



WTO Advanced Regional Government Procurement Workshop for Asian Economies

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Session 6.1: Domestic Review Procedures: GPA Requirements and International Experience



LAW

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Revised GPA: Article XVIII

- Challenge Procedures
 - non-discriminatory
 - timely
 - transparent
 - effective
- Judicial or Administrative Review
- Remedies:
 - Interim relief: Suspension (not required)
 - Final relief: May be limited to bid preparation costs



Goals for a Challenge Regime

1. Provide a forum to hear complaints by, and grant relief to, *bidders*
2. Enhance *accountability* of procurement officials and government agencies
3. Promote *transparency* into how the procurement system works
4. Protect *integrity* of procurement system
5. Avoid unnecessary *cost* and *delay & disruption* of procurements

What do protests typically challenge?

- Pre-award
 - Overly restrictive solicitation
 - Ambiguous specifications
- Post-award
 - Did not receive contract
 - Improper application of evaluation criteria (to protesting firm's proposal, or the winner's)

Key Decisions

- Where (within the governmental system) to locate the forum?
- Who may bring a challenge? (“standing”)
- How strict will the time limits be to initiate a challenge? And to decide the case?
- Whether to stay (suspend) procurements during challenges?
- How difficult is it for a challenge to succeed?
- What does winning bring to the entity that brought the challenge?

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_4618

