) 37 *Public Contract Law Journal* 89

D. Wallace, Jr., "The changing world of national procurement systems: global reformation" (1995) 4 *Public Procurement Law Review* 57

D. Wallace, Jr., "The Nostalgic Citizen, the Omnipresent State, and the Difficult Emergence of Capitalism in the Provision of Public Services" in V. Tomljenovic, J.A.

Erauw and P. Volken (eds), in *Liber memorialis Petar Šarcevic. Universalism, Tradition and the Individual* (Munich: Sellier, 2006) 531

D. Wallace, Jr., "The changing world of national procurement systems: global reformation" (1995) 4 *Public Procurement Law Review* 57

D. Wallace, Jr., "The United Nations Model Law on Procurement" (1992) 1 *Public Procurement Law Review* 406

D. Wallace, Jr., "UNCITRAL: Reform of the Model Procurement Law" (2006) 35 *Public Contracts Law Journal* 485

C. Yukins, "A Case Study in Comparative Procurement Law: Assessing UNCITRAL's Lessons for US Procurement" (2006) 35 *Public Contracts Law Journal* 457

2 Objectives of regulation and general principles

This sub-section contains works dealing with the objectives of the UNCITRAL procurement instruments and the general principles for achieving those objectives (e.g. transparency).

Articles and Essays in Edited Collections

M. Dischendorfer, "The UNCITRAL Model Law on Procurement: How Does it Reconcile the Theoretical Goal of Total Objectivity with the Practical Requirement for Some Degree of Subjectivity?" (2003) 12 *Public Procurement Law Review* 100

G. Westring, "Multilateral and Unilateral Procurement Regimes: to which Camp does the Model Law Belong?" (1994) 3 *Public Procurement Law Review* 142

3 Harmonisation of regulatory provisions on public procurement and the influence of international instruments

This sub-section contains articles on the issue of harmonization and divergence in public procurement and on the influence of different national and international systems on this, from the perspective of UNCITRAL instruments

Articles and Essays in Edited Collections

C. Nicholas, "Work of UNCITRAL on Government Procurement: Purpose, Objectives, and Complementarity with the Work of the WTO", ch.24 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

E. Nwogwugwu, "Towards the Harmonisation of International Procurement Policies and Practices" (2005) 14 *Public Procurement Law Review* 131

A. Kovacs, "The Global Procurement Harmonisation Initiative" (2005) 14 *Public Procurement Law Review* 15

S. Schooner and C. Yukins, "Incrementalism: eroding the impediments to a global public procurement market" (2007) 23 *Georgetown Journal of International Law* 529

4 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different available methods of procurement (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement etc)

5 The conduct of procurement proceedings

6 Specifications

7 Qualification of suppliers/contractors (responsibility)

8 Framework agreements (ID/IQ contracts, umbrella contracts, recurring contracts)

Articles and Essays in Edited Collections

S. Arrowsmith and C. Nicholas, "Regulating Framework Agreements under the UNCITRAL Model Law on Procurement", ch.2 in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009) 95

D. Wallace, Jr., C.R. Yukins and J.P. Matechak, "UNCITRAL Model Law: Reforming Electronic Procurement, Reverse Auctions, and Framework Contracts" [2005] *Procurement Law* 12

9 Electronic procurement

9.1 Electronic communications and tendering

Articles and Essays in Edited Collections

C. Nicholas, "Regulating Electronic Communications under the UNCITRAL Model Law on Procurement", ch.7 in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009) 265

9.2 Electronic reverse auctions

Articles and Essays in Edited Collections

S. Arrowsmith, "Regulating Electronic Reverse Auctions under the UNCITRAL Model Law on Procurement", ch.11 in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Public Procurement Regulation for the 21st Century* (Thomson Reuters/West, 2009) 357

D. Wallace, Jr., C.R. Yukins and J.P. Matechak, "UNCITRAL Model Law: Reforming Electronic Procurement, Reverse Auctions, and Framework Contracts" [2005] *Procurement Law* 12

C. Yukins and D. Wallace Jr., "UNCITRAL Considers Electronic Reverse Auctions, as Comparative Public Procurement Comes of Age in the United States" (2005) 14 *Public Procurement Law Review* 183

10 Debriefing, freedom of information rules and other information requirements

11 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)
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Articles and Essays in Edited Collections

H. van Asselt, N. van der Grijp and F.H. Oosterhuis, "Greener Public Purchasing: Opportunities for Climate-Friendly Government Procurement under WTO and EU Rules" (2006) 6 *Climate Policy* 217

R.B. Watermeyer, "Facilitating Sustainable Development through Public and Donor Procurement Regimes: Tools and Techniques" (2004) 13 *Public Procurement Law Review* 30

12 Remedies and enforcement

Articles and Essays in Edited Collections

D.I. Gordon, "Constructing a bid protest process: the choices that every procurement challenge system must make" (2006) 35 *Public Contract Law Journal* 427

X. Zhang, "Forum for Review by Suppliers in Public Procurement: an Analysis and Assessment of the Models in International Instruments" (2009) 18 *Public Procurement Law Review* 201

X. Zhang, "Constructing a System of Challenge Procedures to Comply with the Government Procurement Agreement", ch.17 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

13 Conflicts of interest

14 Bribery and other corruption in public procurement
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Articles and Essays in Edited Collections

C.R. Yukins, "Integrating Integrity and Procurement: The United Nations Convention Against Corruption and the UNCITRAL Model Procurement Law" (2007) 36 *Public Contract Law Journal* 307

15 The procurement of privately financed infrastructure/services and other major infrastructure/services (Public-private partnerships, Build-Operate-Transfer (BOT), concessions)

Books

United Nations, *UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects / prepared by the United Nations Commission on International Trade Law* (New York: United Nations, 2001)

Articles and Essays in Edited Collections

B. de Cazalet and J. Crothers, "Presentation of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects" (2001) 6 *RDAI/IBLJ* 699

J.A. Estrella Faria, "UNCITRAL model legislative provisions on privately financed infrastructure projects; an introductory note" ("Dispositions types de la CNUDCI sur les projets d'infrastructure à financement privé; note introductive") (2003-4) 8 *Uniform law review/Revue de droit uniforme* 890

D. Wallace, Jr., "UNCITRAL Draft Legislative Guide on Privately Financed Infrastructure: Achievement and Prospects" (2000) 8 *Tulane Journal of International and Comparative Law* 286

T. Wiwen-Nilsson, "UNCITRAL Legislative Guide for Privately Financed Infrastructure Projects" in F. Scott and C.P. Martens (eds), *International Project Finance* (Ardsley, New York: Transnational Publishers, 2000) 7

16 Defence procurement

Section 2: WORLD TRADE ORGANIZATION (WTO)

1 General works

This heading covers books and articles that range across several parts or all of the subject matter of the WTO's provisions on government procurement.

Many of these general works cover in detail the various section headings set out below but will not be listed again under those headings.

Books

Business Opportunities and the Government Procurement Agreement: A Handbook for EU Companies (Cameron May, 1998)

S. Arrowsmith, *Government Procurement in the World Trade Organization* (The Hague: Kluwer Law International, 2003)

S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

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- 5.9 Framework agreements (ID/IQ contracts, umbrella contracts, recurring currents)**
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**Section 3: THE WORLD BANK GUIDELINES ETC FOR PROCUREMENT FINANCED
BY THE WORLD BANK AND OTHER ACTIVITY OF THE WORLD BANK IN PUBLIC
PROCUREMENT**

1 General works and works not covered by other headings

This heading covers books and articles that range across several parts or all of the World Bank's involvement in public procurement, and also works on specific issues that are not covered by separate headings below.

Some of the general works cover the various section headings set out below but will not be listed again under those headings.

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J. Einhorn, "The World Bank's Mission Creep" (2001) 5 *Foreign Affairs* 22

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Combating Bribery of Foreign Public Officials in International Business Transactions” (2001) 2 *Melbourne Journal of International Law* 568

S. Williams, “The BAE/Saudi Al-Yamamah Contracts: Implications in Law and Public Procurement” (2008) 57 *International and Comparative Law Quarterly* 200

R. Zedalis, “How does the New OECD Convention on Bribery Stack up Against the Foreign Corrupt Practices Act?” (1998) 32 *Journal of World Trade* 167

R. Zedalis, “Internationalizing Prohibitions on Foreign Corrupt Practices” (1997) 31 *Journal of World Trade* 45

N. Zucker Boswell, “An Emerging Consensus on Controlling Corruption” (1997) 18 *University of Pennsylvania Journal of International Economic Law* 1165

Section 7: UNITED NATIONS CONVENTION AGAINST CORRUPTION

Articles and Essays in Edited Collections

A. Argandoña, "The United Nations convention against corruption and its impact on international companies" IESE Business School, IESE Research Papers number D/656, available at <http://www.iese.edu/research/pdfs/DI-0656-E.pdf>

Transparency International, "Policy Position No. 01/2008 Effectively Monitoring the United Nations Convention against Corruption (UNCAC)" (Transparency International, 2008)

A. Trebilcock, "Implications of the UN Conventions against Corruption for International Organizations: Oversight, Due Process, and Immunities Issues" (2009) *International Organizations Law Review* 513

P. Webb, "The United Nations Convention Against Corruption: Global Achievement or Missed Opportunity?" (2005) 8 *Journal of International Economic Law* 191

C.R. Yukins, "Integrating Integrity and Procurement: The United Nations Convention Against Corruption and the UNCITRAL Model Procurement Law" (2007) 36 *Public Contract Law Journal* 307

PART III: REGIONAL AND NATIONAL REGIMES ON PUBLIC PROCUREMENT

This Part lists works that deal with regional procurement regimes and with national procurement regimes.

The Part is divided up broadly on a continent-by-continent basis.

For each continent there is first a sections or sections dealing with any formal regional arrangements for the continent concerned or part of that continent. (For example, for Europe there is a section dealing with the European Union and a section dealing with the European Economic Area).

There is then a section on material that takes a continent-wide approach but is not tied to formal regional regimes.

There then follow sections on individual national regimes in alphabetical order.

For the above purpose regimes are considered as regional, rather than national one, when they cover three or more states; bilateral treaties are dealt with under the relevant national regimes. This approach helps readers to identify instruments that are of the broadest interest to those outside the countries concerned.

AFRICA

**MATERIAL ON REGIONAL ARRANGEMENTS AND OTHER GENERAL /
COMPARATIVE MATERIAL**

GENERAL / COMPARATIVE

Articles and Essays in Edited Collections

B. Basheka, "Public Procurement Reforms in Africa: A Tool for Effective Governance and the Public Sector and Poverty Reduction", ch.6 in K.V. Thai, (ed.), *International Handbook of Public Procurement* (Boca Raton, FL: Taylor and Francis, 2009) 131

A. Fall and M. Frilet, "Public Procurement in Francophone Africa" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (London: Globe Law and Business, 2009) 75

K. Jacobs, "Naval Programmes – Procurement Programmes of Middle-East and North-African Navies" (2007) 27 *Naval Forces* 83

S.R. Karangizi, "Framework Arrangements in Public Procurement: A Perspective from Africa" in S. Arrowsmith (ed.), *Reform of the UNCITRAL Model Law on Procurement: Procurement Regulation for the 21st Century* (Eagan: West, 2009) 243

J.O. Kuye and U. Kakumba, "The Ombudsman Institutions in the Procurement of Legal Responsibilities in the Commonwealth: An Overview of Canada, South Africa and Uganda" (2008) 43 *Journal of Public Administration* 156

F. Lichere and B. Martor, "On the Development of Public-Private Partnerships in Africa: Current Reforms and Future Prospects" (2007) 3 *International Business Law Journal* 297

S. Willet, "Defence Expenditures, Arms Procurement and Corruption in Sub-Saharan Africa" (2009) 36 *Review of African Political Economy* 335

COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)

Articles and Essays in Edited Collections

S.R. Karangizi and I. Ndahiro, "Public Procurement Reforms and Development in the Eastern and Southern Africa region" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 113

E. Nwogwugwu, "Towards the Harmonisation of International Procurement Policies and Practices" (2005) 14 *Public Procurement Law Review* 131

**ORGANISATION FOR THE HARMONISATION OF BUSINESS LAW IN AFRICA
(L'ORGANISATION POUR L'HARMONISATION DU DROIT DES AFFAIRES EN
AFRIQUE – OHBLA)**

Articles and Essays in Edited Collections

O. Fille-Lambie, “Legal Aspects of Project Financing as Applied to Public Utilities in the Ohbla Zone” (2001) 8 *International Business Law Journal* 925

MATERIAL ON INDIVIDUAL COUNTRIES

EGYPT

Articles and Essays in Edited Collections

M.A.M. Ismail, "Legal Globalization and PPPs in Egypt: An Analytical and Comparative Perspective on the Current Legislative and Judicial Modifications to and Enhancements of the Administrative Contractual Regime on PPP Transactions" (2010) 5 *European Public Private Partnership Law* 54

A.Y. Zohny, "Egypt's Procurement Regime and Building an Export Oriented Economy" (2003) 18 *Arab Law Quarterly* 169

ETHIOPIA

Articles and Essays in Edited Collections

T.H. Bahta, "Adjudication and Arbitrability of Government Construction Contract Disputes in Ethiopia" (2009) 3 *Mizan Law Review* 1

D. Rene, "Administrative Contracts in The Ethiopian Civil Code" IV *Journal of Ethiopian Law* 143 (translated into English by Michael Kindred)

GAMBIA

Articles and Essays in Edited Collections

W.A. Wittig and H. Jeng, "Challenges in Public Procurement: Comparative Views of Public Procurement Reform in Gambia" in K.V. Thai, et al (eds.) *Challenges in Public Procurement: an International Perspective (Volume 3)* (Boca Raton, FL: PrAcademics Press, 2004) 21

GHANA

Books

D.N. Dagbanja, *Law of Public Procurement in Ghana* (S.I.: Lap Lambert Academic Publ., 2011)

Articles and Essays in Edited Collections

D. Ofosu-Dorte, I. Boaten and F. Adadzi “Ghana”, ch.19 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 115

R. Verhage, J. van den Gronden, K. Awanyo and S. Boateng, “Procurement Reform in the Ghana Health Sector” (2002) 2 *Journal of Public Procurement* 261

KENYA

Articles and Essays in Edited Collections

A.J.M. Migai, “Development Partners and Governance of Public Procurement in Kenya: Enhancing Democracy in the Administration of Aid” (2005) 37 *New York University Journal of International Law and Politics* 829

V. Mosoti, “Reforming the Laws on Public Procurement in the Developing World: The Example of Kenya” (2005) 54 *International and Comparative Law Quarterly* 621

M. Nyaoga and C. Odhiambo, “Kenya” ch.26 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 152

M. Nyaoga and C. Odhiambo, “Kenya” in H-J. Priess, (ed.), *Getting the Deal through: Public Procurement 2009: Public Procurement: an Overview of Regulation in 43 Jurisdictions Worldwide* (London: Global Competition Review, 2009) 136

M. Ogot, M. Mulinge and R. Muriuki, “Impact of Public Procurement Law in Profit-Oriented State-Owned Corporations in Kenya” in K.V. Thai (ed.), *Towards New Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 372

M. Thiankolu, “Reconciling Incongruous Policy Objectives and Benchmarking Kenya’s Public Procurement Law: a Review of the Selex Case” 11 *Journal of Public Procurement* 451

LESOTHO

Articles and Essays in Edited Collections

F. Darroch, “The Lesotho Corruption Trials – A Case Study” (2003) 29 *Commonwealth Law Bulletin* 901

LIBERIA

Articles and Essays in Edited Collections

D. Ofosu-Dorte, I. Boaten and F. Adadzi "Liberia" ch.28 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 163

NIGERIA

Articles and Essays in Edited Collections

G. Oyebode and O. Fayokun, "Nigeria" ch.32 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010)185

S. Williams, "The Development of Defence Procurement Policy in Nigeria and the Case for Reform" (2005) 14 *Public Procurement Law Review* 153

S. Williams-Elegbe, "[The Reform and Regulation of Public Procurement in Nigeria](#)" (2012) 41 *Public Contract Law Journal* 339

SOUTH AFRICA

Books

P. Bolton, *The Law of Government Procurement in South Africa* (Durban: LexisNexis Butterworths, 2007)

T.E. Manchidi and I. Hammond, *Targeted Procurement in the Republic of South Africa: An Independent Assessment* (International Labour Organisation, 2002)

G. Quinot, *State Commercial Activity: A Legal Framework* (Cape Town: Juta & Co., 2009)

N. Steytler and J. De Visser, *Local Government Law of South Africa* (Durban: LexisNexis Butterworths, 2007)

Articles and Essays in Edited Collections

P. Bolton, "An Analysis of the Preferential Procurement Legislation in South Africa" (2007) 16 *Public Procurement Law Review* 36

P. Bolton, "The Committee System for Competitive Bids in Local Government" (2009) 12 *Potchefstroom Electronic Law Journal* 56

- P. Bolton, "The Exclusion of Contractors from Government Contract Awards" (2006) 10 *Law, Democracy and Development* 25
- P. Bolton, "Grounds for Dispensing with Public Tender Procedures in Government Contracting" (2006) 9 *Potchefstroom Electronic Law Journal* 1
- P. Bolton, "Government Contracts and the Fettering of Discretion – A Question of Validity" (2004) 19 *South African Public Law* 90
- P. Bolton, "Government Dealings and the Intention to Create Legal Relations" (2004) 16 *South African Mercantile Law Journal* 196
- P. Bolton, "Government Procurement as a Policy Tool in South Africa" (2006) 6 *Journal of Public Procurement* 193
- P. Bolton, "Incorporating Environmental Considerations into Government Procurement in South Africa" [2008] *Journal of South African Law* 31
- P. Bolton, "Overview of the Government Procurement System in South Africa" in K.V. Thai, (ed.), *International Handbook of Public Procurement* (Boca Raton, FL: Taylor and Francis, 2009) 357
- P. Bolton, "Protecting the Environment through Public Procurement: the Case of South Africa" (2008) 32 *Natural Resources Forum* 1
- P. Bolton, "Public Contracts in South Africa" in U. Stelkens and R. Noguellou, (eds), *Traité de droit comparé des contrats publics / Comparative Law on Public Contracts Treatise* (Brussels: Bruylant, 2010) 281
- P. Bolton, "The Public Procurement System in South Africa: Main Characteristics" (2008) 37 *Public Contract Law Journal* 781
- P. Bolton, "The Regulation of Preferential Procurement in State-owned Enterprises" [2010] *Journal of South African Law* 101
- P. Bolton, "Scope for Negotiating and / or Varying the Terms of Government Contracts Awarded by Way of a Tender Process" (2006) 17 *Stellenbosch Law Review* 266
- P. Bolton, "South Africa" in H. Priess, (ed.), *Getting the Deal Through: Public Procurement 2010: an Overview of Regulation in 46 Jurisdictions Worldwide* (London: Global Competition Review, 2010) 227
- P. Bolton, "The Status of Contracts Exceeding a Municipal Tender Call" [2009] *Journal of South African Law* 382
- P. Bolton, "The Use of Government Procurement as an Instrument of Policy" (2004) 121 *South African Law Journal* 619
- P. Bolton and G. Quinot, "Social Policies in Procurement and the Agreement on Government Procurement: a Perspective from South Africa", ch.16 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: Cambridge University Press, 2011)

- D.C. Campbell, "US Firms and Black Labor in South Africa: Creating a Structure of Change" (1986) 7 *Journal of Labor Research* 1
- D.D. Caron, "The Structure and Pathologies of Local Selective Procurement Ordinances: A Study of Apartheid-Era South Africa Ordinances" (2003) 21 *Berkeley Journal of International Law* 159
- S. De la Harpe, "Green Public Procurement – An Option for South Africa?" (2008) 22 *Speculum Juris* 53
- G. Devenish, "The Legal and Constitutional Position of the Tender Board in KwaZulu-Natal and Related matters" [1998] *Journal of South African Law* 398
- J. Dohrman and J. Aiello, "Public-private partnerships for waste management: challenges for policies and procedures" (1999) 16 *Development South Africa* 691
- C. Ferreira "The Quest for Clarity: An Examination of the Law Governing Public Contracts" (2011) 128 *South African Law Journal* 172
- R. Ferreira and I. Lienbenberg, "Civil-military relations and arms procurement in South Africa: 1994-2002" (2004) 35 *Society in Transition* 61
- B.M. Jackson and M. Hlahla, "South Africa's infrastructure delivery needs: the role and challenge for public-private partnerships" (1999) 16 *Development South Africa* 551
- J-P. Labuschagne, "Public-private partnerships in the health industry" (1998) 15 *Development South Africa* 133
- D. Letchmiah, "The Process of Public Sector Procurement Reform in South Africa" (1999) 8 *Public Procurement Law Review* 15
- C. McCrudden, "Social Policy Choices and the International and National Law of Government Procurement: South Africa as a Case Study" in H. Corder (ed.), *Global Administrative Law* (Cape Town: Juta & Co, 2009)
- J.C. Pauw and J.S. Wolvaardt, "Multi-criteria Decision Analysis in Public Procurement – A Plan from the South" (2009) 28 *Politeia* 66
- G. Penfold, and P. Reyburn, "Public Procurement", ch.25 in S. Woolman, T. Roux, J. Klaaren, A. Stein, M. Chaskalson and M. Bishop (eds), *Constitutional Law of South Africa*, 2nd ed. (Cape Town: Juta & Co, 2008)
- C. Plasket, "Tendering for Government Contracts: Public Procurement and Judicial Review" in G. Glover (ed.), *Essays in Honour of AJ Kerr* (Durban: LexisNexis Butterworths: Durban, 2006)
- G. Quinot, "Enforcement of Procurement Law from a South African Perspective" (2011) 20 *Public Procurement Law Review* 193
- G. Quinot, "Towards Effective Judicial Review of State Commercial Activity" [2009] *Journal of South African Law* 436

G. Quinot, "Worse than Losing a Government Tender: Winning It" (2008) 19 *Stellenbosch Law Review* 101

R. Roos and S. De La Harpe, "Good Governance in Public Procurement: A South African Case Study" (2008) 11 *Potchefstroom Electronic Law Journal* 1

C. Scott and P. Macklem, "Constitutional Ropes of Sand or Justiciable Guarantees? Social Rights in a New South African Constitution" (1992) 141 *University of Pennsylvania Law Review* 1

M. Sinclair, "Regulation and facilitation of public-private partnerships: the MSP policy" (1999) 16 *Development Southern Africa* 585

H. Van As, "The Right to Information and the Tender Process" (1999) 34 *Journal of Public Administration* 257

K. Van Vuuren and J.A. Badenhorst-Weiss, "South African Provincial Government Reform: Using a Shared Services Model to Transform 'Back-Office' Support in Gauteng Province" in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement: International Cases and Commentary* (London: Routledge, 2007) 278

R. Watermeyer, "The Use of Targeted Procurement as an Instrument of Poverty Alleviation and Job Creation in Infrastructure Projects" (2000) 9 *Public Procurement Law Review* 226

R. Watermeyer, "Facilitating Sustainable Development through Public and Donor Procurement Regimes: Tools and Techniques" (2004) 13 *Public Procurement Law Review* 30

S. Williams and G. Quinot, "To Debar or not to Debar: When to Endorse a Contractor on the Register for Tender Defaulters" (2008) 125 *South African Law Journal* 248

S. Williams and G. Quinot, "Public Procurement and Corruption: The South African Response" (2007) 124 *South African Law Journal* 339

S. Williams, "The Use of Exclusions for Corruption in Developing Country Procurement: The Case of South Africa" (2007) 51 *Journal of African Law* 1

UGANDA

Books

F. Ssenego, *Discriminatory Public Procurement Policies*, (2010), PhD Thesis, University of Twente

Articles and Essays in Edited Collections

E. Agaba and N. Shipman, "Public Procurement Reform in Developing Countries: The Uganda Experience", ch.16 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 373

E. Agaba and N. Shipman, "Procurement Systems in Uganda", ch.18 in K.V. Thai, (ed.), *International Handbook of Public Procurement* (Boca Raton, FL: Taylor and Francis, 2009) 393

B.C. Basheka, "Economic and Political Determinants of Public Procurement Corruption in Developing Countries: An Empirical Study from Uganda"(2011) 11 *Journal of Public Procurement* 33

B.C. Basheka, M. Tumutegyeize and E. Agaba "Public Procurement Capacity Building Reform Initiatives in Uganda: A Performance Measurement Approach" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Boca Raton, FL: PRAcademics Press, 2010) 60

J.M. Ntayi, I. Namugenyi and S. Eyeaa, "Supplier Delivery Performance in Ugandan Public Procurement Contracts" (2010) 4 *Journal of Public Procurement* 479

THE AMERICAS AND THE CARIBBEAN

**MATERIAL ON REGIONAL ARRANGEMENTS AND OTHER
GENERAL/COMPARATIVE MATERIAL**

GENERAL/COMPARATIVE

Articles and Essays in Edited Collections

J. Claro de la Maza, *Government Procurement and Free Trade in the Americas* (INTAL-ITD occasional paper 3. Buenos Aires, Argentina: INTAL, 1999)

K. Dawar and S. Evenett, "A Case Study of Regionalism: the EU-Cariforum Economic Partnership", ch.21 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

D. V. McKoy, "Leaving the matrix: moving from the perception of corruption to transparency in Commonwealth Caribbean public procurement" (2011) 20 *Public Procurement Law Review* 137

D.V. McKoy, Contractor-General oversight of public procurement in the Commonwealth Caribbean (2008) 17 *Public Procurement Law Review* 225

G. Ondarts, *Government Procurement as a Tool for the Economic Integration of Latin America*. Technical papers series no. 45. (Austin: Office for Public Sector Studies, Institute of Latin American Studies, University of Texas at Austin, 1985)

H.A. Rawlins, "Aspects of the UNCITRAL regimes for procurement and for international commercial arbitration, and government international commercial contracts in the Commonwealth Caribbean" (1997) 7 *Journal of Transnational Law and Policy* 41

NAFTA AND US/CANADA FREE TRADE AGREEMENT

Books

A. Reich, *International Public Procurement Law* (The Hague: Kluwer Law International, 1999)

Articles and Essays in Edited Collections

"Chapter 13 of the United States-Canada Free Trade Agreement: has it created an open and effective government procurement dispute resolution system?" (1991) 12 *Northwestern Journal of International Law & Business* 187

L. Eyester, "NAFTA and the Barriers to Federal Procurement Opportunities in the United States." (2002) 31 *Public Contract Law Journal* 695

S. Greenwold, "The Government Procurement Chapter of the North American Free Trade Agreement" (1994) 3 *Public Procurement Law Review* 129

C. Muggenberg, "The government procurement chapter of NAFTA" (1993) 1 *United States-Mexico Law Journal* 1993

K. Troy, "NAFTA Chapter 10: New Opportunities in North American Government Procurement Markets" in J.H. Bello, A.F. Holmer and J.J. Norton (eds), *The North American Free Trade Agreement: a new frontier in international trade and investment in the Americas* (1994)

MATERIAL ON INDIVIDUAL COUNTRIES

ARGENTINA

Articles and Essays in Edited Collections

M. M. del Río, "Argentina", ch.3 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 14

BELIZE

Articles and Essays in Edited Collections

D. McKoy, "Whither the Contractor-General? Reforming Parliamentary Oversight of Executive Procurement in Belize and Jamaica" (2007) 8 *Caribbean Journal of Public Sector Management* 34

BRAZIL

Articles and Essays in Edited Collections

M.O. de Almeida, "Case Study of Electronic Government Procurement in Brazil", ch.5 in *Unpacking Transparency in Government Procurement* (Jaipur: CUTS International, 2004) 113

J.C. Bueno and R.P.Levy, "Brazil" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 131

L.F. Foresti, R.S. Arantes and V. Rossetto, "The use of the Public Procurement Power to Promote the Development of Small Businesses: The Brazilian Experience", ch.15 in in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 334

F. F. Kujawski and M. Jayne e Silva, "Brazil", ch.6 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 30

R.P. Levy, "The Law on Government Procurement in Brazil" (2001) 10 *Public Procurement Law Review* 15

V. G. de Lima e Silva, "Treatment of small businesses in public procurement in Brazil" (2011) 20 *Public Procurement Law Review* 123

K. Otsuki, "Sustainable Partnerships for a Green Economy: a Case Study of Public Procurement for Home-Grown School Feeding" (2011) 35 *Natural Resources Forum* 213

CANADA

1 General works

This heading covers books and articles that range across several parts or all of the headings covered later below.

Many of these general works cover in detail the various section headings set out below but will not be listed again under those headings.

Books

S. Arrowsmith, *Civil Liability and Public Authorities* (Earlsgate, 1992)

S. Arrowsmith, *Government Procurement and Judicial Review* (Carswell, 1988)

P. Emanuelli, *Government Procurement*, 2nd ed., (LexisNexis, 2008)

D.M. Attwater, *Procurement review: a practitioner's guide* (Scarborough, Ont.: Carswell, 2001)

P. Emanuelli, *Government Procurement*, 2nd ed. (Markham, Ont.: LexisNexis Butterworths, 2008)

P. Hogg and P. Monahan, *Liability of the Crown*, 3rd ed., (The Carswell Company Ltd., 2000)

K.P. McGuinness and S. Bauld, *Municipal Procurement*, 2d ed. (Markham, Ont.: Butterworths Canada, 2009)

A.C. McNeely, *Canadian law of competitive bidding and procurement* (Aurora, Ont.: Canada Law Book, 2010)

L. Ricchetti and T. Murphy, *Construction law in Canada* (Markham, Ont.: LexisNexis Canada, c2010)

P. Sandori and W.M. Pigott, *Bidding and tendering : what is the law?*, 4th ed. (Markham, Ont.: LexisNexis Butterworths, 2009)

R.C. Worthington, *The public purchasing law handbook* (Markham, Ont.: LexisNexis Butterworths, c2004)

Articles and Essays in Edited Collections

G.W. Ackerley, "Reflections on the evolution of fairness in public procurement" (2010) 1 J. Can. Coll. of Constr. Lawyers 187

G. Anderson, "Formalities in municipal contracts" (1977) 35 *University of Toronto Faculty of Law Review* 69

S. Arrowsmith, "Government Contracts and Public Law" (1990) 10 L.S. 231

D.A. Brindle, "Hybrid procurement and the duty of good faith" (2003) 25 C.L.R. (3d) 30

P. Devonshire, "Contractual Obligations in the Pre-Award Phase of Public Tendering" (1998) 36 *Osgoode Hall Law Journal* 203

P. Devonshire, "An owner's liability to bidders under the public tendering process: The Queen v. Canamerican Auto Lease & Rental Ltd. {37 D.L.R.4th 591}" () 23 *University of British Columbia Law Review* 335

R. Fee and A. Erridge, "Contract Compliance in Canada and Northern Ireland: A Comparative Analysis" (Paper presented to 8th International Annual IPSERA Conference, 1999)

G.H.L. Fridman, "Tendering Problems" (1987) 66 *Canadian Bar Review* 582

C.M. Flood, "Contracting for health care services in the public sector" (1999) 31 *Canadian Business Law Journal* 175

Government-wide Review of Procurement Task Force, "Government-wide review of Procurement: Redesigning Canadian Procurement", ch.5 in in K.V. Thai, A. Araujo, R.Y. Carter, G. Callender, D. Drabkin, R. Grimm, K.R.Ejlskov Jensen, R.E. Lloyd, C.P. McCue and J. Telgen (eds), *Challenges in Public Procurement: An International Perspective* (Boca Raton: PrAcademics Press, 2005) 63

J.T. Kuelbs, "Using Canada's procurement experience to streamline U.S. government purchasing practices" (1975) 69 *Military Law Review* 145

P. Lalonde, "Canada", ch.8 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 45

D. Leschinsky and G. Stobo, "Canada" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 167

A. Mewett, "The Theory of Government Contracts" (1959) 5 *McGill Law Journal* 222

O.B. North, "Canadian government contract requirements" (1940) 3 *Comparative Law Series* 139

S.K. O'Byrne, "Public Power and Private Obligation: an Analysis of the Government Contract" (1992) 14 *Dalhousie Law Journal* 485

A. Phang, "Tenders and Uncertainty" (1991) 4 *Journal of Common Law* 46

B.P. Quinn, "A Review of the Quebec Act respecting contracting by public bodies, and its regulation respecting construction contracts of public bodies" (2010) 1 J. Can. Coll. of Constr. Lawyers 235

N. Rafferty, "Mistaken Tenders: An Examination of the Recent Case Law" (1985) 23 *Alberta Law Reports* 491

C. Wu, "The Construction Procurement Act: a draft bill" (2010) 1 J. Can. Coll. of Constr. Lawyers 251

2 Objectives of regulation and general principles

This sub-section contains works focused specifically on the objectives of the national procurement regimes – e.g. the different reasons and priorities for national regulation, whether procurement is regulated because of membership of trade regimes etc - and the general principles for achieving those objectives (e.g. transparency).

Articles and Essays in Edited Collections

G.W. Ackerley, "Reflections on the evolution of fairness in public procurement" (2010) 1 J. Can. Coll. of Constr. Lawyers 187

3 Reform of the regulatory system

This sub-section contains general articles on issues relating to the reform of the national public procurement system e.g. recent reforms and general experience of reform processes.

4 Harmonisation of regulatory provisions on public procurement and the influence of international instruments

This sub-section contains articles on the issue of harmonization and divergence in public procurement in the context of the particular national system.

5 Introduction to the national public procurement system and public procurement regulation within the system

5.1 Organisation of public procurement systems/the public procurement system

This contains works on the organization of the public procurement system and, in particular, the system of regulation, to place the rest of the bibliography in context e.g. regulatory level under the constitution; centralized or decentralized approach within each regulatory jurisdiction in the state; nature of regulating institutions.

Articles and Essays in Edited Collections

M.M. Aylesworth, "Consortia purchasing for higher education in Canada, the US, the UK and Australia", ch.13 in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 176

J.J.D. Read, "A new era: how to improve procurement services to clients presented by Public Works and Government Services Canada", ch.18 in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 264

5.2 The role and nature of regulatory provisions

This sub-section covers issues such as the role and significance of regulation in public procurement (whether hard or and/or soft law); conceptual place of public contracts within the legal system (e.g. is there a separate concept of public contracts in the system, in terms of either substantive law applicable to the award and/or execution of contracts or the jurisdiction to determine disputes?), and the *general approach* to implementing any applicable international obligations.

Articles and Essays in Edited Collections

S. Arrowsmith, "Government Contracts and Public Law" (1990) 10 L.S. 231

S. Arrowsmith, "Governmental Liability and the Public-Private Distinction in Quebec" (1990) 4 *Canadian Journal of Administrative Law and Practice* 1-22

S. Arrowsmith, "Protecting the Interests of Bidders on Public Contracts: the Role of the Common Law" (1994) 53 *Cambridge Law Journal* 104

5.3 Critique and evaluation

This sub-section includes articles evaluating the state of the regulatory system and its approach *in general* (but not those confined to specific issues that are the subject of separate sub-headings).

5.4 Scope of the powers of public bodies to conclude procurement contracts (capacity to contract)

Articles and Essays in Edited Collections

S. Arrowsmith, "The Contractual Liability of the Crown and its Agents" [1990] *Osgoode Hall Law Journal* 571

5.5 Power of public officials to enter into contracts on behalf of public bodies (authority to contract)

Articles and Essays in Edited Collections

S. Arrowsmith, "The Contractual Liability of the Crown and its Agents" [1990] *Osgoode Hall Law Journal* 571

5.6 Special rules applying to the contracts of the Crown

6 Procuring entities covered

This sub-section deals with the entity coverage of public procurement rules – for example, the question of how public bodies are defined for the purpose of applying public procurement rules or whether state enterprises are regulated.

7 Contracts covered: classifications

This sub-section deals with the types of contract subject to regulation in principle under public procurement rules (e.g. distinction between procurement and other contracts) and classification of contracts for different regulatory purposes (thresholds at which certain procedures apply, distinction adopted in some systems between procurement and concessions for determining whether contracts are regulated at all, scope of exclusions e.g. of defence contracts etc).

8 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different available methods of procurement (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement etc).

Articles and Essays in Edited Collections

N. Bederman, "Unsolicited bids for government functions" (1997) 35 *Alberta Law Review* 903

D. Leschinsky, "The only game in town: Canada's approach to the regulation of sole-source procurements" (2011) 20 *Public Procurement Law Review* 81

9 The conduct of procurement proceedings

Articles and Essays in Edited Collections

N. Bederman, "Unsolicited bids for government functions" (1997) 35 *Alberta Law Review* 903

10 Specifications

11 Qualification of suppliers/contractors (responsibility)

11.1 General

11.2 Supplier lists (approved lists, qualification lists)

11.3 Exclusion and debarment for criminal offences and other misconduct

12 Framework agreements (ID/IQ contracts, umbrella contracts, recurring contracts)

13 Electronic procurement

13.1 Electronic communications and tendering

13.2 Electronic reverse auctions

14 Debriefing, freedom of information rules and other information requirements

Articles and Essays in Edited Collections

M. McDonagh, "Disclosure of Information Relating to Public Procurement: the Role of Freedom of Information Law" (2002) 11 *Public Procurement Law Review* 172

15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)
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Articles and Essays in Edited Collections

B.A.C. Allen, "Unintended Consequences: Procurement Policy and the Canadian International Trade Tribunal", ch.12 in G. Piga and K. Thai (eds.), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press 2007) 304

C. Agócs and C. Burr, "Employment Equity, Affirmative Action and Managing Diversity: Assessing the Differences" (1996) 17 *International Journal of Manpower* 30

A. Erridge, "The Impact of Contract Compliance Policies in Canada – Perspectives from Ontario" (2001) 1 *Journal of Public Procurement* 51

D. Lemieux, "Legal issues arising from protectionist government procurement policies in Canada and the United States" (1988) 29 *Les Cahiers de Droit* 369

C. Sheppard, "Challenging Systematic Racism in Canada: Affirmative Action and Equity for Racialized Communities and Aboriginal Peoples" in E. Dubordieu (ed), *Race and Inequality: World Perspectives on Affirmative Action* (Ashgate, 2006)

16 Remedies and enforcement

The sub-section on remedies and enforcement is sub-divided into two parts – one on mechanisms which are mainly focused on, and controlled by, individual suppliers, and the other on other enforcement mechanisms.

16.1 Supplier review

16.1.1 General

Articles and Essays in Edited Collections

"Chapter 13 of the United States-Canada Free Trade Agreement: has it created an open and effective government procurement dispute resolution system?" (1991) 12 *Northwestern Journal of International Law & Business* 187

A. Reich, "On Procurement, Protectionism and Protests: a Survey Among Canadian Procurement Officers" (1994) 23 *Canadian Business Law Journal* 107

A. Reich, "Government procurement and bid challenging in Canada after the Free Trade Agreement" (1991) 18 *Canadian Business Law Journal* 195

16.1.2 Forum for review

16.1.3 Remedies: interim measures

16.1.4 Remedies: damages

16.1.5 Other specialized topics (e.g. standing to bring proceedings)

16.1.6 Informal supplier complaints systems (e.g. Ombudsman system)

16.2 Other enforcement mechanisms

17 Conflicts of interest

18 Bribery and other corruption in public procurement
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See also the sub-heading "Exclusion and debarment for criminal offences and other misconduct".

18.1 General

Articles and Essays in Edited Collections

D. Debenham, "Tender Mercies" (2006) 56 C.L.R. 22

18.2 Implementation of international conventions on bribery

19 Collusion by suppliers (bid-rigging)

20 Competition law and public procurement

21 Pricing of public procurement contracts

22 Contract execution

Articles and Essays in Edited Collections

A.H. Olyan and J.K. Taylor, "The EPC [engineering, procurement and construction] contract and the energy lawyer" (2007) 44 Alta. L. Rev. 539

23 Foreign aid and public procurement

24 Outsourcing of public services

24.1 General

24.2 Application of public law controls to outsourced activities

Articles and Essays in Edited Collections

E. Atwood and M. Trebilcock, "Public Accountability in an Age of Contracting Out" (1996) 27 *Canadian Business Law Journal* 1

25 The procurement of privately financed infrastructure/services and other major infrastructure/services (Public-private partnerships, Build-Operate-Transfer (BOT), concessions)

26 Defence procurement

Books

A. Plamondon, *The Politics of Procurement: Military Acquisition in Canada and the Sea King Helicopter* (Vancouver: UBC Press, 2010)

27 Trade relations in public procurement

Articles and Essays in Edited Collections

"Chapter 13 of the United States-Canada Free Trade Agreement: has it created an open and effective government procurement dispute resolution system?" (1991) 12 *Northwestern Journal of International Law & Business* 187

B.A.C. Allen, "Unintended Consequences: Procurement Policy and the Canadian International Trade Tribunal", ch.12 in G. Piga and K. Thai (eds.), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press 2007), 304

G.N. Anderson, "Achieving United States-Canadian reciprocity in sub-national government procurement: federalism and the Canada-United States Free Trade Agreement" (1993) 4 *Indiana International & Comparative Law Review* 131

D. Collins, "Canada's Sub-Central Coverage Under the WTO Agreement on Government Procurement" (2008) 17 *Public Procurement Law Review* 21

D. Collins, "A Case Study of Coverage Issues: Canada's Sub-Central Coverage under the Agreement on Government Procurement", ch.7 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

M. Hart and P. Sauvé, "Does Size Matter? Canadian Perspectives on the Development of Government Procurement Disciplines in North America", ch.11 in B.M. Hoekman and P.C. Mavroidis (eds), *Law and Policy in Public Purchasing: the WTO Agreement on Government Procurement* (University of Michigan Press, 1997) 203

D. Lemieux, "Legal issues arising from protectionist government procurement policies in Canada and the United States" (1988) 29 *Les Cahiers de Droit* 369

A. Reich, "On Procurement, Protectionism and Protests: a Survey Among Canadian Procurement Officers" (1994) 23 *Canadian Business Law Journal* 107

CHILE

Articles and Essays in Edited Collections

J.F. Sánchez Drouilly and J.M. Cruz Gantes, "Chile", ch.9 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 50

COLUMBIA

Articles and Essays in Edited Collections

G. Suárez-Beltrán and R. Laguado–Giraldo, "Colombia" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 203

CUBA

Articles and Essays in Edited Collections

A.L. Sarria, "The Future of Public Procurement Law in Cuba: Why the UNCITRAL Model Law Is Havana's Best Option" (2007) 37 *Public Contract Law Journal* 89

EQUADOR

Articles and Essays in Edited Collections

N. Moncayo, "Government Procurement in Ecuador", ch.7 in *Unpacking Transparency in Government Procurement* (Jaipur: CUTS International, 2004) 149

JAMAICA

Articles and Essays in Edited Collections

D. McKoy, "The Contractor-General of Jamaica" in S. Ryan and D. Brown (eds), *Issues and Problems in Caribbean Public Administration* (ISER-UWI St. Augustine, Trinidad 1992)

D. McKoy, "The Contractor-General of Jamaica: An Ombudsman for Contracts" (1990) 9 *The Ombudsman Journal* 55-71

D. McKoy, "The Jamaica Contractor General: An Ombudsman for Contracts" in P Emanuel (ed.), *The Ombudsman: Caribbean and International Perspectives* (ISER-UWI, Cave Hill, Barbados 1993).

D. McKoy, "Legal and Procedural Aspects of Investigations under the Contractor-General Act" (1987) 11 *West Indian Law Journal* 54-63.

D. McKoy, "Whither the Contractor-General? Reforming Parliamentary Oversight of Executive Procurement in Belize and Jamaica" (2007) 8 *Caribbean Journal of Public Sector Management* 34

MEXICO

Articles and Essays in Edited Collections

C. Creel and C. Morales, ""Self-Cleaning under Non-EU National Jurisdictions: Mexico", ch.CII in H. Pünder, H-J. Preiss and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 142

R. Hernández García, "Mexico" in R. Hernández García (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 303

J.M. Pertchik, "The build, operate and transfer approach to infrastructure development in Mexico" (1995) 4 *Public Procurement Law Review* 168

PERU

Articles and Essays in Edited Collections

J. Gray, "Peru" in R. Hernández García (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 31

UNITED STATES OF AMERICA

1 General works

1.1 General

This heading at the start of each section covers books and articles that range across several parts or all of the subject matter of the heading (e.g. books on the national regime in general).

Many of these general works cover in detail the various section headings set out below but will not be listed again under those headings.

Books

Best Practices in the Acquisition of a Government Contractor (Chicago, Ill.: American Bar Association, 2010)

California Government Contracts (Sacramento, Calif: California Procurement Publications, 1979)

Competition in Contracting (New York: Law & Business/Harcourt Brace Jovanovich, 1985)

Con 216, Legal Considerations in Contracting (Vienna, Virginia: Management Concepts, 2010)

Georgia State and Local Government Contracts (Eagan, MN: West, 2000)

Government Contracts: Entering into a Business Relationship with the U.S. (New York, N.Y: Practising Law Institute, 2010)

Government Contracts Law Client Strategies: Leading Lawyers on Counseling Clients During the Bidding Process, Negotiating Contracts, and Minimizing Litigation Liability (Boston, Mass.: Aspatore Books, 2008)

Litigation Strategies for Government Contracts: Leading Lawyers on Exploring the Current State of Government Contracting, Developing an Effective Litigation Plan, and Collaborating with Clients and Officials (Boston, Mass.: Inside the Minds, Aspatore, 2010)

Navigating the Government Contracts Process: Leading Lawyers on Examining Recent Trends in Government Contracting and Understanding Their Effect on Clients (Boston, Mass.: Aspatore, 2010)

The Bidding Book for Washington Cities and Towns (Seattle, WA: Municipal Research and Services Center, 2010)

The Essential Guide to Federal Contracts: A Guide Through the Federal Procurement Maze (Deerfield, IL: Clark, Boardman, Callaghan, 1996)

The Government Purchasing Guide (Washington: Century Pub. Co)

The Impact of Recent Changes in Government Contracts: Leading Lawyers on Navigating the Current Economic Climate and Responding to Regulatory Changes (Boston, Mass.: Aspatore, 2011)

The Impact of Recent Changes in Government Contracts: Leading Lawyers on Understanding the Effects of the Stimulus Program, Addressing Compliance Concerns, and Analyzing the Latest Regulations (Boston, MA: Aspatore Books, 2010)

Understanding Legal Issues for Foreign Government Contracts: Leading Lawyers on Navigating the Negotiation Process, Identifying Key Legal Terms, and Understanding U.S. Government Regulations (Boston, MA: Aspatore Books, 2009)

Winning Legal Strategies for Government Contracts: Leading Lawyers on Structuring Contracts, Handling Litigation, and Strategies for Successful Procurement (Boston, MA: Aspatore Books, 2005)

Working with Government Agencies in Government Contracts Law: Leading Lawyers on Managing Compliance Issues, Securing a Contract, and Communicating with Key Agencies (Boston, MA: Aspatore Books, 2009)

M.A. Abramson and R.S. Harris III (eds), *The Procurement Revolution* (Rowman & Littlefield Publishers Inc., 2003)

F.M. Alston, *Contracting with the Federal Government*, 3rd ed. (New York: Wiley, 1992)

M. Amtower, *Selling to the Government: What It Takes to Compete and Win in the World's Largest Market* (Hoboken, N.J: Wiley, 2011)

Andrews Publications (Firm). *Andrews Government Contract Litigation Reporter* (Westtown, PA: Andrews Publications)

S. Bauer, *How to Sell to the United States Government: Marketing Goods and Services to America's Greatest Customers* (Secaucus, N.J: Carol Pub, 1994)

P. Beckett, *Governmental Purchasing in the Los Angeles Metropolitan Area* (Los Angeles, 1941)

J. Belkin, *The ABCs of Federal Government Contracting* (Wayne, PA: Andrews Publications, 2009)

J. Berry, *Georgia State and Local Government Contracts* (Thomson West, 2010)

C.R. Bevers, *The Entrepreneur's Guide to Doing Business with the Federal Government: A Handbook for Small and Growing Businesses* (New York: Prentice Hall Press, 1989)

F.S. Bluestein, *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments*, 2nd ed. (Chapel Hill, N.C.: UNC School of Government, 2004)

F.S. Bluestein, *An Overview of Contract Bidding Requirements for North Carolina Local Governments* (Chapel Hill, N.C.: UNC School of Government, 2007)

M. A. Branca, , A. P. Silberman, J. S. Vento, A. L. Bastianelli, A. D. Ness and J. D. West, *Federal Government Construction Contracts* (Chicago: Forum on the Construction Industry, American Bar Association, 2010)

K.W. Buffington, *The Legal Aspects of Public Purchasing*, 2nd ed. (Herndon, VA: National Institute of Governmental Purchasing, 2007)

J. A. Burkholder and M. R. Rizzo, *California Procurement Handbook* (Eagan, Minn.: West/Thomson Reuters, 2010)

J. Cibinic, *Cost-Reimbursement Contracting*, 3rd ed. (Washington, D.C: George Washington University, Government Contracts Program, 2004)

J. Cibinic, R. C. Nash and C. R. Yukins, *Formation of Government Contracts* (Washington, DC: The George Washington University, 4th edn., 2011)J. Cibinic and R.C. Nash, *Administration of Government Contracts*, 4th ed., (CCH Inc., 2006)

J. Cibinic, R.C. Nash and C. R Yukins, *Formation of Government Contracts* (The George Washington University/Wolters Kluwer, 4th edn. 2011)

C.K. Coe, *State & Local Government Purchasing and Materials Management Handbook* (Austin, Tex: Sheshunoff, 2007)

C.K. Coe and University of Georgia. *Purchasing for Local Governments* (Athens: Institute of Government, University of Georgia, 1976)

P.S. Cole, *How to Evaluate and Negotiate Government Contracts* (Vienna, VA: Management Concepts, 2001)

P.B. Compton, *Federal Acquisition: Key Issues and Guidance* (Vienna, VA: Management Concepts, 2010)

A.C. Cope, *How to Do Business with the State of North Carolina: A Purchasing Guide for Businesses* (Chapel Hill, N.C.: University of North Carolina at Chapel Hill for its Small Business and Technology Development Center, 1995)

M. Crossan, *The Procurers: Accessing Canada's #1 Market* (Toronto: McGraw-Hill Ryerson, 1991)

C.L. Crownover, *Selling to Uncle Sam: How to Win Choice Government Contracts for Your Business* (New York: McGraw-Hill, 1993)

W. S. Curry, *Government Contracting: Promises and Perils* (Boca Raton, Fla: CRC Press, 2010)

J. Deshaye, *Selling to the Government in Washington State* (Olympia, Wash.: Dept. of Commerce & Economic Development, 1984)

D. Eisen, *Decision Making in Federal Real Estate: How the Government Decides on Whether and with Whom to Lease, Build or Buy* (Rockville, Md: Lakeside, 1997)

K.P. Feeley, *Public Procurement Contracts: Practical Procurement Advice* (Boston: MCLE, 1996)

S.W. Feldman, *Government Contract Awards: Negotiation & Sealed Bidding* (Deerfield, IL: Clark Boardman Callaghan, 1994)

S. Fishner, *A Report on Government Procurement Practices* (Merrifield, Va: Camelot Publishers, 1989)

R. Forbes, *Governmental Purchasing* (New York: Harper, 1929)

D. Gallagher, *The Government Contractor's Resource Guide* (United States: Access International, 2006)

G. A. Garrett, *Winning U.S. Federal Government Contracts* (Riverwoods, IL: CCH, 2010)

B.C. Giallourakis, *Contracting with Uncle Sam: The Essential Guide for Federal Buyers and Sellers* (Annapolis, Md: Naval Institute Press, 2008)

M.E. Giboney, *Government Contract Law* (Manassas, VA: SMG Office Supplies, 2003)

J.W. Glover, *Procurement Opportunities: A Small Business Guide to Procurement Reform* (Washington, D.C.: U.S. Small Business Administration, 1996)

B.S. Gocial and L.J. Beaser, *Pennsylvania Government Contract Handbook* (Thomson West, 2010)

S. Greenberg and Policy Research Project on Public Procurement Practices in State and Local Government, *Beyond the Bid: An Evaluation of State and Local Government Procurement Practices* (Lyndon B. Johnson School of Public Affairs policy research project report no. 146. Austin, TX: Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, 2004)

J. E. Grenig, *Fundamentals of Government Contracting* (St. Paul, Minn.: West, 2010-2011 edn., 2010)

C. Greve, *Contracting for Public Services* (London: Routledge, 2008)

M.L. Gross, *The Government Racket: Washington Waste from A to Z* (New York: Bantam Books, 1992)

T.J. Healy, *Government Contracting Manual* (Englewood Cliffs, N.J: Prentice Hall, 1990)

E. E. Hearn, *Federal Acquisition and Contract Management* (Los Altos, Calif: Hearn Associates, 7th edn., 2011)C. Hinson, *Issues in Local Government Purchasing* (Columbia, S.C.: Bureau of Governmental Research and Service, University of South Carolina, 1984)

C. Hinson and National Institute of Governmental Purchasing (U.S.), *Welcome to Public Procurement* (Herndon, VA: National Institute of Governmental Purchasing, 2001)

Holbrook & Kellogg, Inc. *Procurement Ethics Desktop Reference* (Vienna, VA: Holbrook & Kellogg, Inc, 1991)

D.J. Johnson, *Policy Issues and Challenges for Interagency Space Systems Acquisition* (Santa Monica, CA: National Security Research Division, Rand, 2001)

G. Johnson, *The Washington Waste-Makers* (Derby, Conn: Monarch Books, 1963)

D. S. Kassel, *Managing Public Sector Projects: A Strategic Framework for Success in an Era of Downsized Government* (Boca Raton, FL: CRC Press, 2010)

D.M. Kaye and New Jersey School Boards Association, *Public School Contracts Law* (Trenton, N.J: New Jersey School Boards Association, 2007)

L. Keating, *Performance Auditing of Public Sector Property Contracts* (Burlington, VT: Gower, 2010)

T.J. Kelleher, Jr., T.E. Abernathy, IV, H.J. Bell, Jr. and S. L Reed, *Smith, Currie & Hancock's Federal Government Construction Contracts: A Practical Guide for the Industry Professional*, 2nd ed. (Hoboken, N.J: John Wiley & Sons, 2010)

N. Keyes, *Government Contracts in a Nutshell*, 4th ed. (St. Paul, MN: Thomson/West, 2004)

N. Keyes, *Government Contracts Under the Federal Acquisition Regulation*, 3rd ed. (St. Paul, MN: Thomson/West, 2003)

N. Keyes, *Keyes Encyclopedic Dictionary of Contract and Procurement Law: Definitions of Legal Terms and Concepts in Private Procurement and Public Procurement of Federal, State, and Local Governments, Their Contractors and Subcontractors*, 5th ed. (New York: Oceana, 1992)

J.J. Kohut, *Stupid Government Tricks: Outrageous (but True!) Stories of Bureaucratic Bungling and Washington Waste* (New York: Plume, 1995)

M.G. Kolchin and Center for Advanced Purchasing Studies (Tempe, Ariz.), *Purchasing in the Industrial, Institutional, Governmental, and Retail Sectors: A Comparative Study* (Tempe, Ariz: Center for Advanced Purchasing Studies, 1990)

S. J. Koprince, *The Small Business Guide to Government Contracts: How to Comply with the Key Rules and Regulations and Avoid Terminated Agreements, Fines, or Worse* (New York: American Management Association, 2012)

J-J. Laffont, *A Theory of Incentives in Procurement and Regulation* (Cambridge, Mass: MIT Press, 1993)

M. Levine, L. Simpson and Maryland, *Review of Maryland Procurement Law Exemptions* (Annapolis, Md: Dept. of Legislative Services, Office of Policy Analysis, 2004)

R. D. Lieberman, G. S. Grossman and G. D. Soll, *The Government Contracts Forms Book* (St. Paul, Minn.: West, 2010)

M.C. Loulakis, *Design-Build for the Public Sector* (New York, NY: Aspen Publishers, 2003)

J.C. McBride, *Government Contracts: Cyclopedic Guide to Law, Administration, Procedure* (New York, N.Y: Bender, 1962)

R.E. McGhee, *Government Contracts Dictionary*, 4th ed. (Petersburg, Va: Remco-Far, 1996)

G.E. Monroe, *Government Contract Law Manual: A Summary and Comparison of Government Procurement at the State, Federal, and International Level* (Charlottesville, Va: Michie Co, 1979)

T. M. Morrison, *Other Transaction Authority: Understanding and Examining Its Uses by Federal Agencies* (Hauppauge, N.Y: Nova Science Publishers, 2010)

J.F. Nagle, *A History of Government Contracting*, 2nd ed. (Washington, D.C: George Washington University Law School, Government Contracts Program, 1999)

J.F. Nagle, *How to Review a Federal Contract: Understanding and Researching Government Solicitations and Contracts*, 2nd ed. (Chicago, Ill: General Practice, Solo, and Small Firm Section, American Bar Association, 2000)

R.C. Nash, S.L. Schooner and K.R. O'Brien, *The Government Contracts Reference Book: A Comprehensive Guide to the Language of Procurement*, 2nd ed. (Washington, DC: George Washington University, Law School, Government Contracts Program, 1998)

T.M. O'Connor, *Understanding Government Contract Law* (Vienna, VA: Management Concepts, 2007)

M. Parvey, *The Definitive Guide to Government Contracts: Everything You Need to Apply for and Win Federal and GSA Schedule Contracts* (Franklin Lakes, NJ: Career Press, 2010)

R. Pennington, *Colorado Procurement Handbook* (St. Paul, Minn.: West, 2009)

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J.T. Pitzer, *Introduction to Public Procurement*, 3rd ed. (Herndon, VA: National Institute of Governmental Purchasing, 2009)

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D. Van Opstal and CSIS Working Group on FAR Reform. *Road Map for Federal Acquisition (FAR) Reform: A Report of the CSIS Working Group on FAR Reform* (Washington, D.C: Center for Strategic & International Studies, 1995)

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W.J. Wicker and University of North Carolina at Chapel Hill, *An Outline of Statutory Provisions Controlling Purchasing by Local Governments in North Carolina* (Chapel Hill, N.C: Institute of Government, University of North Carolina at Chapel Hill, 1991)

F.P. Wigginton, *Selling to the Government: A Complete Step-by-Step Guide to Doing Business with U.S. Government Departments and Agencies* (Chicago, Ill: Probus Pub. Co, 1988)

T.B. Worsley, *Wartime Economic Stabilization and the Efficiency of Government Procurement; a Critical Analysis of Certain Experience of the United States in World War II* (Washington: Printed by the National Security Resources Board, 1949)

M.M. Worthington, *Contracting with the Federal Government* (New York: Wiley, 1998)

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E. Youens and University of North Carolina at Chapel Hill, *Local Government Purchasing and Contracting Update, Statutory Requirements and Local Policies* (Chapel Hill, NC: UNC School of Government, 2009)

R.J. Zee, *Purchasing Preference Practices, a 50 State Overview* (Lexington, Ky: NASPO, 1989)

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"Application of the uniform commercial code to federal government contracts: doing business on business terms." (1974) 16 *William and Mary Law Review* 395

"Architect-engineer selection process: bid or not to bid." (1979) 11 *Public Contract Law Journal* 232

J.W. Bain, "The potential and perils of Colorado public construction contracting." (1987) 16 *The Colorado Lawyer* 2131

A. Baltatzis, "The Changing Relationship Between Federal Grants and Federal Contracts." (2003) 32 *Public Contract Law Journal* 611

F.T.v. Baur, "State and local procurement and fiscal management." (1976) 8 *The Urban Lawyer* 909

B.J. Bergman, J. "Reletting the abandoned or defaulted public works project in New York---to bid or not to bid?." (1975) 3 *Fordham Urban Law Journal* 451

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W.L. Boyd, "Implied-in-fact contract: contractual recovery against the government without an express agreement." (1991) 21 *Public Contract Law Journal* 84

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G. Callender and D. Matthews, "The Economic Context of Government Procurement: New Challenges and New Opportunities" (2002) 2 *Journal of Public Procurement* 21

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S.E. Celec, E.J. Nosari and D. Voich, Jr., "Performance Measures for Evaluating the Financial Benefits of State Term Commodity Contracts" (2003) 1 *Journal of Public Procurement* 43

K.D. Checchi, "Federal procurement and commercial procurement under the U.C.C.---a comparison" (1980) 11 *Public Contract Law Journal* 358

J. Cibinic, "Retroactive legislation and regulations and federal government contracts" (2000) 51 *Alabama Law Review* 963

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F.W. Claybrook, "Good faith in the termination and formation of federal contracts" 56 *Maryland Law Review* 555

G.M. Coburn, "Federal procurement in the federal courts 1987-88: a selective review" (1989) 19 *Public Contract Law Journal* 14

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G.A. Cuneo, "Some practical applications of international law to government contracts" (1975) 50 *The Notre Dame Lawyer* 843

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M.J. Davidson, "Native American cultural protection issues in government contracts" (1999) 28 *Public Contract Law Journal* 189

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D.D. Dzara II, "The SAFETY Dance: Balancing the Competing Procurement and Intellectual Property Interests in the Department of Homeland Security" (2005) 1 *Public Contract Law Journal* 99

R.T. Ebert, "The impact of procurement reform legislation on subcontracting for commercial items: easing but not eliminating the burdens" (1998) 27 *Public Contract Law Journal* 343

R.H. Efros, "Statutory restrictions on funding of government contracts" (1978) 10 *Public Contract Law Journal* 254

L.C. Ethridge, "Recent developments in state and local procurement: implementation of the Model Procurement Code picks up pace" (1985) 17 *The Urban Lawyer* 977

J.R. Farior, "Public sector competitive bidding in Florida" (1982) 11 *Stetson Law Review* 428

S. Franklin, "Coming to America: insights for foreign contractors and their lawyers" (1994) 11 *International Construction Law Review* 152

J.S. Gabig, "A primer on federal information systems acquisitions: first part of a two-part article" (1987) 17 *Public Contract Law Journal* 31

J.S. Gabig, "A primer on federal information systems acquisitions: part two of a two-part article" (1988) 17 *Public Contract Law Journal* 553

D. Gallimore, "Legal aspects of funding department of the army procurements" (1975) 67 *Military Law Review* 85

S. Ghandi, "The Pendulum of Art Procurement Policy: The Art-in-Architecture Program's Struggle to Balance Artistic Freedom and Public Acceptance" (2002) 31 *Public Law Contract Journal* 535

J.S. Greenspun, "1988 amendments to Federal Procurement Policy Act: did the "ill wind" bring an impractical overreaction that may run afoul of the constitution?" (1990) 19 *Public Contract Law Journal* 393

C.E. Hagberg, "Mistake in bid, including new procedures under Contract Disputes Act of 1978" (1983) 13 *Public Contract Law Journal* 257

J.A. Harley, "Economic duress and unconscionability: how fair must the government be?" (1988) 18 *Public Contract Law Journal* 76

B.M. Holmes, "Techniques for researching public contract law" (1978) 10 *Public Contract Law Journal* 53

S. Kelman, "Remaking Federal Procurement" (2002) 31 *Public Contract Law Journal* 581

S. Kelman, "Buying commercial: an introduction and framework" (1998) 27 *Public Contract Law Journal* 249

J.T. Kuelbs, "Using Canada's procurement experience to streamline U.S. government purchasing practices" (1975) 69 *Military Law Review* 145

C.N. Lee, "Government contracting: a game-theoretic analysis" (1990) 19 *Public Contract Law Journal* 382

G.M. Lee, "A case for fairness in public works contracting" (1996) 65 *Fordham Law Review* 1075

S.A. Livingston, "Principles of Maryland procurement law" (1999) 29 *University of Baltimore Law Review* 1

S.A. Livingston, "Fair treatment for contractors doing business with the state of Maryland" (1986) 15 *University of Baltimore Law Review* 215

S.R. Maizel, "The government's contractual rights and bankruptcy's automatic stay: irreconcilable differences?" (1996) 25 *Public Contract Law Journal* 711

S. McCaleb, "Searching for a needle in a haystack: conflicts in the Federal Circuit's government contracts jurisprudence" 11 *Federal Circuit Bar Journal* 705

M.E. McConnell, "The process of procuring information technology" (1996) 25 *Public Contract Law Journal* 379

A.S. Miller, "Administration by contract: a new concern for the administrative lawyer" (1961) 36 *New York University Law Review* 957

J.D.B. Mitchell, "The Treatment of Public Contracts in the United States" (1952) 9 *University of Toronto Law Journal* 194

W.H. Murphy, "Managing for improved profitability through effective use of the federal government's procurement regulations and common sense management" (1992) 21 *Public Contract Law Journal* 294

W.L. Murphy, "The Federal Circuit and the GSBICA: review of protest decisions" (1991) 40 *The American University Law Review* 1065

L.T. O'Sullivan, "Government contracts: 1991 analysis and summary" (1992) 41 *The American University Law Review* 911

J.S. Pachter, "What Is a Procurement? And Why Can't DoD and the Courts Get It Straight?" (2004) 34 *Public Contract Law Journal* 1

R.S. Pasley, "Formation of government contracts---application of common law principles---a reply" (1955) 40 *The Cornell Law Quarterly* 518

T.L. Patten, "Government contracts - are they enforceable if not in writing?" (1975) 7 *Public Contract Law Journal* 232

H.J. Perloff, "The economic-waste doctrine in government contract litigation" (1993) 43 *DePaul Law Review* 185

M.F. Pofcher, "Choice of law, state or federal, in cases involving government contracts" (1951) 12 *Louisiana Law Review* 37

E.S. Pommer, "Municipal bankruptcy and its effect on government contractors" (1996) 25 *Public Contract Law Journal* 249

J.T. Ramey, "Mistakes and bailouts of suppliers under government contracts and subcontracts---a study of doctrine, practice and adhesions" (1954) 39 *The Cornell Law Quarterly* 634

B.O. Ramos, "Never Say Die: The Continued Existence of the Government Officials' Good Faith Presumption in Federal Contracting Law and the Well-nigh Irrefragable Proof Standard after Tecom" 63 *The Air Force Law Review* 163

H.M. Schooner, "Look before you lend: a lender's guide to financing government contracts pursuant to the Assignment of Claims Act" (1993) 48 *The Business Lawyer* 535

L. Schor, "United States", ch.46 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 270

J. Schwartz, "Learning from the United States' Procurement Law Experience: On "Law Transfer" and Its Limitations" (2002) 2 *Public Procurement Law Review* 115

J.I. Schwartz, "Regulation and Deregulation in Public Procurement Law Reform in the United States", ch.9 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 175

J. Schwartz, "Procurement Rules in Times of Crisis: Lessons from U.S. Government Procurement in Three Episodes of "Crisis" in the 21st Century" ch.26 in S. Arrowsmith and R. D. Anderson (eds.), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

J.P. Shedd, "Christian doctrine, force and effect of law, and effect of illegality on government contracts" (1977) 9 *Public Contract Law Journal* 1

C.W. Sherrer, "Joint ventures on government contracts: a walk through a rose garden planted over land mines" (1990) 19 *Public Contract Law Journal* 331

W.J. Spriggs, "Judicial role of the contracting officer in U.S. government contracting" (1972) 11 *Washburn Law Journal* 213

C.V. Stelzenmuller, "Formation of government contracts---application of common law principles" (1955) 40 *The Cornell Law Quarterly* 238

- K.V. Thai, "Public Procurement Reexamined" (2001) 1 *Journal of Public Procurement* 9
- K.V. Thai and D.A. Drabkin, "US federal government procurement: structure, process and current issues", ch.7 in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 89
- D.E. Toomey, "Good faith and fair dealing: the well-nigh irrefragable need for a new standard in public contract law" (1990) 20 *Public Contract Law Journal* 87
- J. Verdaux, "Public Procurement in the European Union and in the United States: a Comparative Study" (2003) 32 *Public Contract Law Journal* 713
- F.T. Vom Baur, "A personal history of the Model Procurement Code" (1996) 25 *Public Contract Law Journal* 149
- F.T. Vom Baur, "Early days of government contract practice" (1989) 18 *Public Contract Law Journal* 446
- A. Younger, "The government contract decisions of the Federal Circuit during 1989" (1990) 39 *The American University Law Review* 1007
- C.R. Yukins, "A Case Study in Comparative Procurement Law: Assessing UNCITRAL's Lessons for U.S. Procurement" (2006) 3 *Public Contract Law Journal* 457
- R. Wyde, "Guidelines for Success in Procuring Information Technology Systems" (2010) 68 *Policy & Practice* 38
- V.J. Zupa, "Government contracts: 1992 analysis and summary" (1993) 42 *The American University Law Review* 1109

1.2 General: case law reviews

Articles and Essays in Edited Collections

M.W. Clancy, "1996 year in review: analysis of the Federal Circuit's government contracts decisions" (1997) 26 *Public Contract Law Journal* 271

M.W. Clancy, "1995 year in review: the Federal Circuit's government contracts decisions" (1996) 25 *Public Contract Law Journal* 537

M.W. Clancy, "1994 year in review: analysis of significant Federal Circuit government contracts decisions" (1995) 24 *Public Contract Law Journal* 153

D. P. Graham et al, "[Federal Circuit Year-in-Review 2011: Certainty and Uncertainty in Federal Government Contracts Law](#)" (2012) 41 *Public Contract Law Journal* 473

D.P. Graham, "2009 Government Contract Law Decisions of the Federal Circuit" (2010) 59 *The American University Law Review* 991

A.M. Helm, "1991 contract law developments—the year in review" (1992) 1992 *The Army Lawyer* 3

D.R. Johnson, "A survey of government contract cases decided by the United States Court of Appeals for the Federal Circuit in 1994" (1995) 44 *The American University Law Review* 2115

R.E. Korroch, "2000 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2001) 3 *Public Contract Law Journal* 315

R.E. Korroch, "2001 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2002) 3 *Public Contract Law Journal* 339

R.E. Korroch, F. E. Purcell Jr., J.J. Reid, R.L. Semanchik, "2002 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2003) 3 *Public Contract Law Journal* 431

R.E. Korroch, F.E. Purcell, Jr., J.J. Reid and R.L. Semanchik, "2003 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2004) 3 *Public Contract Law Journal* 455

R.E. Korroch, F.E. Purcell Jr., R.L. Semanchik, and T.J. McKee, Jr., "2004 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2005) 4 *Public Contract Law Journal* 573

L.M. Lavenue, "Survey of government contract cases in the United States Court of Appeals for the Federal Circuit: 1997 in review" (1998) 47 *The American University Law Review* 1393

E.L. Lipman, "Summer to summer: recent government contracts cases before the United States Claims Courts" (1992) 22 *Public Contract Law Journal* 1

T.J. Madden, J.J. Pavlick Jr., R.E. Pearson, T.L. Elling, S.A. Jenks, W.P. Doherty, D.N. Locaria and J.T. Reams, "2006 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2007) 4 *Public Contract Law Journal* 449

T.J. Madden, J.J. Pavlick Jr., R.E. Pearson, T.L. Elling, S.A. Jenks, W.P. Doherty, D.N. Locaria and J.Y. Boland, "2007 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2008) 4 *Public Contract Law Journal* 625

T. Madden, P. Debolt, R. Burton, R. Pearson, T. Elling, S. Jenks, D. Locaria, J. Boland and J. Chiow, '2008 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions' (2009) 39 *Public Contracts Law Journal* 1

T. J. Madden et al., "2009 Year in Review: Analysis of Significant Federal Circuit Government Contract Decisions" (2010) 40 *Public Contract Law Journal* 1

S.M. McCaleb, "1997 year in review: an analysis of the Federal Circuit's government contracts decisions" (1998) 27 *Public Contract Law Journal* 495

R.C. Nash, "The Government Contract Decisions of the Federal Circuit" (2010) 78 *The George Washington Law Review* 586

D.L. Patin, "2003 Government Contract Decisions of the Federal Circuit" (2004) 53 *The American University Law Review* 939

D. Robbins, "2004 Government Contract Decisions of the Federal Circuit" (2005) 54 *The American University Law Review* 1205

T.F. Williamson, "Government contract cases in the United States Court of Appeals for the Federal Circuit: 1995 in review" (1996) 45 *The American University Law Review* 1657

2 Objectives of regulation and general principles

This sub-section contains works focused specifically on the objectives of the national procurement regime – e.g. the different reasons and priorities for national regulation, whether procurement is regulated because of membership of trade regimes etc - and the general principles for achieving those objectives (e.g. transparency).

Articles and Essays in Edited Collections

L. Eyester, "NAFTA and the Barriers to Federal Procurement Opportunities in the United States" (2002) 4 *Public Contract Law Journal* 695

W.S. Johnson, "The Federal Circuit's Great Dissenter and Her 'National Policy of Fairness to Contractors'" (2011) 40 *Public Contract Law Journal* 275

S. Kelman, "Buying Commercial: An Introduction and Framework" (1998) 2 *Public Contract Law Journal* 249

S. Kelman, "Remaking Federal Procurement" (2002) 31 *Public Contract Law Journal* 581

A.S. Miller, "Administrative discretion in the award of federal contracts" (1955) 53 *Michigan Law Review* 781

R.A. Miller, "Economy, efficiency and effectiveness in government procurement" (1975) 42 *Brooklyn Law Review* 208

J. Pegnato, "Assessing Federal Procurement Reform: has the Pendulum Stopped Swinging"? (2003) 3 *Journal of Public Procurement* 145

S. Schooner, "Commercial Purchasing: the Chasm between the United States Government's Evolving Policy and Practice", Ch. 8 in S. Arrowsmith and M. Trybus (eds.), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International, 2002)

S. Schooner, "Desidarata: Objectives for a System of Government Contract Law" (2002) 11 *Public Procurement Law Review* 103

S. Schooner, "Fear of Oversight: the Fundamental Failure of Businesslike Government" (2001) 50 *American University Law Review* 627

S. Schooner and C. Yukins, "Model Behaviour? Anecdotal Evidence of Evolving Commercial Public Procurement Practices and Trade Policy" (2003) 9 *International Trade Law and Regulation* 4

J. Schwartz, "Regulation and Deregulation in Public Procurement Law Reform in the United States", ch.8 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Rato: PRAcademics Press 2007)

J.J. S. Smith, "Competition and Transparency: What Works for Public Procurement Reform" (2009) 1 *Public Contract Law Journal* 85

C. Vacketta, "Lessons from the Commercial Marketplace" (2002) 11 *Public Procurement Law Review* 126

3 Reform of the regulatory system

This sub-section contains general articles on issues relating to the reform of the national public procurement system e.g. recent reforms and general experience of reform processes.

Books

S. Kelman, *Procurement and Public Management* (Washington: AEI Press, 1990)

S. Kelman, *Unleashing Change: A Study of Organisational Renewal in Government* (Brookings Institution Press, 2005)

Articles and Essays in Edited Collections

S.P. Bamford, "The Persistence of Time: A Brief History and Analysis of the Berry Amendment" (2003) 3 *Public Contract Law Journal* 577

R.T. Ebert, J.W.C. Warren and K.D. Meade, "The Impact of Procurement Reform Legislation on Subcontracting for Commercial Items: Easing But Not Eliminating the Burdens" (1998) 2 *Public Contract Law Journal* 343

S. Kelman, "Remaking Federal Procurement" (2002) 31 *Public Contract Law Journal* 581

C.P. McCuem and G.A. Giannakis, "Public Purchasing: Who is Minding the Store?" (2001) 1 *Journal of Public Procurement* 71

J.A. Pegnato, "Assessing Federal Procurement Reform: Has the Procurement Pendulum Stopped Swinging?" (2003) 2 *Journal of Public Procurement* 145

J.S. Smith, "Competition and Transparency: What Works for Public Procurement Reform" (2009) 1 *Public Contract Law Journal* 85

E.C. Yoder, "Engagement versus Disengagement: How Structural and Commercially-Based Regulatory Changes Have Increased Government Risks in Federal Acquisitions" (2007) 2 *Journal of Public Procurement* 135

J.E. Kerrigan and C.J. Brasco, "The Technology Transfer Revolution: Legislative History and Future Proposals" (2002) 2 *Public Contract Law Journal* 277

J. Schwartz, "Katrina's lessons for ongoing US procurement reform efforts" (2006) 15 *Public Procurement Law Review* 362

J. Schwartz, "Learning from the United States' Procurement Law Experience: On "Law Transfer" and its Limitations", (2002) 11 *Public Procurement Law Review* 115

J. Schwartz, "On Globalisation and Government Procurement", ch.3 in S. Arrowsmith and M. Trybus (eds.), *Public Procurement: the Continuing Revolution* (London: Kluwer Law International, 2002) 23

K.D. Thornton, "Fine Tuning Acquisition Reform's Favorite Procurement Vehicle, the Indefinite Delivery Contract" (2002) 3 *Public Contract Law Journal* 383

R.J. Wall and C.B. Pockney, "Revisiting Commercial Practice Reform" (1998) 2 *Public Contract Law Journal* 315

4	Harmonisation of regulatory provisions on public procurement and the influence of international instruments
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This sub-section contains articles on the issue of harmonization and divergence in public procurement in the context of the particular national system.

5	Introduction to the national public procurement system and public procurement regulation within the system
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5.1 Organisation of public procurement systems/the public procurement system

This contains works on the organization of the public procurement system and, in particular, the system of regulation, to place the rest of the bibliography in context e.g. regulatory level under the constitution; centralized or decentralized approach within each regulatory jurisdiction in the state; nature of regulating institutions; the procurement workforce.

Articles and Essays in Edited Collections

M.C. Alinger, "The Impact of Procurement Provisions in Appropriations Acts on the Federal Acquisition System" (2007) 4 *Public Contract Law Journal* 583

M.G. Alkadry, "Drivers of Compensation of Heads of Procurement Units, Supervisors and Materials Managers in the Public Sector" (2004) 1 *Journal of Public Procurement* 1

S.R. Econom, "Confronting the Looming Crisis in the Federal Acquisition Workforce" (2006) 35 *Public Contract Law Journal* 171

P.F. Johnson, M.R. Leenders and C. McCue, "A Comparison of Purchasing's Organizational Roles and Responsibilities in the Public and Private Sector" (2003) 1 *Journal of Public Procurement* 57

S.B. Nibley, "Unraveling the Mixed Messages that Government Procurement Personnel Receives: Message 1: Act Absolutely in the Government's "Best Interests" Message 2: Act "Ethically"" (2006) 1 *Public Contract Law Journal* 23

J. S. Pachter, "The Incredible Shrinking Contracting Officer" (2010) 39 *Public Contract Law Journal* 705

J.J. Schiele, "Contributions of Public Purchasing Departments to Competitive Acquisition Processes for Consulting Services" (2009) 2 *Journal of Public Procurement* 151

S. Schooner, "Fear of Oversight: the Fundamental Failure of Businesslike Government" (2001) 50 *American University Law Review* 627

K.F. Snider, "Procurement Leadership: From Means to Ends" (2006) 3 *Journal of Public Procurement* 274

5.2 The role and nature of regulatory provisions

This sub-section covers issues such as the role and significance of regulation in public procurement in the national system concerned (whether hard or and/or soft law); conceptual place of public contracts within the legal system (e.g. is there a separate concept of public contracts in the system, in terms of either substantive law applicable to the award and/or execution of contracts or the jurisdiction to determine disputes?), and the *general approach* to implementing any applicable international obligations.

Articles and Essays in Edited Collections

H.H. Clarke, "Application of the Uniform Commercial Code to state and local government contracts" (1996) 25 *Public Contract Law Journal* 215

J.C. Griffith, "Local government contracts: escaping from the governmental/proprietary maze" (1990) 75 *Iowa Law Review* 277

W.S. Johnson, "Mixed Nuts and Other Humdrum Disputes: Holding the Government Accountable under the Law of Contracts between Private Individuals" (2003) 32 *Public Contract Law Journal* 677

5.3 Critique and evaluation

This sub-section includes articles evaluating the state of the system and its approach *in general* (but not those confined to specific issues that are the subject of separate sub-headings).

Books

S. Kelman, *Procurement and Public Management* (Washington: AEI Press, 1990)

Articles and Essays in Edited Collections

J.R. Bartle and R.L. Korosec, "A Review of State Procurement and Contracting" (2003) 21 *Journal of Public Procurement* 3

J.L. Clark, "AFGE v. United States: The D.C. Circuit's Preferential Treatment Of The Native American Preference In Government Contract Awards" (2005) 34 *Public Contract Law Journal* 379

J.D. Cogburn, "Exploring Differences in the American States' Procurement Practices" (2007) 2 *Journal of Public Procurement* 135

N.O. Dix, F.A. Lavalley, and K.C. Welch, "Fear and Loathing of Federal Contracting: Are Commercial Companies Really Afraid to do Business with the Federal Government? Should they be?" (2003) 1 *Public Contract Law Journal* 1

S. Kelman, "Remaking Federal Procurement" (2002) 4 *Public Contract Law Journal* 581

R.O. Large, C. Giménez, and D. McCarthy, "Oral Communication Capabilities of Governmental Purchasers in the USA" (2009) 2 *Journal of Public Procurement* 197

S.J. Larwson and A. Picou, "The Market's Response to Contract Award Announcements: Government versus Corporate Contracts" (2002) 2 *Journal of Public Procurement* 237

J.I. Schwartz, "Liability for sovereign acts: congruence and exceptionalism in government contracts law" (1996) 64 *The George Washington Law Review* 633

This sub-section deals with the entity coverage of public procurement rules – for example, the question of how public bodies are defined for the purpose of applying public procurement rules or whether state enterprises are regulated.

7 Contracts covered: classifications
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This sub-section deals with the types of contract subject to regulation in principle under public procurement rules (e.g. distinction between procurement and other contracts) and classification of contracts for different regulatory purposes (thresholds at which certain procedures apply, distinction adopted in some systems between procurement and concessions for determining whether contracts are regulated at all, scope of exclusions e.g. of defence contracts etc).

Articles and Essays in Edited Collections

T.C. Modeszto "The Department of Defense's Section 845 Authority: An Exception for Prototypes or a Prototype for a Revised Government Procurement System?" (2005) 2 *Public Contract Law Journal* 211

C.L. Vacketta, "Commercial item contracts: when is a government contract term or condition consistent with "standard" or "customary" commercial practice?" (1998) 27 *Public Contract Law Journal* 291

8 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different available methods of procurement (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement etc)

Articles and Essays in Edited Collections

C.A. Barnes, "New improved awards without discussions or foreign competition." (1991) *Public Contract Law Journal* 532

K.W. Buffington, "The Florida Sunshine Law and Evaluation Committees" (2003) 1 *Journal of Public Procurement* 95

K.A. Didier, "Construction contracting and the new two-phase design-build selection procedures: balancing efficiency with full and open competition" (1998) 27 *Public Contract Law Journal* 589

D.T. Douthwaite, "Why procure construction by negotiation?" (1996) 25 *Public Contract Law Journal* 423

D. Drabkin and K.V. Thai, "Emergency Contracting in the US Federal Government" (2007) 1 *Journal of Public Procurement* 84

R.C. Epstein, "Soliciting high-technology contracts" (1990) 137 *New Jersey Lawyer* 44

J.A. Jackson, "Expanding contracting opportunities without competition" (1997) 26 *Public Contract Law Journal* 205

R.M. Hansen, "CICA without enforcement: how procurement officials and federal court decisions are undercutting enforcement provisions of the Competition in Contracting Act" (1997) 6 *George Mason Law Review* 131

J.M. Keisler and W.A. Buehring, "How Many Vendors Does it Take to Screw Down a Price? A Primer on Competition" (2005) 3 *Journal of Public Procurement* 291

W.N. Keyes, "Competition and sole-source procurements—a view through the unsolicited proposal example" (1984) 14 *Public Contract Law Journal* 284

W.C. Lawther, "Flexible Procurement Approaches That Facilitate Relationship Change and Negotiation: The Use of the Invitation to Negotiate" (2007) 2 *Journal of Public Procurement* 173

W.C. Lawther, "Invitation to Negotiate: Determining the Boundaries of Innovative Source Selection" (2003) 3 *Journal of Public Procurement* 301

J. Lovitky, "The problems of government contracting for consulting services" (1984) 14 *Public Contract Law Journal* 332

M.J. O'Brien, "Expedited procedures for research and development contracting" (1987) 117 *Military Law Review* 253

C.W. Sherrer, "Unsolicited proposal: an underutilized arrow in our efforts to improve the functioning of our government" (1981) 33 *Administrative Law Review* 285

M. Steinicke, "Public procurement and the negotiated procedure - A lesson to learn from U.S. Law?" (2001) 22 *European Competition Law Review* 331

9 The conduct of procurement proceedings

Books

J. Cibinic, R. C. Nash, and K. R. O'Brien-DeBakey, *Competitive Negotiation: The Source Selection Process* (Riverwoods, IL: CCH, 3rd edn., 2011)

S. W. Feldman, *Government Contract Awards: Negotiation and Sealed Bidding* (St. Paul, Minn.: West, 2011)

L. McIntyre, *Essentials for Government Contract Negotiators* (Vienna, Va: Management concepts, 2006)

R.C. Nash and J. Cibinic, *Competitive negotiation: the source selection process*, 2nd ed., (George Washington University, Government Cont, 1993)

M.G. Rumbaugh, *Understanding Government Contract Source Selection* (Vienna, VA: Management Concepts, 2010)

M.J. Slocum, *Federal Contracting: Sealed Bidding Procedures* (Government contracting seminars. Falls Church, Va.: Slocum & Boddie, 1986)

M.J. Slocum and Texas A. and M. Research Foundation, *Federal Contracting: Negotiated Procedures* (Falls Church, Va.: Slocum & Boddie, 1986)

C.D. Solloway, *Source Selection Step by Step* (Vienna, VA: Management Concepts, 2011)

Articles and Essays in Edited Collections

"Competitive bidding on public works in Wyoming: determinations of responsibility and preference" 11 *Land and Water Law Review* 243

"Current procedures for performing meaningful discussions in federal negotiated procurements are uneconomical, inefficient, and ineffective—a proposal for improvement" 21 *St. Mary's Law Journal* 985

"Prescribing preventive remedies for an ailing public construction industry: reforms under the new Massachusetts competitive bidding statute" (1982) 23 *Boston College Law Review* 1357

K. Allin, D.P.Gragan, J.G. Horan, J.L. Mascialino, M. Ryan and T.A. West, *Navigating Government Procurement: Procurement Experts on Reviewing Bids and Proposals, Negotiating Contracts, and Managing Vendor Relationships* (Boston, Mass.: Aspatore Books, 2008)

J.C. Babin, "Federal source selection procedures in competitive negotiated acquisitions." (1982) 23 *The Air Force Law Review* 318.

G.O. Block, "Responsiveness of unbalanced bids: defining a method of analysis." [1990] *The Army Lawyer* 13

N. Causey, "Contractor Challenges to the Government's Evaluation of Past Performance During the Source-Selection Process: "Thou Protesteth Too Much?"" [2002] *The Army Lawyer* 25

M. Cosenza, "Adverse effects of the "lowest responsible bidder" clause in public contracts" (1994) 98 *Dickinson Law Review* 259

K.A. Didier, "Construction contracting and the new two-phase design-build selection procedures: balancing efficiency with full and open competition" (1998) 27 *Public Contract Law Journal* 589

R.C. Epstein, "Soliciting high-technology contracts" (1990) 137 *New Jersey Lawyer* 44

S.W. Feldman 'Traversing the Tightrope between Meaningful Discussions and Improper Practices in Negotiated Federal Acquisitions: Technical Transfusion, Technical Levelling and Auction Techniques' (1987) 17 *Public Contracts Law Journal* 211

J.K. Gisleson, "Competitive Bidding of Municipal Contracts in Pennsylvania and the Litigation it Generates: Who is the Lowest Responsible Bidder?" (2003) 41 *Duquesne Law Review* 513

W.W. Goodrich, "Past performance as an evaluation factor in public contract source selection" (1998) 47 *The American University Law Review* 1539

D.I. Gordon, "Unbalanced bids" (1994) 24 *Public Contract Law Journal* 1

A.A. Gray, "Responsiveness versus responsibility: policy and practice in government contracts" (1974) 7 *Public Contract Law Journal* 46

J-C- Guerrero and C.J. Kirkpatrick, "Evaluating Contractor Past Performance in the United States" (2001) 5 *Public Procurement Law Review* 243

S.M.P. Hannaway, "Oral Presentations in Negotiated Procurements: Panacea or Pandora's Box" (2000) 29 *Public Contract Law Journal* 455

K.R. Heifetz, "Striking a balance between government efficiency and fairness to contractors: past performance evaluations in government contracts" (1998) 50 *Administrative Law Review* 235

D. H. Herbold, "County Use of the RRP Process to Select Joint Venture Developers of Water-View Property: A Case Study" (2002) 2 *Journal of Public Procurement* 252

J. M. Keisler, W. A. Buehring, "How Many Vendors Does it Take to Screw Down a Price? A Primer on Competition" (2005) 3 *Journal of Public Procurement* 291

W.N. Keyes, "Competition and sole-source procurements—a view through the unsolicited proposal example" (1984) 14 *Public Contract Law Journal* 284

J. Lovitky, "The problems of government contracting for consulting services" (1984) 14 *Public Contract Law Journal* 332

M.I. Mark, "Contract award on initial proposals" (1990) 19 *Public Contract Law Journal* 252

L.L. Martin, "Performance-Based Contracting for Human Services: Lessons for Public Procurement?" (2002) 1 *Journal of Public Procurement* 55

M.J. O'Brien, "Expedited procedures for research and development contracting" (1987) 117 *Military Law Review* 253

C.J. Peckinpugh, "Best value source selection—contracting for value, or unfettered agency discretion?" (1993) 22 *Public Contract Law Journal* 275

L.A. Perlman, "Guarding the Government's Coffers: The Need for Competition Requirements to Safeguard Federal Government Procurement" (2007) 75 *Fordham Law Review* 3187

C.E. Phillips, "Evaluation procedures under the buy American act and executive order" (1970) 3 *Public Contract Law Journal* 219

C.A. Preston, "Evaluating bids against cost limitations" (1985) 15 *Public Contract Law Journal* 463

Y. Qiao and G. Cummings, "The Use of Qualifications-Based Selection on Public Procurement: A Survey Research" (2003) 2 *Journal of Public Procurement* 215

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11.1 General

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J.F. Nagel, "Financial inability in government contracts" (1987) 17 *Public Contract Law Journal* 320

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The practitioner's guide to suspension and debarment: a project of the Committee on Debarment and Suspension, Section of Public Contract Law, American Bar Association. 2nd ed"

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J.S. Zucker, "The Boeing Suspension: Has Increased Consolidation Tied the United States Department of Defence's Hands?" (2004) 13 *Public Procurement Law Review* 260

12 Framework agreements (ID/IQ contracts, umbrella contracts, recurring currents)

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J. Cibinic, *Task-Order & Delivery Contracting: Course Manual* (Washington, D.C.: Federal Publications, 1995)

M. Parvey and Deborah Alston, *The Definitive Guide to Government Contracts: Everything You Need to Apply for and Win Federal and GSA Schedule Contracts* (Franklin Lakes, NJ: CAREER PRESS, 2010)

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D.C. Wyld, "Transforming Procurement: The Potential of Auctions", ch.9 in M.A. Abramson and R.S. Harris, Jr. (eds), *The Procurement Revolution* (Rowman & Littlefield Publishers Inc., 2003) 311

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15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)
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15.1 General

This section includes articles that range across several of the policies below or which deal with general themes.

Books

Government Contracts Compliance: Leading Lawyers on Cooperating with Government Investigations, Navigating Reporting Rules, and Implementing Compliance Programs (Boston, Mass.: Aspatore, 2011)

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J.A. Christofferson, "The constitutionality of state laws prohibiting contractual relations with Burma: upholding federalism's purpose" (1998) *29 McGeorge Law Review* 351

A.L. DeWitt, "Badges? We don't need no stinking badges! Citizen attorney generals and the False Claims Act" (1996) 65 *UMKC Law Review* 30

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"A constitutional analysis of Iowa's Bid Preference Law" (1985) 70 *Iowa Law Review* 1353

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"Home-state preferences in public contracting: a study in economic balkanization" (1973) 58 *Iowa Law Review* 576

L. Batchelder, "The costs of uniformity: federal foreign policymaking, state sovereignty, and the Massachusetts Burma law." (2000) 18 *Yale Law & Policy Review* 485

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M.D. Davis, "The domestic components requirement of the Buy American Act: dismayed in America?" 36 *The Air Force Law Review* 129

D.B. Dempsey, "Foreign procurement under memoranda of understanding and the Trade Agreements Act" (1982) 12 *Public Contract Law Journal* 221

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- M.J. Golub and S.L. Fenska "US Government Procurement: Opportunities and Obstacles for Foreign Contractors" (1987) 20 *The George Washington Journal of International Law and Economics* 573
- J. A. Howell, "The Trade Agreements Act of 1979 versus The Buy American Act: The Irresistible Force Meets the Immovable Object" (2006) 4 *Public Contract Law Journal* 495
- L. Hughes, "Buy North America: a revision to FTA Buy America requirements" (1995) 23 *Transportation Law Journal* 207
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15.3 Regional policy

15.4 Small and medium-sized enterprises in public procurement

See also section 5.5. below, **Social policies**.

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M. V. Kidalov, "Small Business Contracting in the United States and Europe: A Comparative Assessment" (2011) 40 *Public Contract Law Journal* 443

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E.D. Phelps, "The cunning of clever bureaucrats: why the Small Business Regulatory Enforcement Fairness Act isn't working" (2001) 31 *Public Contract Law Journal* 123

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D.R. White "Somewhat Different, Yet Surprisingly Familiar: Small Business Innovative Research Program and Small Business Technology Transfer Program Contract Award Protests" (2009) 4 *Public Contract Law Journal* 775

J.J. Yang, "Small Business, Rising Giant: Policies and Costs of Section 8(A) Contracting Preferences for Alaska Native Corporations" (2006) 23 *Alaska Law Review* 315

15.5 Social policies (including equality, labour policies and human rights)

Books

S. Cummings, *The Procurement and Purchasing Activities of the City of Louisville: Disparities in the Utilization of Businesses Owned by African-Americans and Women* (Louisville: University of Louisville, Center for Urban and Economic Research, 1994)

E. Reardon, *The Department of Defense and Its Use of Small Businesses: An Economic and Industry Analysis* (Santa Monica, CA: RAND, 2005)

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S.A. Aaronson, "Minding Our Business": What the United States Government Has Done and Can Do to Ensure that US Multinationals Act Responsibly in Foreign Markets' (2005) 59 *Journal of Business Ethics* 175

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P.T. Bazos, "Suspension of Davis-Bacon after Hurricane Katrina: The Fate of Prevailing Wages during a "National Emergency" (2007) 36 *Public Contract Law Journal* 405

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H.R. Boller, "Unlawful treatment of the handicapped by federal contractors and an implied private cause of action: shall silence reign?" (1982) 33 *The Hastings Law Journal* 1293

P.C. Bradley, "Affirmative Action or Passive Participation in Perpetuating Discrimination? The Future of Race-Based Preferences in Government Contracting" [2008] *The Army Lawyer* 24

M. Brody, "Congress, the President, and federal equal employment policymaking: a problem in separation of powers" (1980) 60 *Boston University Law Review* 239

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16 Remedies and enforcement

The sub-section on remedies and enforcement is sub-divided into two parts – one on mechanisms which are mainly focused on, and controlled by, individual suppliers, and the other on other enforcement mechanisms.

16.1 Supplier review

16.1.1 General

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16.2 Other enforcement mechanisms

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18 Bribery and other corruption in public procurement

See also the sub-headings 11.3 "Qualification: Exclusion and debarment for criminal offences and other misconduct" and 22.3 "Contract execution: false claims".

18.1 General

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R. Zedalis, "How does the New OECD Convention on Bribery Stack up Against the Foreign Corrupt Practices Act?" (1998) 32 *Journal of World Trade* 167

19 Collusion by suppliers (bid-rigging)

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C.L. Eger, "Contractor team arrangements under the antitrust laws" (1988) 17 *Public Contract Law Journal* 595

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- C. Bovis and W. H. Hu, "[Public Sector Reforms in China](#)" (2011) 6 *European Public Private Partnership Law Review* 14
- B.K.P. Chou, 'China's economic integration into global regulatory frameworks: A study of government procurement' (2006) 39 *Communist and Post-Communist Studies* 431
- R.F. Dodds, 'Offsets in Chinese Government Procurement: The Partially Open Door' (1995) 26 *Law and Policy in International Business* 1119
- C. Fuguo, "China's Government Procurement Reform: From the Bidding Law to the Government Procurement Law", ch.5 in S. Arrowsmith and M. Trybus (eds), *Public Procurement: The Continuing Revolution* (The Hague: Kluwer Law International, 2003) 61
- C. Fuguo, "China's Public Procurement Policy and Institutional Framework: History, Structure and Operation", ch.15 in K.V. Thai (ed.), *International Handbook of Public Procurement* (Taylor & Francis, 2009) 323
- C. Fuguo, "Regulating procurement of privately financed infrastructure in China: a review of the recent legislative initiatives and the emerging regulatory framework" (2007) 16 *Public Procurement Law Review* 147
- S. Han, "The reform of P.R. China's government procurement system" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 75
- Q. Kong, "Chinese Law and Practice on Government Procurement in the Context of China's WTO Accession" (2002) 11 *Public Procurement Law Review* 201
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- H. Liu, "Transparency in China – a Prescription to Cure Corruption in Government Procurement", ch.6 in *Unpacking Transparency in Government Procurement* (Jaipur: CUTS International, 2004) 133
- Y. Luo, Engaging the Private Sector: EU–China Trade Disputes Under the Shadow of WTO Law? (2007) 13 *European Law Journal* 800
- R.W. Pearse, "China" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (London: Globe Law and Business, 2009) 189
- R. Rothery, "China's Legal Framework for Public Procurement" (2003) 3 *Journal of Public Procurement* 370

M. Thomas and C. Zeppezauer, "China", ch.10 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 57

J. Tian, "Public procurement in China: the way forward" (2001) 10 *Public Procurement Law Review* 207

J. Tian, "Enforcement of Public Procurement Rules in China", S. Arrowsmith and M. Trybus (eds), *Public Procurement: The Continuing Revolution* (The Hague: Kluwer Law International, 2003) 198

X. Tong, "Chinese Procurement Law: Current Legal Framework and a Transition to the World Trade Organization's Agreement on Government Procurement" (2003) 17 *Temple International and Comparative Law* 139

P. Wang, "Accession to the Agreement on Government Procurement: the Case of China", ch.3 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

P. Wang, "China's evolving legal framework on public procurement" (2004) 13 *Public Procurement Law Review* 285

P. Wang, "China's Government Procurement Policy at a Crossroad", Policy Paper (2008) (available at www.nottingham.ac.uk/law/pprg)

P. Wang, "Coverage of the WTO's Agreement on Government Procurement: Challenges of Integrating China and other Countries with a Large State Sector into the Global Trading System" (2007) 10 *Journal of International Economic Law* 887

S. Weishaar, "China's Public Procurement Regime - Comparative and Theoretic insights" (2011) 17 *Maastricht Journal* 406

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C-f. Lo, "The Benefits to Developing Countries of Accession to the Government Procurement Agreement: the Case of Chinese Taipei", ch.5 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

HONG KONG, CHINA

Articles and Essays in Edited Collections

H. Gao, "The Bid Challenge Procedures Under the WTO Government Procurement Agreement: a Critical Study of the Hong Kong Experience" (2007) 16 *Public Procurement Law Review* 211

H. Gao, "The Design and Operation of a Bid Challenge Mechanism: the Experience of Hong Kong", ch.19 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

L. W. Ho, N. M. Dickinson and G.Y. Chan "Green Procurement in the Asian Public Sector and the Hong Kong Private Sector" (2010) 34 *Natural Resources Forum* 24

INDIA

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M.A. Sujan, *Law Relating to Government Contracts*, 3rd ed. (Delhi: Universal Law Publishing, 2003)

M.A. Sujan, *Concise Law of Government Contracts* (Delhi: Universal Law Publishing, 1999)

T.R. Desai, *Law Relating to Tenders and Government Contracts*, 2nd ed. (Delhi: Universal Law Publishing Company, 2009).

G.S. Gopalakrishnan, *Case Laws on Tenders, Contracts & Agreements of C.P.W.D. and M.E.S.* (Hyderabad: Asia Law House, 2008).

P. Joshi, *Law Relating to Infrastructure Projects*, 2nd ed. (New Delhi: LexisNexis Butterworths India, 2003)

S.C. Mitra, *Law of Contracts: with special reference to government contracts, tenders and auctions*, 2nd ed. (Delhi: Orient Publishers, 2005).

V.K. Agarwal, *Government Contracts: Law and Procedure* (New Delhi: Pioneer Books, 1984)

Articles and Essays in Edited Collections

D.C. Bliss, "Government contract requirements in India" (1940) 3 *Comparative Law Series* 81

S. Chakravarthy and K. Dawar, "India's Possible Accession to the Agreement on Government: What are the Pros and Cons?", ch.4 in S. Arrowsmith and R. D. Anderson (eds),

The WTO Regime on Government Procurement: Challenge and Reform (Cambridge: CUP, 2011)

B. Debroy and G. Pursell, "Government Procurement Policies in India", ch.10 in B.M. Hoekman and P.C. Mavroidis (eds), *Law and Policy in Public Purchasing: the WTO Agreement on Government Procurement* (University of Michigan Press, 1997) 189

J. Harrison, "Incentives for development: the EC's Generalized System of Preferences, India's WTO challenge and reform" (2005) 42 *Common Market Law Review* 1663

S. Kachwaha, "India", ch.16 in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (London: Globe Law and Business, 2009) 267

S. Kachwaha, "India", ch.21 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 124

P. Panda and G. P. Sahu, "e Procurement Implementation: Comparative Study of Governments of Andhra Pradesh and Chhattisgarh" (2011) 8 *The IUP Journal of Supply Chain Management* 34

V. Ramachandran, "Indian government tender system and e-procurement in the Indian Railways" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 137

V. Srivastava, "India's Accession to the Government Procurement Agreement: Identifying Costs and Benefits", ch.10 in A. Mattoo and R.M. Stern (eds), *India and the WTO* (Washington: World Bank and OUP, 2003) (available at www.worldbank.org) 235

S. Z. S. Tabish and K. N. Jha "Analyses and Evaluation of Irregularities in Public Procurement in India" (2011) 29 *Construction Management and Economics* 261

INDONESIA

Articles and Essays in Edited Collections

M. Alilovic, "E-procurement impact on corruption: E-GP Scenario/Model in Indonesia" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 129

W. Kumorotomo, "Undisbursed Local Budgets: The Dilemma of Public Procurement Reform and Anti-Corruption Initiatives in Indonesia" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 170

R. Malik, "The role of civil society in monitoring public procurement: The Indonesian experience" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 201

S.M. Pardede, "The role of suppliers in preventing bribery in procurement in Indonesia" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 183

A. Rahardjo, "Progress and challenges in procurement reform in Indonesia" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 71

A. Sunaryadi, "Bribery patterns in Indonesia: An analysis of cases" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 157

H. Supandji, "International anti-bribery standards in public procurement in Indonesia" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 151

IRAN

Articles and Essays in Edited Collections

A. Bayyat, "A Comparative Study of Iran's Public Procurement Regime and the GPA: Non-Discrimination Rules and Procurement Methods" (2008) 17 *Public Procurement Law Review* 201

ISRAEL

Articles and Essays in Edited Collections

E. Gur and G. Shalev, "Public Tendering Procedures in Israel" (1998) 7 *Public Procurement Law Review* 105

J. Levy, "Israel", ch.23 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 137

T. Maharshak, D. Van Colle and A. Klinemintz, "Self-Cleaning under Non-EU National Jurisdictions: Israel", ch.CI in H. Pünder, H-J. Preiss and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 119

G. Shalev, "Government contracts in Israel" (1988) 18 *Public Contract Law Journal* 34

G. Shalev, "Public Procurement Contracts in Israel" (1997) 6 *Public Procurement Law Review* 185

JAPAN

Articles and Essays in Edited Collections

J. Grier, "An Overview of the Japanese Government Procurement System" (1999) 8 *Public Procurement Law Review* 131

D.L. Heifetz, 'Japan's Implementation of the OECD Anti-Bribery Convention: Weaker and Less Effective than the U.S. Foreign Corrupt Practices Act' (2002) 11 *Pacific Rim Law and Policy Journal* 209

N. Komuro, "Implementation of the GPA in Japan", ch.8 in B.M Hoekman and P.C. Mavroidis (eds), *Law and Policy in Public Purchasing: the WTO Agreement on Government Procurement* (University of Michigan Press, 1997) 149

N. Mukai, "Japan" in R. Hernández Garcia (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 291

Y. Nakano and T. Yamashima, "Japan", ch.25 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 147

S. Tanaka, S. Hayashi "Bid-Rigging in Japanese Public Procurement" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 150

SOUTH KOREA

Articles and Essays in Edited Collections

I. Choi, "The Long and Winding Road to the Government Procurement Agreement: Korea's accession experience", ch.11 in W. Martin and M. Pangestu (eds), *Options for Global Trade Reform: A View from the Asia-Pacific* (Cambridge: Cambridge University Press, 2003) 249

I-S. Ha, "Multiple Award Schedules of the Korean PPS: Current Status and Future Development Issues" in K.V. Thai (ed.), *Towards New Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 317

J. Yang, "Korean Free Trade Agreement Negotiations in Government Procurement: Results and Policy Suggestions" (2010) 10 *Journal of Public Procurement* 335

LAOS

Articles and Essays in Edited Collections

P. Trepte, "Procurement Regulation and Emerging Economies: The Examples of Laos and Bhutan", ch.6 in S. Arrowsmith and A. Davies (eds), *Public Procurement: Global Revolution* (London: Kluwer Law International, 1999) 111

MALAYSIA

Articles and Essays in Edited Collections

L. S. Beh, "Development and Distortion of Malaysian Public-Private Partnerships - Patronage, Privatised Profits and Pitfalls" (2010) 69 *Australian Journal of Public Administration* 74

S. Ganguly, "Ethnic Policies and Political Quiescence in Malaysia and Singapore", ch.6 in M.E. Brown and S. Ganguly (eds), *Government Policies and Ethnic Relations in Asia and the Pacific* (Cambridge, Mass: MIT Press, 1997) 233

W. S. Hui, R. Othman, N. H. Omar, R. A. Rahman and N. H. Haron. "Procurement Issues in Malaysia" (2011) 24 *International Journal of Public Sector Management* 567

M.P. Jain, "Administrative Law in Malaysia" in M.B. Hooker (ed.), *Malaysian Legal Essays* (Malayan Law Journal, 1986) 213

C. McCrudden and S. Gross, "WTO Government Procurement Rules and the Local Dynamics of Procurement Policies: a Malaysian Case Study" (2006) 17 *European Journal of International Law* 151

S. Nambiar, "Transparency in Government Procurement: a Malaysian Focus", ch.8 in P. Mehta (ed.) *Unpacking Transparency in Government Procurement: Rethinking the WTO's Government Procurement Agreement* (Jaipur: CUTS International, 2004) 159

G.D. Stafford, "Malaysia's New Economic Policy and the Global Economy: The Evolution of Ethnic Accommodation" (1997) 10 *Pacific Review* 556

PAKISTAN

Articles and Essays in Edited Collections

A. Ahsan, "Holding governments accountable: Procurement for reconstruction after the earthquake in Pakistan" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 207

PHILIPPINES

Articles and Essays in Edited Collections

R. Alvarez, "The role of the Philippine Government Procurement Policy Board in the fight against corruption" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 87

M.T. Cadapan-Antonio, "Participation of Civil Society in Public Procurement: Case Studies from the Philippines" (2007) 36 *Public Contract Law Journal* 629

J.E. Campos and J.L. Syquia, "Managing the Politics of Reform: Overhauling the Legal Infrastructure of Public Procurement in the Philippines" World Bank Working Paper No.70 (November 2006) (available at <http://www-wds.worldbank.org>)

M.K.V. Pimentel, "Procurement Watch Inc: The Role of Civil Society in Public Procurement Reform in the Philippines", ch.3 in K.V. Thai, A. Araujo, R.Y. Carter, G. Callender, D. Drabkin, R. Grimm, K.R.Ejlskov Jensen, R.E. Lloyd, C.P. McCue and J. Telgen (eds), *Challenges in Public Procurement: An International Perspective* (Boca Raton, Florida: PrAcademics Press, 2005) 37

SAUDI ARABIA

Articles and Essays in Edited Collections

S. Al-Arjani and Y. Al-Hussain, "Saudi Arabia", ch.36 in *Getting the Deal Through: Public Procurement 2009: An overview of regulation in 43 jurisdictions worldwide* (London: Global Competition Review, 2009) 206

A. M. Al-Jarbou, "[Administrative Contracts Under Saudi Arabian Law](#)" (2011) 41 *Public Contract Law Journal* 75

I. Alhudaithy, "The Characteristics of Saudi Administrative Contracts" (2003) 12 *Public Procurement Law Review* 208

I. Alhudaithy, "Historical review of Saudi administrative contracts" (2002) 11 *Public Procurement Law Review* 186

R.B. Cartwright, "'Saudi Arabian service agents regulation" (1979) 34 *The Business Lawyer* 475

H. Mahassni, "Public sector dispute resolution in Saudi Arabia: procedures and practices of Saudi Arabia's Administrative Court" (1987) 21 *The International Lawyer* 827

SINGAPORE

Articles and Essays in Edited Collections

A. Endeshaw, 'Government Contracts and Procurement in Singapore' [1999] *International Trade Law and Regulation* 33

S. Ganguly, "Ethnic Policies and Political Quiescence in Malaysia and Singapore", ch.6 in M.E. Brown and S. Ganguly (eds), *Government Policies and Ethnic Relations in Asia and the Pacific*, (Cambridge, Mass: MIT Press, 1997) 233

A. Guha, "[Privatization of Ports – Singapore and JNPT](#)" (2011) 6 *European Public Private Partnership Law Review* 38

D.S. Jones, "The features and recent reforms of government procurement in Singapore", ch.9 in C. Harland, L. Knight, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 117

D. S. Jones, "Procurement Practices in the Singapore Civil Service: Balancing Control and Delegation" (2002) 2 *Journal of Public Procurement* 29

AUSTRALASIA

**MATERIAL ON REGIONAL ARRANGEMENTS AND OTHER
GENERAL/COMPARATIVE MATERIAL**

GENERAL/COMPARATIVE

Articles and Essays in Edited Collections

M.L. Ahmadu, *International Procurement and Electronic Commerce in the South Pacific* (Florida: Vandephas Publishing, 2007)

J-M. Lacombe, "ADB assistance for strengthening procurement frameworks" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank 2008) 217

MATERIAL ON INDIVIDUAL COUNTRIES

AUSTRALIA

1 General works

This heading at the start of each section covers books and articles that range across several parts or all of the subject matter of the heading (e.g. books on the national regime in general).

Many of these general works cover in detail the various section headings set out below but will not be listed again under those headings.

Books

J. Alford and D. O'Neill (eds), *The Contract State: Public Management and the Kennett Government*, (Geelong: Vic: Centre for Applied Social Research, Deakin University, 1994)

M. Aronson and H. Whitmore, *Public Contracts and Torts*, (Sydney: Law Book Co, 1982)

S. Arrowsmith, *Civil Liability and Public Authorities*, (Earlsgate, 1992)

G. Davis, B. Sullivan, and A. Yeatman (eds), *The New Contractualism?* (South Melbourne: Macmillan Press 1997)

P. Hogg and P.J. Monahan, *Liability of the Crown*, 3rd ed. (Carswell, 2000)

K. Puri, *Australian Government Contracts: Law and Practice* (North Ryde, N.S.W.: CCH Australia Ltd, 1978)

N. Seddon, *Government Contracts: Federal, State and Local*, 4th ed., (Sydney: The Federation Press, 2009)

Articles and Essays in Edited Collections

G. Callender and P. Schapper, "Public procurement reform in Western Australia: a federal - state evaluation", ch.3 in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 25

E. Campbell, "Commonwealth Contracts" (1970) 44 *Australian Law Journal* 14

- E. Campbell, "Federal Contract Law" (1970) 44 *Australian Law Journal* 580
- S. Domberger, D. Hensher and S. Wedde, "Competitive Tendering Policies in the Public and Private Sectors" (1993) 52 *Australian Journal of Public Administration* 401
- J-M. Lacombe, "ADB assistance for strengthening procurement frameworks" in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank 2008) 217
- C. Lithgow, "Judicial Review of Government Contracting in New South Wales" (1998) 14 *Building and Construction Law* 176
- J. Malbon, 'The Australian-United States Free Trade Agreement: Trade Trumps Indigenous Interests' (2004) 111 *Media International Australia* 34
- J. McCorquodale, "Legitimate Expectations in Government Contracting" (1994) 32 *Law Society Journal* 49
- J.M. Paterson, "Implied Fetters on the Exercise of Discretionary Contractual Powers" (2009) 35 *Monash Law Review* 45
- C. Saunders and Y. Yam, "Government Regulation by Contract: Implications for the Rule of Law" (2004) 15 *Public LR* 51
- N. Seddon, "The Interaction of Contract and the Executive Power" (2003) 31 *Federal Law Review* 541
- L. Warnick, "State agreements" (1988) 62 *Australian Law Journal* 878

2 Objectives of regulation and general principles

This sub-section contains works focused specifically on the objectives of the national procurement regimes – e.g. the different reasons and priorities for national regulation, whether procurement is regulated because of membership of trade regimes etc - and the general principles for achieving those objectives (e.g. transparency).

3 Reform of the regulatory system

This sub-section contains general articles on issues relating to the reform of the national public procurement system e.g. recent reforms and general experience of reform processes.

4 Harmonisation of regulatory provisions on public procurement and the influence of international instruments

This sub-section contains articles on the issue of harmonization and divergence in public procurement in the context of the Australian system.

5 Introduction to the national public procurement system and public procurement regulation within the system

5.1 Organisation of public procurement systems/the public procurement system

This contains works on the organization of the public procurement system and, in particular, the system of regulation, to place the rest of the bibliography in context e.g. regulatory level under the constitution; centralized or decentralized approach within each regulatory jurisdiction in the state; nature of regulating institutions.

Articles and Essays in Edited Collections

M.M. Aylesworth, "Consortia purchasing for higher education in Canada, the US, the UK and Australia", ch.13 in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 176

K. Dooley and C. Tonkin, "The development of procurement education: the Queensland (Australia) experience", ch.15 in L. Knight, C. Harland, J. Telgen, K.V. Thai, G. Callender and K. McKen (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 202

5.2 The role and nature of regulatory provisions

This sub-section covers issues such as the role and significance of regulation in public procurement in the national system concerned (whether hard or and/or soft law); conceptual place of public contracts within the legal system (e.g. is there a separate concept of public contracts in the system, in terms of either substantive law applicable to the award and/or execution of contracts or the jurisdiction to determine disputes?), and the *general approach* to implementing any applicable international obligations.

Articles and Essays in Edited Collections

M. Allars, "Private Law But Public Power: Removing Administrative Law Review From Government Business Enterprises" (1995) 6 *Public Law Review* 44

M. Allars "Administrative law, government contracts and the level playing field" (1989) 12 *The University of New South Wales Law Journal* 114

M. Aronson, "A Public Lawyer's Responses to Privatisation and Outsourcing", ch.3 in M. Taggart (ed.), *The Province of Administrative Law* (Oxford: Hart Publishing, 1997) 40

S. Arrowsmith, "Protecting the Interests of Bidders on Public Contracts: the Role of the Common Law" (1994) 53 *Cambridge Law Journal* 104

5.3 Critique and evaluation

This sub-section includes articles evaluating the state of the regulatory system and its approach *in general* (but not those confined to specific issues that are the subject of separate sub-headings).

5.4 Scope of the powers of public bodies to conclude procurement contracts (capacity to contract)

5.5 Power of public officials to enter into contracts on behalf of public bodies (authority to contract)

5.6 Special rules applying to the contracts of the Crown

Articles and Essays in Edited Collections

J.R. Peden, "Application of legislation to the commercial dealings of the crown" (1977) 51 *Australian Law Journal* 756

6 Procuring entities covered

This sub-section deals with the entity coverage of public procurement rules – for example, the question of how public bodies are defined for the purpose of applying public procurement rules or whether state enterprises are regulated.

Articles and Essays in Edited Collections

M. Allars, "Private Law But Public Power: Removing Administrative Law Review From Government Business Enterprises" (1995) 6 *Public Law Review* 44

7 Contracts covered: classifications

This sub-section deals with the types of contract subject to regulation in principle under public procurement rules (e.g. distinction between procurement and other contracts) and classification of contracts for different regulatory purposes (thresholds at which certain procedures apply, distinction adopted in some systems between procurement and concessions for determining whether contracts are regulated at all, scope of exclusions e.g. of defence contracts etc).

8 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different available methods of procurement (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement etc)

9 The conduct of procurement proceedings

10 Specifications

15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)
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Articles and Essays in Edited Collections

J. Howe and I. Landau, "Using Public Procurement to Promote Better Labour Standards in Australia: A Case Study of Responsive Regulatory Design" (2009) 51 *Journal of Industrial Relations* 575

16 Remedies and enforcement

The sub-section on remedies and enforcement is sub-divided into two parts – one on mechanisms which are mainly focused on, and controlled by, individual suppliers, and the other on other enforcement mechanisms..

16.1 Supplier review

16.1.1 General

16.1.2 Forum for review

16.1.3 Remedies: interim measures

16.1.4 Remedies: damages

16.1.5 Other specialized topics (e.g. standing to bring proceedings)

16.1.6 Informal supplier complaints systems (e.g. Ombudsman system)

16.2 Other enforcement mechanisms

17 Conflicts of interest
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18 Bribery and other corruption in public procurement

See also the sub-heading “**Exclusion and debarment for criminal offences and other misconduct**”.

18.1 General

Articles and Essays in Edited Collections

L. Thomas, “Deterring companies from bribing to win government contracts: corporate criminal responsibility in Australia” in *Fighting Bribery in Public Procurement in Asia and the Pacific* (Asian Development Bank 2008) 145

18.2 Implementation of international conventions on bribery

19 Collusion by suppliers (bid-rigging)

20 Competition law and public procurement

21 Pricing of public procurement contracts
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22 Contract execution

23 Foreign aid and public procurement

24 Outsourcing of public services

24.1 General

Articles and Essays in Edited Collections

R. Bacon, "Rewriting the Social Contract? The SSAT, the AAT and the Contracting Out of Employment Services" (2002) 30 *Federal Law Review* 39

24.2 Application of public law controls to outsourced activities

Articles and Essays in Edited Collections

M. Aronson, "A Public Lawyer's Responses to Privatisation and Outsourcing" ch.3 in M. Taggart (ed.), *The Province of Administrative Law* (Oxford: Hart Publishing, 1997) 40

25 The procurement of privately financed infrastructure/services and other major infrastructure/services (Public-private partnerships, Build-Operate-Transfer (BOT), concessions)

26 Defence procurement

27 Trade relations in public procurement

NEW ZEALAND

Books

J. Boston (ed.), *The State Under Contract* (Wellington, NZ: Bridget Williams Books, 1995)

Articles and Essays in Edited Collections

G. Curtis, "Government contract requirements in New Zealand" (1940) 3 *Comparative Law Series* 17

R.P. Falkner, "The contractual powers and liabilities of the Crown and state participation in petroleum development" (1984) 14 *Victoria University of Wellington Law Review* 75

D. Mathieson, "Does the Crown have Human Powers?" (1992) 15 *New Zealand Universities LR* 117

M. Wigley, "New Zealand", ch.31 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 179

EUROPE

EUROPEAN ECONOMIC AREA

Books

K. Krüger, *Public contracts in a EU, EEA and GPA perspective: Three lectures* (Bergen: Universitetet i Bergen, Juridiske Fakultet 1997)

Articles and Essays in Edited Collections

C. Bock, "The EEA Agreement: Rules on Public Procurement" (1993) 2 *Public Procurement Law Review* 136

F. Weiss, "The Law of Public Procurement in EFTA and the EEC: The Legal Framework and its Implementation" (1987) 7 *Yearbook of European Law* 59

EUROPEAN UNION

This section of the bibliography contains works relating to the European regime on public procurement. It does not include works that are limited to examining the application of EU law in one or two specific Member States – these are included instead only in the later sections on the procurement systems to the EU Member States. It does, however, include works on implementation of EU in Member States that are of a more general or comparative nature. Heading 4 below, *Implementation of EU requirements into national law*, includes pieces on general issues relating to implementation (such as the approach to implementation) and general surveys of implementing measures, whilst general or comparative pieces on implementation of specific aspects of EU procurement law (e.g. Competitive dialogue) are included under the relevant Heading for that aspect below.

1 General works

This section covers works that range across several parts or all of the EU system – for example, general textbooks on the EU system which deal with all key aspects such as objective, coverage, contract award procedures and remedies., as well as those dealing with the EU regime more broadly.

Many of these general works cover in detail many of the various section headings set out below. These books will not be listed again under those headings, except for the case of collections that involve contributions by different authors on discrete subjects.

This section includes works that deal in general terms with the procurement regime for utilities (those dealing with coverage, procedures, remedies etc under the utilities regime), which differs slightly from the general public procurement regime under EU law.

Books

F. Abraham, *Privatisations and Public Procurement in the European Union* (Leuven: Leuven University Press, 1998)

S. Arrowsmith (ed.), *EU Public Procurement Law: an Introduction*, available at www.nottingham.ac.uk

S. Arrowsmith, *The Law of Public and Utilities Procurement* (2nd edn. Sweet & Maxwell, 2005)

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S. Arrowsmith, "The National and International Perspectives on the Regulation of Public Procurement: Harmony or Conflict?" in H. Olszewskiego and B. Popowskiej (eds), *Gospodarka Administracja Samorząd* (Poznań: Wyd. Printer 1997) 9; also published as ch.1 in S. Arrowsmith and A. Davies (eds), *Public Procurement: Global Revolution* (The Hague: Kluwer Law International 1999)

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J-J. Verdeaux, "Public Procurement in the European Union and in the United States: A Comparative Study" (2002 – 2003) 32 *Public Contract Law Journal* 713

3 History of the EU system and reforms of the system

Books

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Y. Allain, "The New European Directives on Public Procurement: Change or Continuity?" (2005 – 2006) 35 *Public Contract Law Journal* 517

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S. Arrowsmith, "The Past and Future Evolution of EC Procurement Law: From Framework to Common Code?" (2006) 35 *Public Contract Law Journal* 337

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C. Bovis, "The New Public Procurement Regime: A Different Perspective on the Integration of Public Markets of the European Union" (2006) 12 *European Public Law* 73

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R. Boyle, "EC Public Procurement Rules - a Purchaser Reflects on the Need for Simplification" (1994) 3 *Public Procurement Law Review* 101

J.M. Fernandez Martin, G. Rouquette, C. Lefort, *et.al.*, "Special Feature: Implementation of the Public Procurement Directives in the 12 States of the EC (Part II)" (1992) 1 *Public Procurement Law Review* 251

G. de Graaf, "The Political Agreement on a Common Position Concerning the Utilities Services Directive: Main Elements" (1992) 1 *Public Procurement Law Review* 471

E. Huepkes, "Public Procurement in Central and Eastern Europe" (1997) 2 *Public Procurement Law Review* 49

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- C. Servenay and R. Williams, "Introduction of a Regulatory Framework on Public Procurement in the Central and Eastern European countries: The First Step on a Long Road" (1995) 4 *Public Procurement Law Review* 237
- G. Taccogna, "The Evolution of European Community Law on Public Procurement between 2006 and 2008" (2008) 4 *European Review of Contract Law* 193
- P. Trepte, "Extension of the E.C. Procurement Regime to Public Services Contracts: an Overview of the Services Directive" (1993) 2 *Public Procurement Law Review* 1
- F. Weiss, "Public Procurement Law in the EC Internal Market 1992: The Second Coming of the European Champion" (1992) 37 *Antitrust Bulletin* 2
- R. Williams, "Directive 98/4 Amending the EC Utilities Procurement Regime" (1998) 7 *Public Procurement Law Review* 95
- R. Williams, "The Long Awaited Directive (97/52/EC) Amending the EC Public Sector Procurement Regime" (1998) 7 *Public Procurement Law Review* 25

4 Implementation of EU requirements into national law

As mentioned above, this sub-section includes pieces on general issues relating to implementation (such as the approach to implementation) and general surveys of implementing measures. On the other hand, general or comparative pieces on implementation of *specific aspects* of EU procurement law (e.g. competitive dialogue) are included under the relevant heading for that aspect. Articles on implementation in individual Member States are listed under the relevant Member State.

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5 Legal nature, legal impact and general characteristics

This sub-section covers general issues such as the sources and principles of EU procurement law; the general characteristics of, and trends in, the EU system; critical perspectives on the system; and the impact of EU law on Member State legal systems on procurement (for example, on legal concepts and organization).

Books

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S. Arrowsmith, “Exploring the Way Forward or a Wrong Turning? An Assessment of Community Policy on Public Procurement in Light of the Commission’s Green Paper” (1997) 3 *European Public Law* 389

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6 Economic impact of the EU rules

This sub-section covers the actual impact of the EU rules in terms of extent of compliance, impact on trade etc.

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P.T. Madsen, *The Idea of a Closed European Public Procurement Market: Why it has Always been Open* (Centre for Documentation and Research on the European Communities, Working Paper nr.2 (22) 2001)

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A. Ancarani, C.D. Mauro and M.D. Giammanco, "The Purchase of Technology in Health Organisations: An Analysis of its Impact on Performance" (2009) 9 *Journal of Public Procurement* 109

N. Bohann and D. Redonnet, "EU Procurement Legislation: Does the Emperor Have Clothes? An Examination of the New Empirical Evidence" (1997) 6 *Public Procurement Law Review* 141

P. Braun, "Strict Compliance versus Commercial Reality: The Practical Application of EC Public Procurement Law to the UK's Private Finance Initiative" (2003) 9 *European Law Journal* 575

L. Carpineti, G. Piga and M. Zanza, "Benchmarking European Public Procurement Practices: Purchasing of "fix-line telephone services" and "paper for printers"', ch.22 in G. Piga and K.V. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton, FL: PrAcademics Press, 2007) 483

A.W. Cox and P. Furlong, "European Procurement Rules and National Preference: Explaining the Local Sourcing of Public Works Contracts in the EU in 1993" (1995) 1 *Journal of Construction Procurement* 87

J.V. Duren and A. Doree, "An Evaluation of the Performance Information Procurement System" (2010) 10 *Journal of Public Procurement* 187

European Commission, *The Single Market Review: The Single Market Review, Dismantling of Barriers, Public Procurement, The Single Market Review, Subseries III, Vol. 2* (Luxembourg: Office for Official Publications of the European Communities, 1997)

- C.J. Gelderman, P.W. Ghijsen, and M.J. Brugman, "Public procurement and EU Tendering Directives? Explaining Non-compliance" (2006) 19 *International Journal of Public Sector Management* 702
- K. Gelderman, P. Ghijsen, and J. Schoonen, "Explaining Non-compliance with European Union Procurement Directives: a Multi-disciplinary Perspective" (2010) 48 *Journal of Common Market Studies* 243
- H. Gordon, S. Rimmer and S. Arrowsmith, "The Economic Impact of the European Regime on Public Procurement: Lessons for the WTO" (1998) 21 *The World Economy* 159
- M.R. de Gouveia, "The Price Factor in EC Public Tenders" (2002) 31 *Public Contract Law Journal* 679
- S. L. Greer and S. Rauscher "When Does Market-Making Make Markets? EU Health Services Policy at Work in the United Kingdom and Germany" (2011) 49 *Journal of Common Market Studies* 797
- S. Martin and K. Hartley, "Public Procurement in the European Union: Issues and Policies" (1997) 6 *Public Procurement Law Review* 92
- D. Konstadakopoulos, "The Linked Oligopoly Concept in the Single European Market: Recent Evidence from Public Procurement" (1995) 4 *Public Procurement Law Review* 213
- P.T. Madsen, "Re-opening the Debate on the Lack of Impact of E.U.-tenders on the Openness of Public Procurement" (2002) 11 *Public Procurement Law Review* 265
- D. Mardas, "Indicators for Measuring the Potential Economic Impact of Opening Government Procurement and their Application to the Situation of Hungary" (2001) 10 *Public Procurement Law Review* 283
- S. Martin, K. Hartley and A. Cox, "Public procurement directives in the European Union: a study of local authority purchasing" (1999) 77 *Public Administration* 387
- F. McDonald and T. Winkelman, "Public Procurement Rules in the European Union and the prospects for Efficient Supply: the Cases of the UK and Germany" in A. Cox (ed), *Innovations in Procurement Management* (Boston: Earlsgate Press, 1995)
- R.G. Milne and D. Osler, "Regulating Public Procurement in the Single Market: Past, Present and Future", ch.13 in L. MacGregor, T. Prosser and C. Villiers (eds), *Regulation and Markets Beyond 2000* (Aldershot: Ashgate, 2000) 269
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A.S. Solino and P. Gago de Santos, "Transaction Costs in Transport Public-Private Partnerships: Comparing Procurement Procedures" (2010) 30 *Transport Reviews* 389

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7 Application of the free movement principles of the Treaty on the Functioning of the European Union

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S. Arrowsmith, "The Application of the EC Treaty Rules to Public and Utilities Procurement" (1995) 4 *Public Procurement Law Review* 255

C. Bovis, "The Effects of the Principles of Transparency and Accountability on Public Procurement and Public Private Partnerships Regulation" (2008) 3 *European Public Private Partnership Law* 17

P. Braun, "A Matter of Principle(s): The Treatment of Contracts Falling Outside the Scope of the European Public Procurement Directives" (2000) 9 *Public Procurement Law Review* 39

A. Brown, "Seeing through Transparency: the Requirement to Advertise Public Contracts and Concessions under the EC Treaty" (2007) 16 *Public Procurement Law Review* 1

A. Brown, "EU Primary Law Requirements in Practice: Advertising, Procedures and Remedies for Public Contracts outside the Procurement Directives" (2010) 19 *Public Procurement Law Review* 169

L. Gormley, "Grandfather Clauses in Community Law" (1989) 14 *European Law Review* 156

P. Horijk and M. Meulenbelt, "A Bridge Too Far: Why the European Commission's Attempts to Construct an Obligation to Tender outside the Scope of the Public Procurement Directives should be Dismissed" (2005) 14 *Public Procurement Law Review* 123

M. Krugner, "The Principles of Equal Treatment and Transparency and the Commission Interpretative Communication on Concessions" (2003) 12 *Public Procurement Law Review* 181

D. McGowan, "Clarity at Last? Low Value Contracts and Transparency Obligations" (2007) 16 *Public Procurement Law Review* 274

N. Michels and F. Wichert, "Public Procurement Below EU Procurement Thresholds - Imminent Risks" (2007) 39 *Mull und Abfall Fachzeitschrift fur Behandlung und Beseitigung von Abfallen* 159

F. Neumayr, "Value for Money v. Equal Treatment: The Relationship between the Seemingly Overriding National Rationale for Regulating Public Procurement and the Fundamental E.C. Principle of Equality of Treatment" (2002) 11 *Public Procurement Law Review* 215

M. Szydlo, "Contracts Beyond the Scope of the EC Procurement Directives - Who is bound by the Requirement for Transparency?" (2009) 34 *European Law Review* 720

S. Treumer and E. Werlauff, "The Leverage Principle: Secondary Law as a Lever for the Development of Primary Community Law" (2003) 28 *European Law Review* 124

8 Procuring entities covered

This sub-section deals with the entity coverage of EU public procurement rules – for example, the question of how public bodies are defined for the purpose of applying public procurement rules and how far state enterprises are regulated.

Articles and Essays in Edited Collections

S. Arrowsmith, "Deregulation of Utilities Procurement in the Changing Economy: Towards a Principled Approach?" (1997) 18 *European Competition Law Review* 420

S. Arrowsmith, "The Entity Coverage of the EC Procurement Directives and UK Regulations: a Review" (2004) 13 *Public Procurement Law Review* 59

S. Arrowsmith, "Procurement in the Utilities Sectors and the Position of Private Companies" in F. Abraham, J. Styck and E. Ballon (eds), *Privatisations and Public Procurement in the European Union: Generale Bank Lectures Vol. 1996 - 1997* (Leuven, Leuven University Press, 1998) 95

C. Bovis, "Regulation of the Drinking Water Industry under EC Public Procurement Legislation" (1993) 4 *Water Law* 93

M. Bronckers, "The Position of Privatized Utilities under WTO and EU Procurement Rules" (1996) 1 *Legal Issues in European Integration* 145 (also reproduced in B.M. Hoekman and P.C. Mavroidis (eds), *Law and Policy in Public Purchasing: The WTO Agreement on Government Procurement* (Ann Arbor, MI: University of Michigan Press, 1997)

R. M. D'Sa, "Application of the Public Sector Directives to "Subsidised Bodies"" (1995) 4 *Public Procurement Law Review* 281

P. Green, "The Utilities Directive 93/38: The Extent to which it applies to Contracting Entities" (1994) 3 *Public Procurement Law Review* 173

T. Kotsonis, "The Definition of Special or Exclusive Rights in the Utilities Directive: Leased Lines or Crossed Wires?" (2007) 16 *Public Procurement Law Review* 68

J. Lane, "Public Procurement Law, Public Bodies, and the General Interest: Perspectives from Higher Education" (2005) 11 *European Law Journal* 487

E.R. Manunza, "Privatised Services and the Concept of "Bodies Governed by Public Law" in EC Directives on Public Procurement" (2003) 28 *European Law Review* 273

C. Maund, "The Derogation for the Oil and Gas Sector under Article 3 of the Utilities Directive" (1997) 6 *Public Procurement Law Review* 227

H. Nijholt, "Concept of a "Body Governed by Public Law" in European Procurement Law" (2005) 22 *International Construction Law Review* 422

P. Olivera, "Defining the Scope of Covered Entities under the WTO Agreement on Government Procurement and the E.C. Procurement Rules" (1997) 6 *Public Procurement Law Review* 1

E. Papangeli, "The Application of the EU's Works, Supplies and Services Directives to Commercial Entities" (2000) 9 *Public Procurement Law Review* 201

C. Bovis, "Construction and Planning Projects under the Framework of EC Public Procurement Directives" [1993] *Journal of Planning and Environment Law* 816

9 Contracts covered

This sub-section deals with the types of contract subject to regulation in principle under public procurement rules (e.g. distinction between procurement and other contracts) and classification of contracts for different regulatory purposes (thresholds at which certain procedures apply, scope of exclusions etc).

9.1 General

Articles and Essays in Edited Collections

S. Arrowsmith, "Some Problems in Delimiting the Scope of the Public Procurement Directives: Privatisations, Purchasing Consortia and In-house Tenders" (1997) 6 *Public Procurement Law Review* 198

S. Arrowsmith, "Deregulation of Utilities Procurement in the Changing Economy: Towards a Principled Approach?" (1997) 18 *European Competition Law Review* 420

O. Black, "Restructurings: Application of Procurement Law" (2001) 12 *International Company and Commercial Law Review* 84

C. Bovis, "Regulation of the Drinking Water Industry under EC Public Procurement Legislation" (1993) 4 *Water Law* 93

A. Brown, "The Application of the European Union Procurement Rules to Financing Transactions" (1997) 12 *Journal of International Banking Law* 358

J. Garcia-Andrade and P. Athanassiou, "Reflections on the Status of Independent National Authorities under Community Public Procurement Law" (2007) 16 *Public Procurement Law Review* 305

P. Goris, "The Position of Financial Instruments under EC Public Procurement Rules" (1994) 9 *Butterworths Journal of International Banking and Financial Law* 213

L. Hancher, "The new Utilities Directive and the energy sector" (1991) 9 *Journal of Energy & Natural Resources Law* 167

P. Kunzlik, "Intra-Group Transactions under the Utilities Procurement Regime" [1993] *Utilities Law Review* 209

E. Papangeli, "The Application of the EU's Works, Supplies and Services Directives to Commercial Entities" (2000) 9 *Public Procurement Law Review* 201

H-J. Priess, "Privatisations and the E.C Public Procurement Rules" (1998) 7 *Public Procurement Law Review* 1

9.2 In-house procurement/procurement arrangements with other public bodies

Books

M. Comba and S. Treumer (eds), *The In-house Providing in European Law*, (Copenhagen: Djøf Publishing, 2010)

Articles and Essays in Edited Collections

S. Arrowsmith, "Some Problems in De-limiting the Scope of the Public Procurement Directives: Privatisations, Purchasing Consortia and In-house Tenders" (1997) 6 *Public Procurement Law Review* 198

F. Avarkioti, "The Application of EU Public Procurement Rules to "In House" Arrangements" (2007) 16 *Public Procurement Law Review* 22

R. Caranta, "The In-House Providing: The Law as It Stands in the EU" in M. Comba and S. Treumer (eds), *The In-house Providing in European Law* (Copenhagen: Djøf Publishing, 2010) 1

F. Cassella, "In-House Providing – European Regulations vs. National Systems" in M. Comba and S. Treumer (eds), *The In-house Providing in European Law* (Copenhagen: Djøf Publishing, 2010) 53

W. Frenz and P. Schleissing, "The Never Ending Story of 'In-House' Procurement" in M. Krajewski, U.B. Neergaard and J.W. Gronden (eds) *The changing legal framework for services of general interest in Europe: Between competition and solidarity* (The Hague: T.M.C. Asser Press, 2009)

T. Kaarresalo "Procuring In-house: The Impact of the EC Procurement Regime" (2008) 17 *Public Procurement Law Review* 242

M. T. Karayigit, "A new Type of Exemption from the EU Rules on Public Procurement Established: "In Thy Neighbours House" Provision of Public Interest Tasks" (2011) 20 *Public Procurement Law Review* 183

P. Kunzlik, "Intra-Group Transactions under the Utilities Procurement Regime" [1993] *Utilities Law Review* 209

K. Pedersen and E. Olsson, "Commission v Germany: A New Approach to In-house Providing?" (2010) 19 *Public Procurement Law Review* 33

R.C. Perin and D. Casalini, "Control over In-house Providing Organisations" (2009) 18 *Public Procurement Law Review* 227

R.C. Perin, D. Casalini and P. Wang, "Addressing Purchasing Arrangements between Public Sector Entities – What can the WTO Learn from the EU's Experience?", ch.9 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

K. Weltzien, "Avoiding the Procurement Rules by Awarding Contracts to an In-House Entity – Scope of the Procurement Directives in the Classical Sector" (2005) 14 *Public Procurement Law Review* 237

J. Wiggen, "Public procurement rules and cooperation between public sector entities: the limits of the in-house doctrine under EU procurement law" (2011) 20 *Public Procurement Law Review* 157

9.3 Planning and development agreements

Articles and Essays in Edited Collections

C. Banner, "The application of the Public Contracts Directive to planning: the position at the beginning of 2011" (2011) 5 *Journal of Planning & Environment Law* 508

P. Eleftheriadis, "Planning agreements as public contracts under the EU procurement rules" (2011) 20 *Public Procurement Law Review* 43

D. Elvin and C. Banner, "The Application of the Public Contracts Directive to development Agreements and Planning Obligations following *Auroux v Roanne*" (2008) 23 *Journal of Planning and Environment Law* 1072

W. K. Korthals Altes, "Europeanization As Discontinuous Adjustment: a Düsseldorf Court's Impact on Land Development Practice" (2010) 18 *European Planning Studies* 815

J. Paradissis, "Planning Agreements and EC Public Procurement Law" (2003) 18 *Journal of Planning and Environment Law* 666

9.4 Thresholds for applying the procurement directives

Articles and Essays in Edited Collections

A. Brown, "Getting to Grips with Aggregation under the E.C. Public Procurement Rules" (1993) 2 *Public Procurement Law Review* 69

9.5 Changes to existing contracts

Articles and Essays in Edited Collections

S. Arrowsmith, "Amendments to Specifications under the European Public Procurement Directives" (1997) 6 *Public Procurement Law Review* 128

V. Auricchio, "The Problem of Discrimination and Anti-Competitive Behaviour in the Execution Phase of Public Contracts" (1998) 7 *Public Procurement Law Review* 113

M. Bowsher, "EC Procurement Law and Change during the Tender or the Contract" [2003] *International Construction Law Review* 154

C.S. Dees, "Enforcing the Bargain: Contract Administration" (2002) 11 *Public Procurement Law Review* 131

G.M. Racca, "Collaborative Procurement and Contract Performance in the Italian Healthcare Sector: Illustration of a Common Problem in European Procurement" (2010) 19 *Public Procurement Law Review* 119

10 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different methods of procurement available (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement, etc)

Articles and Essays in Edited Collections

S. Treumer, "The Field of Application of Competitive Dialogue" (2006) 15 *Public Procurement Law Review* 307

11 The conduct of procurement proceedings

11.1 General

Books

P. Braun, *The Practical Impact of E.U. Public Procurement Law on PFI Procurement Practice in the United Kingdom* (Thesis: University of Nottingham, 2001)

Articles and Essays in Edited Collections

N. Caldwell, E. Bakker and J.J.D. Read, "The Purchasing Process in Public Procurement", ch.11 in L. Knight, C. Harland, J. Telgen, *et. al.* (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 149

M.R. De Gouveia, "The Price Factor in EC Public Tenders" (2002) 31 *Public Contract Law Journal* 679

11.2 Publicity for contracts

11.3 Choosing participants

Books

H. Pünder, H-J. Preiss and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009)

Articles and Essays in Edited Collections

S. Arrowsmith, H-J. Priess and P. Friton, "Self-Cleaning - An Emerging Concept in EC Public Procurement Law?", ch.A in H. Pünder, H-J. Preiss and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 1

R. Boyle, "Regulated Procurement - a Purchaser's Perspective" (1995) 4 *Public Procurement Law Review* 105

P. Braun, "Selection of Bidders and Contract Award Criteria: The Compatibility of Practice in PFI Procurement with European Law" (2001) 10 *Public Procurement Law Review* 1

H. Pünder, "Self-Cleaning: A Comparative Analysis", ch.D in H. Pünder, H-J. Preiss and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 187

S. Treumer, "The Selection of Qualified Firms to be Invited to Tender under the EC Procurement Directives" (1998) 7 *Public Procurement Law Review* 147

D. Triantafyllou and D. Mardas, "Criteria for Qualitative Selection in Public Procurement: A Legal and Economic Analysis" (1995) 4 *Public Procurement Law Review* 145

11.4 The Competitive dialogue procedure

Books

M. Burnett (with M. Oder), *Competitive Dialogue – A Practical Guide* (European Institute of Public Administration, 2009)

Articles and Essays in Edited Collections

A. Brown, “Applying Alcatel in the Context of Competitive Dialogue” (2006) 15 *Public Procurement Law Review* 332

A. Brown, “The Impact of the New Directive on Large Infrastructure Projects: Competitive Dialogue or Better the Devil You Know?” (2004) 13 *Public Procurement Law Review* 160

M. Burnett, “[PPP and EU Public Procurement Reform – Time to Change the Rules for Competitive Dialogue?](#)” (2011) 6 *European Public Private Partnership Law Review* 61

M. Burnett, “Conducting Competitive Dialogue for PPP Projects – Towards an Optimal Approach?” (2009) 4 *European Public Private Partnership Law Review* 190

P. Delelis, “The Competitive Dialogue” (2007) 3 *Revue du Trésor* 279

M. Farley, “Directive 2004/18/EC and the Competitive Dialogue Procedure: A Case Study on the Application of the Competitive Dialogue Procedure to NHS LIFT” (2007) 2 *European Public Private Partnership Law* 60

C. Kennedy-Loest, “What Can be Done at the Preferred Bidder Stage in Competitive Dialogue?” (2006) 15 *Public Procurement Law Review* 316

G.S. Ølykke, “The Legal Basis Which Will (Probably) Never Be Used: Enforcement of State Aid Law in a Public Procurement Context” [2011] *European State Aid Law Quarterly* 457

A. Rubach-Larsen, “Competitive Dialogue”, ch.5 in R. Nielsen and S. Treumer (eds), *The New EU Public Procurement Directives* (Copenhagen: Djøf Publishing, 2005) 67

D. Savvides, “[The Effectiveness of the Competitive Dialogue Procedure under the EU Consolidated Public Procurement Directive \(2004/18/EC\) as an Award Procedure for Public Private Partnerships](#)” (2011) 6 *European Public Private Partnership Law Review* 23

S. Treumer, “Competitive Dialogue” (2004) 13 *Public Procurement Law Review* 178

S. Treumer, “The Field of Application of Competitive Dialogue” (2006) 15 *Public Procurement Law Review* 307

S. Verschuur, “Competitive Dialogue and the Scope for Discussion after Tenders and Before Selecting the Preferred Bidder – What is Fine-tuning etc?” (2006) 15 *Public Procurement Law Review* 327

11.5 Discussions with participants

Articles and Essays in Edited Collections

S. Arrowsmith, "The Problem of Discussions with Tenderers under the EC Procurement Directives: the Current Law and the Case for Reform" (1998) 7 *Public Procurement Law Review* 65

K. Krüger, "Ban-on-Negotiations in Tender Procedures: Undermining the Best Value for Money", ch.32 in K.V. Thai (ed), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 631

S. Treumer "Technical Dialogue and the Principle of Equal Treatment – Dealing with Conflicts of Interest after Fabricom" (2007) 16 *Public Procurement Law Review* 99

S. Treumer, "Technical Dialogue Prior to Submission of Tenders and the Principe of Equal Treatment of Tenderers" (1999) 8 *Public Procurement Law Review* 147

S. Verschuur, "Competitive Dialogue and the Scope for Discussion after Tenders and Before Selecting the Preferred Bidder – What is Fine-tuning etc?" (2006) 15 *Public Procurement Law Review* 327

11.6 Award criteria

Articles and Essays in Edited Collections

P. Braun, "Selection of Bidders and Contract Award Criteria: The Compatibility of Practice in PFI Procurement with European Law" (2001) 10 *Public Procurement Law Review* 1

M. Falagario, F. Sciancalepore, N. Costantino, and R. Pietroforte "Using a DEA-Cross Efficiency Approach in Public Procurement Tenders" (2012) 218 *European Journal of Operational Research* 523

P. Lee, "Implications of the Lianakis Decision" (2010) 19 *Public Procurement Law Review* 47

P.L. Lorentziadis, "Post-objective Determination of Weights of the Evaluation Factors in Public Procurement Tender" (2010) 200 *European Journal of Operational Research* 261

S. Treumer, "The Distinction between Selection and Award Criteria in EC Public Procurement Law – A Rule without Exception?" (2009) 18 *Public Procurement Law Review* 103

Books

R.M. O'Connor, *A Guide to the Requirements of the IT Standards Decision and the Revised Supply Directive*, (2nd edn, European Commission, 1991)

Articles and Essays in Edited Collections

R. Apostol, "Formal European Standards in Public Procurement: A Strategic Tool to Support Innovation" (2010) 19 *Public Procurement Law Review* 57

S. Arrowsmith, "Amendments to Specifications under the European Public Procurement Directives" (1997) 6 *Public Procurement Law Review* 128

R. Bickerstaff, "Applying the EC Rules on Standards and Specifications in Public and Utilities Procurement" (1994) 3 *Public Procurement Law Review* 153

M. Bowsher, "EC Procurement Law and Change during the Tender or the Contract" (2003) 20 *International Construction Law Review* 154

M. Sieverding, "Choice in Government Software Procurement: A Winning Strategy" (2006) 15 *Public Procurement Law Review* 338

13 Qualification of suppliers/contractors (suitability/responsibility)
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13.1 General

Articles and Essays in Edited Collections

P. Braun, "Selection of Bidders and Contract Award Criteria: The Compatibility of Practice in PFI Procurement with European Law" (2001) 10 *Public Procurement Law Review* 1

S. Treumer, "The Distinction between Selection and Award Criteria in EC Public Procurement Law – A Rule without Exception?" (2009) 18 *Public Procurement Law Review* 103

S. Treumer, "The Selection of Qualified Firms to be Invited to Tender under the E.C. Procurement Directives" (1998) 6 *Public Procurement Law Review* 147

D. Triantafyllou and D. Mardas, "Criteria for Qualitative Selection in Public Procurement: A Legal and Economic Analysis" (1995) 4 *Public Procurement Law Review* 145

13.2 Supplier lists (approved lists, qualification lists)

Articles and Essays in Edited Collections

S. Arrowsmith, "Framework Purchasing and Qualification Lists under the European Procurement Directives – Part I" (1999) 8 *Public Procurement Law Review* 115

S. Arrowsmith, "Framework Purchasing and Qualification Lists under the European Procurement Directives – Part II" (1999) 8 *Public Procurement Law Review* 161

13.3 Exclusion and debarment for criminal offences and other misconduct

Books

H. Puender, H-J. Priess and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009)

Articles and Essays in Edited Collections

T.M. Arnaiz, "EU Directives as Anticorruption Measures: Excluding Corruption-Convicted Tenderers from Public Procurement Contracts" [2009] *Public Administration and Public Policy* 146

S. Arrowsmith, H-J. Priess and P. Friton, "Self-Cleaning as a Defence to Exclusions for Misconduct – An Emerging Concept in EC Public Procurement Law?"(2009) 18 *Public Procurement Law Review* 257

F. Curtol, G. Pesarin and T.V. Beken, "Testing the Mechanism on EU Public Procurement Legislation" (2006) 12 *European Journal on Criminal Policy and Research* 337

E. Piselli, "The Scope for Excluding Providers who have Committed Criminal Offences under the E.U. Procurement Directives" (2000) 9 *Public Procurement Law Review* 267

H. Puender, "Self-cleaning: a Comparative Analysis" in H. Puender, H-J. Priess and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 187

S. Williams, "Co-ordinating Public Procurement to Support EU Objectives - a First Step? The Case of Exclusions for Serious Criminal Offences", ch.12 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009) 479

S. Williams, "The Mandatory Exclusions for Corruption in the new EC Procurement Directives" (2006) 31 *European Law Review* 711

14 Framework agreements (ID/IQ contracts, umbrella contracts, recurring contracts)

Articles and Essays in Edited Collections

S. Arrowsmith, "Framework Purchasing and Qualification Lists under the European Procurement Directives" (1999) 8 *Public Procurement Law Review* 115 and 161

S. Arrowsmith, "Methods for purchasing on-going requirements: the system of framework agreements and dynamic purchasing systems under the EC Directives and UK procurement regulations", ch.3 in S. Arrowsmith (ed), *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 131

M.M. Linthorst and J. Telgen, "Public Purchasing Future: Buying from Multiple Suppliers", ch.21 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 471

R. Nielsen, "Framework Agreements" in R. Nielsen and S. Treumer (eds), *The New EU Public Procurement Directives* (Copenhagen: Djøf Publishing, 2005) 81

C.R. Yukins, "Are IDIQs Inefficient? Sharing Lessons with European Framework Contracting" (2008) 37 *Public Contract Law Journal* 545

15 Electronic procurement

15.1 General

Articles and Essays in Edited Collections

S. Arrowsmith, "E-commerce Policy and the EC Procurement Directives: The Chasm between Rhetoric and Reality" (2001) 38 *Common Market Law Review* 1447

G. Bruno, E. Esposito and M. Mastroianni, "Evaluation of Public E-Procurement Services Accessibility: A Multicriteria Approach", ch.24 in K.V. Thai (ed), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 491

S. Croom and A. Brandon-Jones, "Key Issues in E-Procurement: Procurement Implementation and Operation in the Public Sector", ch.21 in K.V. Thai (ed), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 445

A. Davies, "Electronic Public Procurement Initiatives within the European Community" (2000) 25 *European Law Review* 632

K. Dooley and S. Purchase, "Factors Influencing E-Procurement Usage", ch.22 in K.V. Thai (ed), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 459

A. Erridge, R. Fee and J. McIlroy, "European Union Public Procurement Policy and Electronic Commerce: Problems and Opportunities" (1998) 98 *European Business Review* 252

M.T.M. Guimarães, "The Northern European Subset: An Open Platform for Cross-border E-Procurement" (2008) 17 *Public Procurement Law Review* 175

A. Haagsma, "Information and Communication Technology Issues in International Public Procurement", ch.9 in S. Arrowsmith and A. Davies, *Public Procurement: Global Revolution* (London: Kluwer Law International, 1998) 161

T. Millett, "Electronic Procurement: Modernising the Public-Private Interface" (2007) 2 *European Public Private Partnership Law* 244

G. Spagnolo and F. Dini, "Reputation Mechanisms and Electronic Markets: Economic Issues and Proposals for Public Procurement", ch.12 in K.V. Thai (ed), *Challenges in Public Procurement: An International Perspective* (Boca Raton: PrAcademics Press, 2005) 227

P. Trepte, "Electronic Procurement Market Places: The Competition Law Implications" (2001) 10 *Public Procurement Law Review* 260

C. Tonkin, "E-Procurement: a Cross-Jurisdictional Comparison", ch.16 in L. Knight, C. Harland, J. Telgen, et. al. (eds), *Public Procurement, International Cases and Commentary* (Abingdon: Routledge, 2007) 216

K. Vaidya, G.C. Callender and A.S.M. Sajeev, "Facilitators of Public E-Procurement: Lessons Learned from the U.K., U.S. and Australian Initiatives", ch.23 in K.V. Thai (ed), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 473

15.2 Electronic communications and tendering

Articles and Essays in Edited Collections

R. Bickerstaff, "The New Directives' Rules E-communication Mechanisms in Public and Utilities Procurement" (2004) 13 *Public Procurement Law Review* 277

R. Bickerstaff, "E-communication Regulation in Public Procurement: the EC and UK Perspective", ch.8 in S. Arrowsmith (ed), *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 287

15.3 Electronic reverse auctions

Articles and Essays in Edited Collections

S. Arrowsmith, "Electronic Reverse Auctions under the EC Public Procurement Rules: Current Possibilities and Future Prospects" (2002) 11 *Public Procurement Law Review* 299

S. Arrowsmith, "Electronic Reverse Auctions under the new EC Procurement Directives" (2005) 14 *Public Procurement Law Review* 203

S. Arrowsmith (with A. Eyo), "Electronic Auctions in the EC Procurement Directives and a Perspective from UK Law and Practice", ch.12 in *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 131

C. Kennedy-Loest and R. Kelly, "The EC Competition Law Rules and Electronic Reverse Auctions: A Case for Concern?" (2003) 12 *Public Procurement Law Review* 27

O. Soudry, "Promoting Economy: Electronic Reverse Auctions under the EC Directives on Public Procurement" (2004) 4 *Journal of Public Procurement* 340

15.4 Dynamic purchasing systems

Articles and Essays in Edited Collections

S. Arrowsmith, "Dynamic Purchasing Systems under the New EC Procurement Directives – A Not So Dynamic Concept?" (2005) 14 *Public Procurement Law Review* 16

S. Arrowsmith, "Methods for Purchasing On-going Requirements: The System of Framework Agreements and Dynamic Purchasing Systems under the EC Directives and UK Procurement Regulations", ch.3 in S. Arrowsmith (ed), *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 131

16 Debriefing, freedom of information rules and other information requirements

Articles and Essays in Edited Collections

M. McDonagh, "Disclosure of Information Relating to Public Procurement: The Role of Freedom of Information Law" (2002) 11 *Public Procurement Law Review* 172

17 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)
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17.1 General

This section includes articles that range across several of the policies below or which deal with general themes.

Books

S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009)

R. Caranta and M. Trybus (eds), *The Law of Green and Social Procurement in Europe* (Copenhagen: Djøf Publishing, 2010)

M. Macaulay and L. Ramsey, *Construction and Procurement Law* (W.Green, 2002)

C. McCrudden, *Buying Social Justice: Equality, Government Procurement, and Legal Change* (Oxford: Oxford University Press, 2007)

Articles and Essays in Edited Collections

S. Arrowsmith, "Application of the EC Treaty and Directives to Horizontal Policies: a Critical Review", ch.4 in Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009) 147

S. Arrowsmith, "Horizontal Policies in Public Procurement: A Taxonomy" (2010) 10 *Journal of Public Procurement* 149

S. Arrowsmith, "Public Procurement as a Tool of Policy and the Impact of Market Liberalisation" (1995) 111 *Law Quarterly Review* 235

S. Arrowsmith, "A Taxonomy of Horizontal Policies in Public Procurement", ch.3 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009) 107

S. Arrowsmith and P. Kunzlik, "Public Procurement and Horizontal Policies in EC Law: General Principles", ch.1 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009) 9S. Arrowsmith and C. Maund, "CSR in the Utilities Sector and the Implications of EC Procurement Policy: A Framework for Debate", ch.11 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009) 436S. Arrowsmith, H-J. Priess and P. Friton, "Self-Cleaning - An Emerging Concept in EC Public Procurement Law?" in H. Pünder, H-J. Preiss and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 1

R. Caranta, "Sustainable Public Procurement in the EU" in R. Caranta and M. Trybus (eds), *The Law of Green and Social Procurement in Europe* (Copenhagen: Djøf Publishing, 2010) 15

J. Chave, "EU Public Procurement Takes on a Greener Hue – Developments in the Application of Social and Environmental Factors in Public Procurement" (2003) 24 *Business Law Review* 2

M. Comba, "Green and Social Considerations in Public Procurement Contracts: a Comparative Approach" in R. Caranta and M. Trybus (eds), *The Law of Green and Social Procurement in Europe* (Copenhagen: Djøf Publishing, 2010) 15

K. Parikka-Alhoia, A. Nissinen and A. Ekroos, "Green Award Criteria in the Most Economically Advantageous Tender in Public Purchasing", ch.12 in G. Piga and K. Thai (eds), *Advancing Public Procurement: Practices, Innovation and Knowledge-sharing* (Boca Raton: PRAcademics Press, 2007) 255

H-J. Preiss and C. Pitschas, "Secondary Policy Criteria and Their Compatibility with E.C. and WTO Procurement Law. The Case of the German Scientology Declaration" (2000) 9 *Public Procurement Law Review* 171

E. Uyarra and K. Flanagan, "Understanding the Innovation Impacts of Public Procurement" (2010) 18 *European Planning Studies* 123

R.H. Weber, "Development Promotion as a Secondary Policy in Public Procurement"(2009) 18 *Public Procurement Law Review* 184

17.2 Industrial development policies

Articles and Essays in Edited Collections

C. Kennedy-Loest, "Spreading Contract Work to Ensure Security of Supply and Maintain Competition: Issues Under the EC Directives" (2007) 16 *Public Procurement Law Review* 116

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- D. Wilsher, "Reconciling National Autonomy and Trade Integration in the Context of Eco-labelling", ch.10 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directives and New Directions* (Cambridge: CUP, 2009) 408

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18.1.3 Remedies: interim measures

18.1.4 Remedies: damages

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18.1.7 Other specialized topics (e.g. standing to bring proceedings)

18.1.8 Informal supplier complaints systems (e.g. Ombudsman system)

18.2 Enforcement by the European Commission, including through proceedings in the Court of Justice of the European Union

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20 Bribery and other corruption in public procurement

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20.2 Implementation of international conventions on bribery

21 Collusion by suppliers (bid-rigging)

22 Competition law and public procurement

22.1 General

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A. La Chimia, "International Steps to Untie Aid: the DAC/OECD Recommendation on Untying Official Development Assistance to the Least Development Countries" (2004) 13 *Public Procurement Law Review* 1

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26 Outsourcing of public services

<p>27 The procurement of privately financed infrastructure/services and other major infrastructure/services (Public/private partnerships, Build-Operate-Transfer (BOT), concessions) under the EU procurement rules</p>
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28 Defence procurement

28.1 Application of the Treaty on the Functioning of the European Union and the procurement directives to defence procurement

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S. Lundberg, "Auction Formats and Award Rules in Swedish Procurement Auctions", in G. Piga and K.V. Thai (eds.), *The Economics of Public Procurement* (Basingstoke: Palgrave Macmillan, 2007)

S. Lundberg, "Auction Formats and Award Rules in Swedish Procurement Auctions" (2006) 96 *Rivista Di Politica Economica* 91

S. Lundberg, "Restrictions on Competition in Municipal Competitive Procurement in Sweden" (2005) 11 *International Advances in Economic Research* 329

D. Roos and P. Bjurman, "The Law of Public Procurement in Sweden" (1998) 7 *Public Procurement Law Review* 12

M. Slavicek, "Damages for Breach of the EC Public Procurement Rules in Sweden" (2006) 15 *Public Procurement Law Review* 233

SWITZERLAND

Articles and Essays in Edited Collections

M. Bühler, "Switzerland", ch.42 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 246

R. Rudel, O. Tarola and R. Maggi, "Pricing and Financing Transport Infrastructures in Switzerland: A Success Story?" in W. Rothengatter and G. Ragazzi, *Procurement and Financing of Motorways in Europe* (JAI Press, 2005) 205

TURKEY

Articles and Essays in Edited Collections

S. Alyanak, "An Overview of the Legal Remedies in Public Procurement in Turkey" (2006) 15 *Public Procurement Law Review* 286

S. Alyanak, "An Overview of the Legal Rules Governing Public Procurement in Turkey" (2007) 16 *Public Procurement Law Review* 125

S. Alyanak, "The Public Procurement System of Turkey in Comparison to European Community Procurement Legislation" (2007) 36 *Public Contract Law Journal* 203

F. Ercan and S. Oguz, 'Rescaling as a class relationship and process: The case of public procurement law in Turkey' (2006) 25 *Political Geography* 641

K. Marnak and M. Oğuzülgen, "Turkey", ch.43 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 252

R.L. Burdsal, "An Overview of Turkish Public Procurement Law" (2002) 11 *Public Procurement Law Review* 56

K.A. Gözel, "Reforming Public Procurement Sector in Turkey" in K.V. Thai (ed.), *Challenges in Public Procurement: An International Perspective* (Boca Raton: PrAcademics Press, 2005) 49

S. Gunbay and M. Arapgirli, "Abnormally Low Tenders: Turkish Practice" in K.V. Thai (ed.), *Towards new Horizons in Public Procurement* (Florida: PRAcademics Press, 2010) 115

R K Ilhan, "[Public Private Partnerships in Turkey](#)" (2011) 6 *European Public Private Partnership Law Review* 85

S. Kural and U. Alsac, "Public Procurement Procedures in Turkey" (2006) 6 *Journal of Public Procurement* 100

UKRAINE

Articles and Essays in Edited Collections

S. Shklyar, "Ukraine", ch.44 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 258

UNITED KINGDOM

1 General works

This heading at the start of each section covers books and articles that range across several parts or all of the subject matter of the heading (e.g. books on the national regime in general).

Many of these general works cover in detail the various section headings set out below but will not be listed again under those headings.

Books

S. Arrowsmith, *The Law of Public and Utilities Procurement* (2nd Rev Edn London: Sweet & Maxwell, 2005)

S. Arrowsmith, *Civil Liability and Public Authorities* (Earlsgate, 1992)

A.C.L. Davies, *The Public Law of Government Contracts* (OUP, 2008)

C.M. Donnelly, *Delegation of Government Power to Private Parties: A Comparative Perspective* (OUP, 2007)

L. Digings and J. Bennett, *EC Public Procurement: Law and Practice* (looseleaf) (London: Sweet & Maxwell, 1992)

J.M. Fernandez Martin, *The EC Public Procurement Rules: A Critical Analysis* (Oxford: Clarendon Press, 1996)

A. Geddes, *Public and Utility Procurement: a Practical Guide to UK Regulations and Associated Community Rules* (Sweet & Maxwell, 1997)

I. Harden, *The Contracting State* (OUP, 1992)

J.D.B. Mitchell, *The Contracts of Public Authorities: A Comparative Study* (London School of Economics and Political Science, 1954)

H. Street, *Governmental Liability: A Comparative Study* (Cambridge University Press, 1953).

M.L. Macaulay and L.R. Ramsey, *Construction and Procurement Law* (Edinburgh: W. Green/Sweet & Maxwell, 2002)

H. Randall, *Local Government Contracts and Procurement* (Haywards Heath: Bloomsbury Professional, 2011)

C. Turpin, *Government Procurement and Contracts* (Harlow: Longman, 1989)

Articles and Essays in Edited Collections

S. Arrowsmith, "E.C. Procurement Rules in the U.K. Courts: An Analysis of the Harmon Case: Part I" (2000) 9 *Public Procurement Law Review* 120

S. Arrowsmith, "E.C. Procurement Rules in the U.K. Courts: An Analysis of the Harmon Case: Part II" (2000) 9 *Public Procurement Law Review* 135

S. Arrowsmith, "Government Contracts and Public Law" (1990) 10 *Legal Studies* 231

S. Arrowsmith, "Implementation of the New EC Procurement Directives and the *Alcatel* Ruling in England and Wales and Northern Ireland: A Review of the New Legislation and Guidance" (2006) 15 *Public Procurement Law Review* 86

S. Arrowsmith, "The Utilities Contracts (Amendment) Regulations 2001 and Establishment of a System of Attestation in the United Kingdom" (2002) 11 *Public Procurement Law Review* 1

R. Bickerstaff, "The Utilities Supply and Works Contracts Regulations 1992: An Analysis of the Implementation of the Utilities Directive in United Kingdom Law" (1993) 2 *Public Procurement Law Review* 117

S. Chappell, "Coping with Differences between the Public Procurement Directives and the Regulations in Local Authority Contracting" (1995) 3 *Public Procurement Law Review* 119

M. Freedland, 'Government by Contract and Public Law' [1994] *Public Law* 86

D.G. Holt and G. Proverbs, "A Survey of Public Sector Procurement in England" (2001) 7 *Journal of Construction Law* 3

N. O'Loan, "Implementation of the Works, Supplies and Compliance Directives" (1992) 1 *Public Procurement Law Review* 88

P. Mitchell, 'The Crown, Public Authorities and the European Community', ch.10 in H. Beale (ed.), *Chitty on Contracts*, 30th ed (Sweet & Maxwell, 2010)

S. Roe and D. Harvey, "United Kingdom", ch.45 in H-J. Preiss (ed.), *Getting the Deal Through: Public Procurement 2010* (Law Business Research Ltd., 2010) 263

2 Objectives of regulation and general principles
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This sub-section contains works focused specifically on the objectives of the national procurement regimes – e.g. the different reasons and priorities for national regulation, whether procurement is regulated because of membership of trade regimes etc - and the general principles for achieving those objectives (e.g. transparency).

3 Reform of the regulatory system

This sub-section contains general articles on issues relating to the reform of the national public procurement system e.g. recent reforms and general experience of reform processes.

4 Harmonisation of regulatory provisions on public procurement and the influence of international instruments

This sub-section contains articles on the issue of harmonization and divergence in public procurement in the context of the particular national system.

5 Introduction to the national public procurement system and public procurement regulation within the system

5.1 Organisation of the public procurement system

This contains works on the organization of the public procurement system and, in particular, the system of regulation, to place the rest of the bibliography in context e.g. regulatory level under the constitution; centralized or decentralized approach within each regulatory jurisdiction in the state; nature of regulating institutions.

Articles and Essays in Edited Collections

C. Boch, "The Implementation of the Public Procurement Directives in the U.K.: Devolution and Divergence?" (2007) 16 *Public Procurement Law Review* 410

N. Deverill, "Change and Innovation in Government Procurement", ch.13 in A. Cox (ed) *Innovations in Procurement Management* (Earlsgate, 1996)

A. Erridge, "Innovations in Public Sector and Regulated Procurement", ch.12 in A. Cox (ed), *Innovations in Procurement Management* (Earlsgate, 1996)

A. Erridge, "UK Public Procurement Policy and the Delivery of Public Value", ch.17 in K.V. Thai (ed), *Challenges in Public Procurement: An International Perspective* (Boca Raton: PrAcademics Press, 2005) 335

P. Henderson, "The Impact of Devolution on Public Procurement in the United Kingdom" (2003) 12 *Public Procurement Law Review* 175

G.D Holt, L. Whitehouse and D. Proverbs, "A Survey of Public Sector Procurement in England" (2001) 7 *Journal of Construction Law* 3

M. Trybus, "From the Indivisible Crown to Teckal: The In-House provision of Works and Services in the United Kingdom" in M. Comba and S. Treumer (eds), *The In-house Providing in European Law* (Copenhagen: Djøf Publishing, 2010) 187

5.2 The role and nature of regulatory provisions

This sub-section covers issues such as the role and significance of regulation in public procurement in the national system concerned (whether hard or and/or soft law); conceptual place of public contracts within the legal system (e.g. is there a separate concept of public contracts in the system, in terms of either substantive law applicable to the award and/or execution of contracts or the jurisdiction to determine disputes?), and the *general approach* to implementing any applicable international obligations.

Books

A.C.L. Davies, *Accountability: A Public Law Analysis of Government by Contract* (Oxford: OUP, 2001)

Articles and Essays in Edited Collections

S. Arrowsmith, "Judicial Review and the Contractual Powers of Public Authorities" (1990) 106 *Law Quarterly Review* 277

S. Arrowsmith, "Protecting the Interests of Bidders on Public Contracts: the Role of the Common Law" (1994) 53 *Cambridge Law Journal* 104

S. Bailey, "Judicial Review of Contracting Decisions" [2007] *Public Law* 444

J. Beatson 'Public Law Influences in Contract Law' in J. Beatson and D. Friedmann (eds) *Good Faith and Fault in Contract Law* (London: Clarendon Press 1995), at 266

J.D.B. Mitchell, "The Causes and Effects of the Absence of a System of Public Law in the United Kingdom" [1965] *Public Law* 95

D. Oliver, "The Frontiers of the State: Public Authorities and Public Functions under the Human Rights Act" [2000] *Public Law* 476

A. Phang, "Tenders, Implied Terms and Fairness in the Law of Contract" (1998) 13 *Journal of Contract Law* 126

A. Phang "Tenders and Uncertainty" (1991) 4 *Journal of Common Law* 46

5.3 Critique and evaluation

This sub-section includes articles evaluating the state of the regulatory system and its approach *in general* (but not those confined to specific issues that are the subject of separate sub-headings).

5.4 Scope of the powers of public bodies to conclude procurement contracts (capacity to contract)

Books

S. Cirell, *A guide to the Local Government (Contracts) Act 1997: A Practical Guide to the Provisions and their Effect* (LGA Publications and at <http://www.localpartnerships.org.uk/>, 1998)

Articles and Essays in Edited Collections

S. Arrowsmith, *Civil Liability and Public Authorities* (Earlsgate, 1992) 290-296.

S. Arrowsmith, "The Impact of Public Law on the Private Law of Contract", ch.1 in R. Halson (ed), *Exploring the Boundaries of Contract* (Dartmouth, 1996) 3.

S. Arrowsmith, "Ineffective Transactions and Unjust Enrichment: A Framework for Analysis" (1989) 9 *Legal Studies* 121 and S. Arrowsmith, "Ineffective Transactions, Unjust Enrichment and Problems of Policy" (1989) 9 *Legal Studies* 307 (two-part article).

A. Davies, "Ultra Vires Problems in Government Contracts" (2006) 122 *Law Quarterly Review* 98

C. Otton-Goulder, "Is a Public Body's Contract Only Valid at its Option? Or, Through the Looking Glass" (1996) 11 *Journal of International Banking Law* 266.

5.5 Power of public officials to enter into contracts on behalf of public bodies (authority to contract)

5.6 Special rules applying to the contracts of the Crown

J. McLean “The Crown in contract and administrative law” (2004) 24 *Oxford Journal of Legal Studies* 129

5.7 The Best Value regime for local government

Books

S. Cirell and J. Bennett, *Best Value: Law and Practice* (looseleaf) (Sweet & Maxwell, 2010)

Articles and Essays in Edited Collections

P. Badcoe, “Best Value – A New Approach in the UK”, ch.11 in S. Arrowsmith and M. Trybus (eds), *Public Procurement: The Continuing Revolution* (The Hague: Kluwer Law International, 2003) 198

P. Badcoe, “Best Value – an Overview of the United Kingdom Government’s Policy for the Provision and Procurement of Local Authority Services” (2001) 10 *Public Procurement Law Review* 63

S. Cirell and J. Bennett, “E-Government and Best Value” (2001) 2 *Public Procurement Law Review* 92

P. Vincent-Jones, “Central-Local Relations under the Local Government Act 1998: A New Consensus” (2000) 63 *Modern Law Review* 84

P. Vincent-Jones, “Competition and Contracting in the Transition from CCT to Best Value” (1999) 77 *Public Administration* 273

P. Vincent-Jones, “Responsive Law and Governance in Public Services Provision: A Future for the Local Contracting State” (1998) 61 *Modern Law Review* 362

6 Procuring entities covered
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This sub-section deals with the entity coverage of public procurement rules – for example, the question of how public bodies are defined for the purpose of applying public procurement rules or whether state enterprises are regulated.

Articles and Essays in Edited Collections

S. Arrowsmith, “The Entity Coverage of the EC Procurement Directives and UK Regulations: A Review” (2004) 13 *Public Procurement Law Review* 59

I. Harden, "Defining the Range of Application of the Public Sector Procurement Directives in the United Kingdom" (1992) 1 *Public Procurement Law Review* 362

M. Lewis, "Works, Supplies and Services Contracts: Coverage of United Kingdom Contracting Authorities and Entities" (1995) 4 *Public Procurement Law Review* 128

7 Contracts covered: classifications
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This sub-section deals with the types of contract subject to regulation in principle under public procurement rules (e.g. distinction between procurement and other contracts) and classification of contracts for different regulatory purposes (thresholds at which certain procedures apply, distinction adopted in some systems between procurement and concessions for determining whether contracts are regulated at all, scope of exclusions e.g. of defence contracts etc).

Articles and Essays in Edited Collections

M. Trybus, "From the indivisible Crown to Teckal: The In-House Provision of Works and Services in the United Kingdom" in M. Comba and S. Treumer (eds), *The In-house Providing in European Law* (Copenhagen: Djøf Publishing, 2010) 187

P. Fenn, I. Csaba and SA. McGuire, "Long-term Contracts in the Market for Health Care", ch.8 in D. Campbell and P. Vincent-Jones (eds), *Contract and Economic Organisation* (Dartmouth, 1996) 143

D. Hughes, J. McHale and L. Griffiths, "Contracts in the NHS: Searching for a Model?" ch.9 in D. Campbell and P. Vincent-Jones (eds), *Contract and Economic Organisation* (Dartmouth, 1996) 155

K. Walsh, N. Deakin, P. Spurgeon, P. Smith and N. Thomas, "Contract for Public Services: A Comparative Perspective", ch.11 in D. Campbell and P. Vincent-Jones (eds), *Contract and Economic Organisation* (Dartmouth, 1996) 212

8 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that focus on the different available methods of procurement (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement etc)

9 The conduct of procurement proceedings

Articles and Essays in Edited Collections

P. Braun, "Selection of Bidders and Contract Award Criteria: The Compatibility of Practice in PFI Procurement with European Law" (2001) 10 *Public Procurement Law Review* 1

10 Specifications

11 Qualification of suppliers/contractors (responsibility)

11.1 General

11.2 Supplier lists (approved lists, qualification lists)

11.3 Exclusion and debarment for criminal offences and other misconduct

Articles and Essays in Edited Collections

S. Williams, "The Mandatory Contractor Exclusions for Serious Criminal Offences in UK Public Procurement" (2009) 15 *European Public Law* 429

12 Framework agreements (ID/IQ contracts, umbrella contracts, recurring contracts)

Articles and Essays in Edited Collections

S. Arrowsmith, "Methods for purchasing on-going requirements: the system of framework agreements and dynamic purchasing systems under the EC Directives and UK procurement regulations", ch.3 in S. Arrowsmith (ed), *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 131

M. Bowsher and L.E. John, "The Use (And Abuse?) of Framework Agreements in the United Kingdom" in R. Hernández Garcia (ed), *International Public Procurement: A Guide to Best Practice* (Globe Law and Business, 2009) 349

13 Electronic procurement

13.1 Electronic communications and tendering

Articles and Essays in Edited Collections

R. Bickerstaff "E-communication Regulation in Public Procurement: The EC and UK Perspective", ch.8 in Arrowsmith (ed), *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 287

R. Bickerstaff, "The New Directives' Rules on E-communication Mechanisms in Public and Utilities Procurement" (2004) 13 *Public Procurement Law Review* 277

I. Cabras, "Use of E-procurement in Local Authorities' Purchasing and Its Effects on Local Economies: Evidence from Cumbria, UK" (2010) 18 *European Planning Studies* 1133

K. Vaidya, G.C. Callender and A.S.M. Sajeev, "Facilitators of Public E-Procurement: Lessons Learned from the U.K., U.S. and Australian Initiatives" ch.23 in K.V. Thai (ed), *International Handbook of Public Procurement* (Florida: CRC Press, 2009) 473

13.2 Electronic reverse auctions

Articles and Essays in Edited Collections

S. Arrowsmith and A. Eyo, "Electronic Auctions in the EC Procurement Directives and a Perspective from UK Law and Practice", ch.12 in *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 413

14 Debriefing, freedom of information rules and other information requirements
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Articles and Essays in Edited Collections

M. McDonagh, "Disclosure of Information Relating to Public Procurement: The Role of Freedom of Information Law" (2002) 11 *Public Procurement Law Review* 172

15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, socio-economic policies, procurement linkages)

Books

B. Bercusson, *Fair Wages Resolutions* (Mansell, 1978)

J. Binks, *Using Public Procurement to Drive Skills and Innovation: A Report for the Department of Trade and Industry* (Local Futures Group, March 2006)

G. Burrows and J. Skeats (eds), *Contract Compliance: the United Kingdom Experience* (Institute of Personnel Management, 1987)

J. Carr, *New Roads to Equality: Contract Compliance for the United Kingdom* (Fabian Society, 1987)

ILEA Contract Compliance Equal Opportunities Unit, *Contract Compliance: a Brief History* (London: ILEA Contract Compliance Equal Opportunities Unit, 1990)

R. MacFarlane and M. Cook, *Achieving Community Benefits through Procurement* (Joseph Rowntree Foundation, 2002)

R. Nielsen, *Discrimination and equality in public procurement* (EU & arbetsrätt 2005)

Articles and Essays in Edited Collections

- B. Bagilhole, "Managing to be Fair: Implementing Equal Opportunities in a Local Authority" (1993) 19 *Local Government Studies* 163
- P.B. Beaumont, "Use of fair wages clauses in government contracts in Britain." (1977) 28 *Labor Law Journal* 147
- R. Boyle, "Disability Issues in Public Procurement", ch.7 in S. Arrowsmith and P. Kunzlik (eds), *Social and Environmental Policies in EC Procurement Law: New Directive and New Directions* (CUP, 2009) 310
- I. Cabras, "Mapping the Spatial Patterns of Public Procurement: a Case Study from a Peripheral Local Authority in Northern England" (2011) 24 *International Journal of Public Sector Management* 187
- T. Daintith, "Legal Analysis of Economic Policy" (1982) 9 *Journal of Law and Society* 191
- T. Daintith, "Regulation by Contract: the New Prerogative" [1979] 32 *Current Legal Problems* 41
- T. Daintith, "The Executive Power Today: Bargaining and Economic Control" in J. Jowell and D. Oliver (eds) *The Changing Constitution* (2nd edn Oxford: Clarendon Press, 1989), Ch. 8
- A. Erridge and S. Hennigan, "Public Procurement and Social Policy in Northern Ireland: The Unemployment Pilot Project", ch.13 in G. Piga and K.V. Thai (eds), *Advancing Public Procurement* (PrAcademics Press 2006) 280
- R. Fee and A. Erridge, "Contract Compliance in Canada and Northern Ireland: A Comparative Analysis" (Paper presented to 8th International Annual IPSERA Conference, 1999)
- R. Fee, P. Maxwell and A. Erridge, "Contracting for Services – A Double Jeopardy? An Analysis of Contract Compliance in the Context of European and UK Social and Public Procurement Policy" (1998) 13 *Public Policy and Administration* 79
- Ferguson and A.C. Page, "Pay Restraint: the Legal Constraints" (1978) 128 *New Law Journal* 515
- D. Ford, "Public-sector Procurement and Corporate Social Responsibility", ch.2.4 in C.S. Brown (ed), *The Sustainable Enterprise: Profiting from Best Practice* (Kogan Page 2005) 49
- O. Kahn-Freund, "Legislation through Adjudication: The Legal Aspects of Fair Wages Clauses and Recognised Conditions" (1948) 11 *Modern Law Review* 274
- C. McCrudden, "Law Enforcement by Regulatory Agency: the Case of Employment Discrimination in Northern Ireland" (1982) 45 *Modern Law Review* 617
- P. Morris, "Legal Regulation of Contract Compliance: an Anglo-American Comparison" (1990) 19 *Anglo-American Law Review* 87
- P. Morris, "Local Government and Contract Compliance" (1990) 154 *Local Government Review* 728

M. Trybus, "Sustainability and Value for Money: Social and Environmental Considerations in United Kingdom Public Procurement Law", ch.X in R. Caranta and M. Trybus (eds), *The Law of Social and Green Procurement in Europe* (Djof publishing, 2010) 259

16 Remedies and enforcement

The sub-section on remedies and enforcement is sub-divided into two parts – one on mechanisms which are mainly focused on, and controlled by, individual suppliers, and the other on other enforcement mechanisms.

16.1 Supplier review

16.1.1 General

Articles and Essays in Edited Collections

S. Arrowsmith, "Enforcing the EC Public Procurement Rules: The Remedies System in England and Wales" (1992) 1 *Public Procurement Law Review* 92

S. Bailey, "Judicial Review and the Public Procurement Regulations" (2005) 14 *Public Procurement Law Review* 291

B. Bedford, "Remedies in the United Kingdom", ch.13 in A. Tyrell and B. Bedford (eds), *Public Procurement in Europe: Enforcement and Remedies* (London: Butterworths, 1997) 217

C. Boch, "The Implementation of the Public Procurement Directives in the UK: Devolution and Divergence?" (2007) 16 *Public Procurement Law Review* 410

M. Bowsher, "Prospects for Establishing an Effective Tender Challenge Regime: Enforcing Rights under EC Procurement Law in English Courts" (1994) 3 *Public Procurement Law Review* 30

C. Davis, "The European Court of Justice Decision in Alcatel – The Implications in the United Kingdom for Procurement Remedies and PFI" (2002) 11 *Public Procurement Law Review* 282

D. Pachnou, "Bidder Remedies to Enforce the EC Procurement Rules in England and Wales" (2003) 12 *Public Procurement Law Review* 35

H-J. Priess and P. Friton, "Designing Effective Challenge Procedures: the EU's Experience with Remedies", ch.18 in S. Arrowsmith and R. D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: CUP, 2011)

M. Trybus, "An Overview of the United Kingdom Public Procurement Review and Remedies System with an Emphasis on England and Wales" in S. Treumer and F. Lichère (eds), *The Enforcement of the EU Public Procurement Rules* (Copenhagen: Djøf Publishing 2011), 201

S. Weatherill, "Enforcing the Public Procurement Rules in the United Kingdom", ch.8 in S. Arrowsmith, *Remedies for Enforcing the Public Procurement Rules* (Winteringham: Earlsgate, 1993) 271

16.1.2 Forum for review

16.1.3 Remedies: interim measures

16.1.4 Remedies: damages

Articles and Essays in Edited Collections

M. Bowsher and P. Moser, "Damages for the Breach of the Public Procurement Rules in the United Kingdom" (2006) 15 *Public Procurement Law Review* 195

16.1.5 Impact of procedural violations on concluded contracts

Articles and Essays in Edited Collections

S. Arrowsmith, "The Impact of Public Law on the Private Law of Contract" in R. Halson (ed.), *Exploring the Boundaries of Contract* (Dartmouth, 1996)

16.1.6 Informal supplier complaints systems (e.g. Ombudsman system)

S. Arrowsmith, "Government Contracts and Public Law" (1990) 10 *Legal Studies* 231

16.2 Other enforcement mechanisms

Articles and Essays in Edited Collections

D. Pachnou, "Factors Influencing Bidders' Recourse to the European Commission to Enforce EC Procurement Law" (2005) 14 *Public Procurement Law Review* 91

17 Conflicts of interest

18 Bribery and other corruption in public procurement
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See also the sub-heading “Exclusion and debarment for criminal offences and other misconduct”.

18.1 General

18.2 Implementation of international conventions on bribery

19 Collusion by suppliers (bid-rigging)
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20 Competition law and public procurement
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Articles and Essays in Edited Collections

A. Davis, “Financing PFI Projects in the UK in the Credit Crisis and State Aid” (2009) 4 *European Public Private Partnership Law* 152

21 Pricing of public procurement contracts

Articles and Essays in Edited Collections

S. Martin, “The Review Board for Non-competitive Contracts: an Economic Evaluation” (1996) 12 *Defence Analysis* 205

22 Contract execution

23 Foreign aid and public procurement
--

24 Outsourcing of public services
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See also section 5.7, The Best Value regime for local government, and section 25, The procurement of privately financed infrastructure/services and other major infrastructure/services.

24.1 General

Books

K. Walsh, N. Deacon, P. Smith, et. al., *Contracting for Change: Contracts in Health, Social Care, and Other Local Government Services* (OUP, 1997)

K. Walsh, *Public Services and Market Mechanisms: Competition, Contracting and the New Public Management* (Palgrave Macmillan, 1995)

K. Walsh and H. Davies, *Competition and Service: the Impact of the Local Government Act 1988* (Department of the Environment, 1993)

Articles and Essays in Edited Collections

P. Craig, "Contracts, Service Provision and Governance" ch.5 in P. Craig, *Administrative Law* (6th ed) (Sweet & Maxwell, 2008)),

G. Boyne, "Competitive Tendering in Local Government: a Review of Theory and Evidence" (1998) 76 *Public Administration* 695

S. Domberger and S. Rimmer, "Competitive Tendering and Contracting in the Public Sector: a Survey" (1994) 1 *International Journal of Economics of Business* 439

M. Freedland, "Privatising *Carltona*; Part II of the Deregulation and Contracting Out Act 1994" [1995] *Public Law* 21

J. Greenwood and D. Wilson, "Towards the Contract State: CCT in Local Government" (1994) 47 *Parliamentary Affairs* 405

Larrard, "The History and Nature of Contracting Out of Services in the Public Sector", ch.4 in C. Bourn (ed), *The Transfer of Undertakings in the Public Sector* (Ashgate Dartmouth, 1999)

R. Milne and M. McGee, "Compulsory Competitive Tendering in the NHS: A New Look at Old Estimates" (1992) 13 *Fiscal Studies* 96

J. Painter, "Compulsory Competitive Tendering in Local Government: the First Round" (1991) 69 *Public Administration* 191

K. Shaw, J. Fenwick and A. Foreman, "Compulsory Competitive Tendering for Local Government Service: The Experiences of Local Authorities in the North of England 1988-92" (1994) 72 *Public Administration* 201

S. Szymanski and S. Wilkins, "Cheap Rubbish? Competitive Tendering and Contracting Out in Refuse Collection" (1993) 14 *Fiscal Studies* 109

P. Vincent Jones, "Competition and Contracting in the Transition from CCT to Best Value" (1999) 77 *Public Administration* 273

P. Vincent-Jones, "The Limits of Contractual Order in Public Sector Transacting" (1994) 14 *Legal Studies* 364

24.2 Application of public law controls to outsourced activities

Articles and Essays in Edited Collections

G. Drewry, "Public-private Partnerships – Rethinking the Boundary between Public and Private Law" (2000) 19 *Routledge Advances in Management and Business Studies* 57

M. Freedland, "Public Law and Private Finance – Placing the Private Finance Initiative in a Public Law Frame" [1998] *Public Law* 288

P. Craig, "Contracting Out, the Human Rights Act and the Scope of Judicial Review" [2002] *Law Quarterly Review* 551

Austin, "Administrative Law's Reaction to the Changing Concept of Public Service", ch.1 in P. Leyland and T. Woods, *Administrative Law Facing the Future: Old Constraints and New Horizons* (Blackstone Press, 1997)

25 The procurement of privately financed infrastructure/services and other major infrastructure/services (Public-private partnerships, Build-Operate-Transfer (BOT), concessions)
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Books

- P. Badcoe (ed), *Public Private Partnerships and PFI* (looseleaf) (Sweet & Maxwell, 2000)
- S. Cirell, J. Bennett and R. Hann, *The PFI and Major Strategic Procurement in Local Government* (looseleaf) (London: Sweet & Maxwell, 1997)
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