

BIBLIOGRAPHY ON PUBLIC PROCUREMENT LAW AND REGULATION



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INTRODUCTION TO THE BIBLIOGRAPHY

1. General introduction and acknowledgements

Original introduction

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.

Introduction to the 2019 revisions

From 2011 the bibliography has been maintained by the University of Nottingham using financial resources provided by Achilles Information, sponsors of the Public Procurement Research Group at the University of Nottingham, under the supervision of Professor Sue Arrowsmith QC (Hon). In 2019 the bibliography was revised to bring it up to date to the end of 2018, other than for the USA for which updates are still pending. We would like to thank Serban Filipon for his extensive and very efficient work on this project. The section on Africa

was again updated under the supervision of Geo Quinot at the African Procurement Law Unit at Stellenbosch University, for whose assistance we are again very grateful.

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.

It is inevitable that with a comprehensive bibliography of this kind (as opposed to bibliography compilations of a limited nature that focus on, for example, a few specific journals) it will constantly be a work in progress. We recognize that the bibliography is unlikely to be fully complete and, in particular, that some sections will be more comprehensive than others. The work will be updated regularly and we will seek to expand and correct the content of the bibliography in these updates, as appropriate.

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 or equivalent, and not case notes or similar.

Unfortunately, because of limited resources we cannot undertake to reply to all 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 (available at the time of publication at www.nottingham.ac.uk/law/pprg).

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

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 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 organisation 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 rules of Development Banks.

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 providing 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 Agreement on Government Procurement, 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 note that these general works sometimes contain very detailed analysis of certain topics under the sub-headings.

Where one or a few chapters of an authored/co-authored book is/are relevant (while the book overall falls outside the scope of the bibliography), only that/those chapters are listed, and not the book as a stand-alone item. In such cases chapters are listed under relevant 'books' sub-headings.

For collections of essays by *different* authors, chapters specific to particular sub-headings are listed under the sub-headings concerned. A collection is also listed as a stand-alone item where relevant for the bibliography.

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 generally 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 policy papers or guidance (regulatory material). However, it includes books published by those institutions where these take the form of general information or critique.

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.

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- 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, D. Wallace Jr, J. Matechak, 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, "The Purpose of the EU Public Procurement Directives: Ends, Means, and the Implications for National Regulatory Space for Commercial and Horizontal Procurement Policies", ch.1 in C. Barnard, M. Gehring and I. Solanke (eds), *Cambridge Yearbook of European Legal Studies 2011-2012, Volume 14* (Oxford: Hart Publishing, 2012) 1

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

O. Dekel, "The Legal Theory of Competitive Bidding for Government Contracts" (2008) 37 *Public Contract Law Journal* 237

P. Kunzlik, "Neoliberalism and the European Public Procurement Regime", ch.11 in C. Barnard, A. Albors-Llorens, M.W. Gehring with R. Schultze (eds), *Cambridge Yearbook of European Legal Studies 2012-2013, Volume 15* (Oxford: Hart Publishing, 2013) 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: Cambridge University Press, 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) 38 *Public Contract Law Journal* 85

P. Trepte, *Transparency and Accountability as Tools for Promoting Integrity and Preventing Corruption in Public Procurement* (2005) (OECD)

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

P. Previtali, "New Organizational Culture for New Public E-Procurement: from Competition to Purchasing Groups", ch.5 in P. Ordóñez de Pablos, J.M.C. Lovelle, J.E.L. Gayo and R.D. Tennyson (eds), *E-Procurement Management for Successful Electronic Government Systems* (USA: IGI Global, 2013) 73

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

J. Steinfeld, "The What, Who, and How of Public Procurement: Job Functions Performed and Managed by Professionals", ch.17 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization) (Springer, 2017) 311

4 Reform of regulatory systems in public procurement

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

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

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

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-e-book.pdf>

M. Haber, "Improving Public Procurement", ch.8 in Wegrich, G. Kostka and G. Hammerschmid, *The Governance of Infrastructure* (Hertie Governance Report) (Oxford: Oxford University Press, 2017) 146

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)

A. Sanchez, "The Role of Procurement", ch.14 in R. Allen, R. Hemming and B.H. Potter (eds), *The International Handbook of Public Financial Management* (Palgrave Macmillan, 2013) 312

C.M. Savoy and C. Richardson-Barlow, "Procurement: Procurement System Modernization", Ch. 3 in S. Miller and D.F. Runde (principal authors) and C.M. Savoy and C. Richardson-Barlow (contributing authors), *A New Development Agenda: Trade, Development, and Procurement* (CSIS Reports) (Rowman & Littlefield/Center for Strategic & International Studies, 2014) 21

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) 38 *Public Contract 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 Cambridge University Press, 2011) 377

D. Wallace, "The Changing World of National Procurement Systems: Global Reformation", (1995) 4 *Public Procurement Law Review* 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

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

F. Bentchikou, "World Bank Procurement: Contributions to the Harmonization of Public Contracts", ch.23 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 615

H. Caroli Casavola, "Global Rules for Public Procurement" in R. Noguellou and U. Stelkens (eds), *Droit compare des contrats publics/Comparative Law on Public Contracts* (Brussels: Bruylant, 2010) 27

H. Caroli Casavola, "Internationalizing Public Procurement Law: Conflicting Global Standards for Public Procurement" (2006) 6 *Global Administrative Law and Global Governance Global Jurist Advances* (De Gruyter) published on-line: 19.10.2006 (ISSN on line 1535-1661; DOI: 10.2202/1535-1661.1183)

B. Hoekman, "International Cooperation on Public Procurement Regulation", ch.20 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 603

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

L. Folliot Lalliot, "From the Internationalization of Rules to the Internationalization of Public Contracts: How International Instruments Are Reshaping Domestic Procurement Systems", ch.2 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 23

E. Morlino, "Development Aid and the Europeanization of Public Procurement in Non-EU States", ch.26 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 689

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* (Oxford University Press, 2008)

C. Donnelly, *Delegation of Government Power to Private Parties* (Oxford University Press, 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. It also covers joint and centralised procurement.

7.1 General

7.2 Joint and centralised procurement

Articles and Essays in Edited Collections

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: Cambridge University Press, 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

8 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). It also covers material on the divide between contract and other supply mechanisms.

9 Methods of procurement: basic characteristics and conditions for use
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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: Cambridge University Press, 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: Cambridge University Press, 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: Cambridge University Press, 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

J. de Brux and C. Desrieux, "To allot or not to allot public services? An incomplete contract approach" 2014 (3) (37) *European Journal of Law and Economics* 455

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: Cambridge University Press, 2006) 446

- N. Dimitri, “‘Best Money for Value’ in Procurement” (2013) 13 *Journal of Public Procurement* 149
- 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: Cambridge University Press, 2006) 193
- F. Dini, R. Pacini and T. Valletti, “Scoring rules”, ch.12 in N. Dimitri, G. Piga and G. Spagnolo, *Handbook of Procurement* (Cambridge University Press, 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: Cambridge University Press, 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: Cambridge University Press, 2006) 168
- P. Kiiver and J. Kodym, “Price-Quality Ratios in Value-for-Money Awards” (2015) 15 *Journal of Public Procurement* 275
- P. Lahdenperä, “Determining ‘The Most Economically Advantageous Tender’ Based on Capability and Fee-Percentage Criteria” (2013) 13 *Journal of Public Procurement* 409
- 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: Cambridge University Press, 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
- P.S. Stilger, J. Siderius and E.M. Van Raaij, “A comparative study of formulas for choosing the economically most advantageous tender” (2017) 17 *Journal of Public Procurement* 89

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: Cambridge University Press, 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)

S. Williams-Elegbe, *Fighting Corruption in Public Procurement - A Comparative Analysis of Disqualification or Debarment Measures* (Hart Publishing, 2012)

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

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)

Books

G.L. Albano and C. Nicholas, *The Law and Economics of Framework Agreements: Designing Flexible Solutions for Public Procurement* (Cambridge University Press, 2016)

OECD, *Public Procurement in Chile: Policy Options for Efficient and Inclusive Framework Agreements* (OECD Public Governance Reviews) (Paris, OECD Publishing, 2017)

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)

G. Racca, R.C. Perin, and G.L. Albano, "Competition in the Execution Phase of Public Procurement" (2011) 41 *Public Contract Law Journal* 89

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)

L.K. Tang and S.H. Goh, "A Price Review Framework for Maintenance, Repair and Operations Procurement Contracts in Public Sector", ch.10 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization)) (Springer, 2017) 173

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

14.1 Electronic communications and tendering

Books

R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017)

R.K. Shakya, *e-Procurement for Good Governance in Public Procurement* (Scholars' Press, 2015)

P. Ordóñez de Pablos, J.M.C. Lovelle, J.E.L. Gayo and R.D. Tennyson (eds), *E-Procurement Management for Successful Electronic Government Systems* (USA: IGI Global, 2013)

N. Pomazalová (ed.), *Public Sector Transformation Processes and Internet Public Procurement: Decision Support Systems* (USA: IGI Global (Idea Group), 2013)

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. 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) 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) 459.

N. Dorasamy, "Conditions Determining the Success of Public E-Procurement", ch.9 in N. Pomazalová (ed.), *Public Sector Transformation Processes and Internet Public Procurement: Decision Support Systems* (USA: IGI Global (Idea Group), 2013) 185

R. Eadie, S. Perera and G. Heaney, "Electronic Procurement in Construction Industry", ch.7 in N. Pomazalová (ed.), *Public Sector Transformation Processes and Internet Public Procurement: Decision Support Systems* (USA: IGI Global (Idea Group), 2013) 118

A.S. Jeeva and L.C. Wood, "Poverty Reduction Strategies via Public-Private Partnerships: The Role of E-Government Solutions in Supporting Supplier Diversity Programmes", ch.2 in P. Ordóñez de Pablos, J.M.C. Lovelle, J.E.L. Gayo and R.D. Tennyson (eds), *E-Procurement Management for Successful Electronic Government Systems* (USA: IGI Global, 2013) 14

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: Cambridge University Press, 2006) 249

- K. Kasemsap, "Mastering Electronic Procurement, Green Public Procurement, and Public Procurement for Innovation", Ch.2 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 29
- M.J. Lee, "An Exploratory Study on the Mature Level Evaluation of E-Procurement Systems" (2010) 3 *Journal of Public Procurement* 405
- R.E. Lloyd, "Public Contract Writing Systems: A House Divided" (2012) 12 *Journal of Public Procurement* 295
- 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
- R. Shakya, "E-Procurement: Paradigm Shift from Traditional Public Procurement", ch.8 in K. Vaidya (ed.), *Procurement and Contract Management for the Curious: Why Study Procurement and Contract Law?*, Kindle edition (The Curious Academic Press, 2016, ASIN: B01BJLL33G)
- R.K. Shakya and P.R. Schapper, "Digital Governance and E-Government Principles: E-Procurement as Transformative", Ch. 1 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 1
- 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, "Defining Public E-Procurement: A Multi-disciplinary Approach", ch. 12 in K. Vaidya (ed.), *Procurement and Contract Management for the Curious: Why Study Procurement and Contract Law?*, Kindle edition (The Curious Academic Press, 2016, ASIN: B01BJLL33G)
- 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, J. Campbell, J. Soar and S. Gardner, "Assimilation of Inter-Organizational Information Systems: Insights from Change Resistance Theory in Public Electronic Procurement", ch.2 in K. Vaidya (ed.), *Inter-organizational Information System and Business Management: Theories for Researchers* (USA: IGI Global, 2012) 55

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

H. Walker and S. Brammer, "The relationship between sustainable procurement and e-procurement in the public sector" (2012) 140 *International Journal of Production Economics* 256

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: Cambridge University Press, 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: Cambridge University Press, 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: Cambridge University Press, 2006) 381

R.K. Shakya and P.R. Schapper, "Digital Governance and E-Government Principles: E-Procurement as Transformative", Ch. 1 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 1

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, strategic procurement, socio-economic policies, procurement linkages)
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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* (Oxford University Press, 2007)

G. Piga, F. Decarolis and M. Frey (eds), *Public Procurement’s Place in the World: The Charge Towards Sustainability and Innovation* (Palgrave MacMillan, 2014)

United Nations, *Sustainable Public Procurement: A Global Review* (United Nations Publications, 2015)

S. Valaguza, *Sustainable Development in Public Contracts, an Example of Strategic Regulation* (Editoriale Scientifica, 2016)

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* (Cambridge University Press, 2009) 107

S. Morettini, "Public Procurement and Secondary Policies in EU and Global Administrative Law", ch.10 in E. Chiti and B.G. Mattarella (eds), *Global Administrative Law and EU Administrative Law - Relationships, Legal Issues and Comparison* (Berlin, Heidelberg: Springer Verlag, 2011) 187

A. Morley, R. Sonnino and A. Smitth, "Leading by Procuring: The Power of Public Sector Purchasing" in D. Rigling Gallagher (ed.), *Environmental Leadership: A reference handbook*, Vol. 1 (Sage Publications, 2012) 113

H. Walker and S. Brammer, "The relationship between sustainable procurement and e-procurement in the public sector" (2012) 140 (1) *International Journal of Production Economics* 256

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

R. Watermeyer, "Linking Developmental Deliverables to Public Sector Contracts", ch.3 in M.A. Yülek and T.K. Taylor (eds), *Designing Public Procurement Policy in Developing Countries: How to Foster Technology Transfer and Industrialization in the Global Economy* (New York: Springer-Verlag, 2012) 35

I. Zapatrina, "State Support under PPP: New Challenges in the Context of the UN Sustainable Development Goals" (2018) 13 *European Procurement & Public Private Partnership Law Review* 326

16.2 Industrial development policies

Books

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

M.A. Yülek and T.K. Taylor (eds), *Designing Public Procurement Policy in Developing Countries: How to Foster Technology Transfer and Industrialization in the Global Economy* (New York: Springer-Verlag, 2012)

Articles and Essays in Edited Collections

S. Abutabenjeh, S.B. Gordon and B. Mengistu, "International trade protectionist policies and in-state preferences: A link" (2017) 17 *Journal of Public Procurement* 31

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

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

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

T.K. Taylor, "Countertrade Offsets in International Procurement: Theory and Evidence", ch.2 in M.A. Yülek and T.K. Taylor (eds), *Designing Public Procurement Policy in Developing Countries: How to Foster Technology Transfer and Industrialization in the Global Economy* (New York: Springer-Verlag, 2012) 15

T.K. Taylor, "Offset Policy Design in International Procurement" in K.V. Thai (ed.), *International Handbook of Public Procurement*, (London: CRC Press, 2009) 749

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

M.A. Yülek, "Public Expenditures on Machinery and Equipment in Developing Countries: A Potential Driver of Technological Development and Industrialization", ch.1 in M.A. Yülek and T.K. Taylor (eds), *Designing Public Procurement Policy in Developing Countries: How to Foster Technology Transfer and Industrialization in the Global Economy* (New York: Springer-Verlag, 2012) 3

16.3 Innovation

Books

V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014)

OECD, *Public Procurement for Innovation: Good Practices and Strategies* (OECD Public Governance Reviews) (OECD, 2017)

Articles and Essays in Edited Collections

R. Ågren and M. Rolfstam, "A Conjecture on Institutional Rationalities and Property Rights in Public Procurement of Innovation", in G. Piga, F. Decarolis and M. Frey (eds), *Public Procurement's Place in the World: The Charge Towards Sustainability and Innovation* (Palgrave MacMillan, 2014) 131

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: Cambridge University Press, 2006) 483

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

K. Kasemsap, "Mastering Electronic Procurement, Green Public Procurement, and Public Procurement for Innovation", Ch.2 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 29

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

V. Lember, R. Kattel and T. Kalvet, "How Governments Support Innovation Through Public Procurement: Comparing Evidence from 11 Countries", ch.14 in V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014) 287

V. Lember, R. Kattel and T. Kalvet, "Introduction", ch.1 in V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014) 1

V. Lember, R. Kattel and T. Kalvet, "Public Procurement and Innovation: Theory and Practice", ch.2 in V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014) 13

V. Lember, R. Kattel and T. Kalvet, "Quo vadis public procurement of innovation?" (2015) 28 *Innovation: The European Journal of Social Science Research (Special Issue: Public Procurement)* 403

G. Quinot, "Innovation, State Contracting and Public Procurement Law" (2015) 7 *Trade, Law and Development* 137

16.4 Regional policy

Articles and Essays in Edited Collections

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

16.5 Small and medium-sized enterprises in public procurement

Books

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

OECD, *SMEs in public procurement: practices and strategies for shared benefits* (Paris: OECD Publishing, 2018)

Articles and Essays in Edited Collections

C. Nicholas and M. Fruhmann, "Small and Medium-Sized Enterprises Policies in Public Procurement: Time for a Rethink?" (2014) 14 *Journal of Public Procurement* 328

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

Books

J. Barraket, R. Keast and C. Furneaux, *Social Procurement and New Public Governance* (Routledge Critical Studies in Public Management) (Routledge, 2016)

A.M. Corvaglia, *Public Procurement and Labour Rights: Towards Coherence in International Instruments of Procurement Regulation* (Oxford, Hart Publishing, 2017)

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

International Trade Center, *Empowering Women through Public Procurement* (United Nations Publications, 2014)

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

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

A.S. Jeeva and L.C. Wood, "Poverty Reduction Strategies via Public-Private Partnerships: The Role of E-Government Solutions in Supporting Supplier Diversity Programmes", ch.2 in P. Ordóñez de Pablos, J.M.C. Lovelle, J.E.L. Gayo and R.D. Tennyson (eds), *E-Procurement Management for Successful Electronic Government Systems* (USA: IGI Global, 2013) 14

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* (Oxford University Press, 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

16.7 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, *Greener Public Purchasing: Issues and Practical Solutions* (Paris: Organisation for Economic Co-operation and Development, 2000)
- OECD, *The Environmental Performance of Public Procurement: Issues of Policy Coherence* (OECD Publishing, 2003)
- T. Russel (ed.), *Greener Purchasing: Opportunities and Innovations* (Greenleaf Publishing, 1998 / Routledge, Kindle edition, 2017)

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
- A. Hervé and D. Luff, "Trade Law Implications of Procurement Practices in Sustainable Energy Goods and Services: September 2012", ch.5 in G.C. Hufbauer, R. Meléndez-Ortiz and R. Samans (eds), *The Law and Economics of Sustainable Energy Trade Agreement* (Cambridge: Cambridge University Press, 2016) 196
- 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
- K. Kasemsap, "Mastering Electronic Procurement, Green Public Procurement, and Public Procurement for Innovation", ch.2 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 29
- P. Kunzlik, "International Procurement Regimes and the Scope for the Inclusion of Environmental Factors in Public Procurement" (2003) 3 *OECD Journal on Budgeting* 107
- A. La Chimia, "Climate Change and Aid Funding: An Appraisal of Recent Developments", ch.8 in S. Farrall, T. Ahmed and D. French (eds), *Criminological and Legal Consequences of Climate Change* (Oxford and Portland Oregon: Hart Publishing, 2012) 133

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

T. Pento, “Implementation of Public Green Procurement Programmes”, ch.1 in T. Russel (ed.), *Greener Purchasing: Opportunities and Innovations* (Greenleaf Publishing, 1998 / Routledge, Kindle edition, 2017) 22

S.Y. Sørensen and T. Russel, “Greener Purchasing and Trade Rules: Can they be Reconciled?”, ch.7 in T. Russel (ed.), *Greener Purchasing: Opportunities and Innovations* (Greenleaf Publishing, 1998 / Routledge, Kindle edition, 2017) 99

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

Books

L. Folliot-Lalliot and S. Torricelli (eds), *Contrôles et contentieux des contrats publics – Oversight and Challenges of public contracts* (Brussels: Bruylant, 2018)

Articles and Essays in Edited Collections

D.I. Gordon, “Constructing a Bid Protest System: The Choices that Every Procurement Challenge System Must Make” (2006) 35 *Public Contract 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

Books

L. Folliot-Lalliot and S. Torricelli (eds), *Contrôles et contentieux des contrats publics – Oversight and Challenges of public contracts* (Brussels: Bruylant, 2018)

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

J. Jurich, “International Approaches to Conflicts of Interest in Public Procurement: A Comparative Review” (2012) 7 *European Procurement & Public Private Partnership Law Review* 242

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)

M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015)

A. Graycar and T. Prenzler, "Preventing Corruption in Public Sector Procurement", ch.7 in A. Graycar and T. Prenzler, *Understanding and Preventing Corruption* (Palgrave Macmillan, 2013) 100

A. Goldsmith, M. Halsey and A. Groves, "Procurement, Kickbacks and Fiddles", ch.7 in A. Goldsmith, M. Halsey and A. Groves, *Tackling Correctional Corruption* (Crime Prevention and Security Management Series) (Palgrave Macmillan, 2016) 113

P. Gottschalk and P. Stanislas (eds), *Public Corruption: Regional and National Perspectives on Procurement Fraud* (CRC Press, Taylor & Francis Group, 2017)

F. Heimann and M. Pieth, *Confronting Corruption: Past Concerns, Present Challenges, and Future Strategies* (Oxford: Oxford University Press, 2018)

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

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

M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014)

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)

J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014)

C.E. Piper, *Contract and Procurement Fraud Investigation Guidebook* (Routledge, 2017)

J. Pope, "Public Procurement: Where the Public and Private Sectors Do Business", ch.22 in J. Pope, *Confronting Corruption: The Elements of a National Integrity System*, TI Sourcebook 2000 (Transparency International, 2000) 205

G.M. Racca and C. Yukins (eds), *Integrity and Efficiency in Sustainable Public Contracts: Balancing Corruption Concerns in Public Procurement Internationally* (Bruxelles: Bruylant, 2014)

S. Rose-Ackerman and B.J. Palifka, *Corruption and Government: Causes, Consequences, and Reform*, 2nd edition (Cambridge: Cambridge University Press, 2016)

A.K. Tansel, *Corruption in Public Procurement* (GRIN Verlag, 2018)

P. Tickner, *Fraud and Corruption in Public Services* (Gower Publishing/Routledge, 2015)

S. Williams-Elegbe, *Fighting Corruption in Public Procurement - A Comparative Analysis of Disqualification or Debarment Measures* (Hart Publishing, 2012)

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

L.B. Arrieta, "Attacking Bribery at Its Core: Shifting focus to the demand side of the bribery equation" (2016) 45 *Public Contract Law Journal* 587

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

M.J. Bonell and O. Meyer, "The Impact of Corruption on International Commercial Contracts – General Report", ch.1 in M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015) 1

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

M. Fazekas, L. Cingolani and B. Tóth, "Innovations in Objectively Measuring Corruption in Public Procurement", ch.7 in H.K. Aanheier, M. Haber and M.A. Kayser (eds), *Governance Indicators: Approaches, Progress, Promise* (Hertie Governance Report) (Oxford University Press, 2018) 154

B. Flybjerg and E. Molloy, "Delusion, deception and corruption in major infrastructure projects: causes, consequences and cures", ch. 3 in S. Rose-Ackerman and T. Søreide (eds) *International Handbook on the Economics of Corruption*, Vol.2 (Edward Elgar, 2011) 81

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 García (ed.), *International Public Procurement: a Guide to Best Practice* (Globe Law and Business, 2009) 57

E. Iossa and D. Martimort, "Corruption in public-private partnerships", ch.9 in P. de Vries, E.B. Yehoue (eds), *The Routledge Companion to Public-Private Partnerships* (Routledge, 2013) 207

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

R.H. Kreindler and F. Gesualdi, "The Civil Law Consequences of Corruption under the UNIDROIT Principles of International Commercial Contracts: An Analysis in Light of International Arbitration Practice", ch.17 in M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015) 391

A. Lambert-Mogiliansky, "Corruption and collusion: strategic complements in procurement", ch. 4 in S. Rose-Ackerman and T. Søreide (eds) *International Handbook on the Economics of Corruption*, Vol.2 (Edward Elgar, 2011) 108

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

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E. Iossa and D. Martimort, "Corruption in public-private partnerships", ch.9 in P. de Vries, E.B. Yehoue (eds), *The Routledge Companion to Public-Private Partnerships* (Routledge, 2013) 207

J. Kitsos, "Privatisation and Public Private Partnerships: Defining the Legal Boundaries from an International Perspective" (2015) 10 *European Procurement & Public Private Partnership Law Review* 17

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

J. Moore and C. Staropoli, "Horizontal and Vertical Agreements in PPPs" in S. Saussier and J. de Brux (eds), *The Economics of Public-Private Partnerships: Theoretical and Empirical Developments* (Springer, 2018) 203

N. Mouraviev and N. Kakabadse, "PPP Governance: Challenges and Lessons Learned from Transitional Economies", Chapter Twelve in N. Mouraviev and N. Kakabadse (eds), *Public-Private Partnerships in Transitional Nations: Policy, Governance and Praxis* (Cambridge Scholars Publishing, 2017) 258

M. Nagelkerke and M. van Valkenburg, "Lacking Partnership in PPP Projects" (2016) 11 *European Procurement & Public Private Partnership Law Review* 346

- C. Nicholas, "Devising Transparent and Efficient Concession Award Procedures" (2012) 17 *Uniform Law Review* 97
- D. Podhraški, "Real Options in Public-Private Partnerships" (2014) 9 *European Procurement & Public Private Partnership Law Review* 164
- C. Queiroz and A. Lopez Martinez, "Legal frameworks for successful public-private partnerships", ch.4 in P. de Vries, E.B. Yehoue (eds), *The Routledge Companion to Public-Private Partnerships* (Routledge, 2013) 75
- G. Rausser and H. Ameden, "Incomplete contracts and public-private partnerships" ch.6 in P. de Vries, E.B. Yehoue (eds), *The Routledge Companion to Public-Private Partnerships* (Routledge, 2013) 127
- 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
- G.L. Sturgess, "Commissions and Concessions: A Brief History of Contracting for Complexity in the Public Sector", ch.2 in N. Caldwell and M. Howard (eds), *Procuring Complex Performance: Studies of Innovation in Product-Service Management* (Routledge, 2012) 41
- S. Verma, "Government obligations in public-private partnership contracts" (2010) 4 *Journal of Public Procurement* 564
- D. Vinogradov, E. Shadrina and L. Kokareva, "Public Procurement Mechanisms for Public-Private Partnerships" (2014) 14 *Journal of Public Procurement* 538
- 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
- 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
- I. Zapatrina, "State Support under PPP: New Challenges in the Context of the UN Sustainable Development Goals" (2018) 13 *European Procurement & Public Private Partnership Law Review* 326
- I. Zapatrina, "Sustainable Development Goals for Developing Economies and Public-Private Partnership" (2016) 11 *European Procurement & Public Private Partnership Law Review* 39

27 Defence procurement

Books

S. Martin (ed.), *The Economics of Offsets – Defence Procurement and Countertrade* (Paperback) (Routledge, 2014)

Articles and Essays in Edited Collections

B. Heuninckx, “Internationalisation of Defence Contracts: The Complexities of Collaboration”, ch.16 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 437

S. Markowski, P. Hall and R. Wylie, “Demand: military products, user requirements, and the organisation of procurement”, ch.2 in S. Markowski, P. Hall and R. Wylie (eds), *Defence Procurement and Industry Policy – A small country perspective* (Hardback) (London and New York: Routledge, 2010) 45

S. Martin, “Countertrade and Offsets: An overview of The Theory and Evidence”, ch.2 in S. Martin (ed.), *The Economic of Offsets – Defence Procurement and Countertrade* (Paperback) (Routledge, 2014) 15

M. Uttley, “Defence procurement”, ch. 6 in D.J. Galbreath and J.R. Deni (eds), *Routledge Handbook of Defence Studies* (Abingdon, UK, and New York, US: Routledge Handbooks, 2018) 72

28 International trade agreements and public procurement

Books

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

P. Trepte, P. Pease, A. Butler and A. La Chimia, *Trade Effects of Rules on Procurement for Commonwealth ACP Members* (Economic Paper Series) (Commonwealth Secretariat, 2011)

Articles and Essays in Edited Collections

R.D. Anderson, A.C. Müller, K. Osei-Lah, J.P. De León 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: Cambridge University Press, 2011) 561

R.D. Anderson and P. Pelletier, "The Government Procurement Chapter of the Trans-Pacific Partnership Agreement: An Assessment of its Potential Impact" (2016) 11 *European Procurement & Public Private Partnership Law Review* 270

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

E. Aspey and N. Butler, "Public Procurement in TTIP: An Opportunity to Set Global Standards", ch.13 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization) (Springer, 2017) 231

L. Cernat and Z. Kutlina-Dimitrova, "International Public Procurement: from Scant Facts to Hard Data", ch.18 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 533

A. Davies and K. Nadakavukaren Schefer, "Government Procurement", Ch.11 in S. Lester, B. Mercurio and L. Bartels (eds), *Bilateral and Regional Trade Agreements: Commentary and Analysis*, 2nd edition (Cambridge University Press, 2015) 299

K. Dawar, "Transcending mercantilism: identifying the positive externalities from international public procurement agreements" (2016) 25 *Public Procurement Law Review* 181

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. Folliot Lalliot, "From the Internationalization of Rules to the Internationalization of Public Contracts: How International Instruments Are Reshaping Domestic Procurement Systems", ch.2 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 23

A. Hervé and D. Luff, "Trade Law Implications of Procurement Practices in Sustainable Energy Goods and Services: September 2012", ch.5 G.C. Hufbauer, R. Meléndez-Ortiz and R. Samans (eds), *The Law and Economics of Sustainable Energy Trade Agreement* (Cambridge: Cambridge University Press, 2016) 196

B. Hoekman, "International Cooperation on Public Procurement Regulation", ch.20 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 603

B. Hoekman, "Trade Agreements and International Cooperation on Public Procurement Regulation", in T. Rensmann (ed.), *Mega-Regional Trade Agreements* (Springer, 2017) 319

- 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: Cambridge University Press, 2011) 719
- P. Messerlin, "How Open Are Public Procurement Markets?", ch.19 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 548
- 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: Cambridge University Press, 2011) 746
- E. Niewiadomska and A. Solomonyan, "Public Procurement in Global and Regional Trade Agreements: Lessons Learned in Armenia", ch.6 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 162
- C. Pereira, "Application of the CISG to international government procurement of goods" (2016) 25 *Public Procurement Law Review* 20
- M. Pomeranz, "Toward a new international order in government procurement" (1982) 12 *Public Contract Law Journal* 129
- S.J. Rickard, "PTAs and public procurement", ch.11 in A. Dür and M. Elsig (eds), *Trade Cooperation - The Purpose, Design and Effects of Preferential Trade Agreements* (Cambridge University Press, 2015) 275
- N.C. Rodrigues, "The use of public procurement as a non-tariff barrier: relations between the EU and the BRICS in the context of the new EU trade and investment strategy" (2017) 26 *Public Procurement Law Review* 135
- A. Semple, "Socially Responsible Public Procurement (SRPP) under the EU Law and International Agreements: The GPA, CETA and the EU-Ukraine Deep and Comprehensive Free Trade Area" (2017) 12 *European Procurement & Public Private Partnership Law Review* 293
- S.Y. Sørensen and T. Russel, "Greener Purchasing and Trade Rules: Can they be Reconciled?", ch.7 in T. Russel (ed.), *Greener Purchasing: Opportunities and Innovations* (Greenleaf, 1998 / Routledge, Kindle edition, 2017) 99
- 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. Trinofetti, "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

X. Tu and N. Sun, "Government Procurement in TPP and its Implications for China's GPA Accession Negotiation", Ch.18 in J. Chaisse, H. Gao and C-f. Lo (eds), *Paradigm Shift in International Economic Law Rule-Making: TPP as a New Model for Trade Agreements?* (Economics, Law, and Institutions in Asia Pacific) (Springer, 2017) 307

**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)

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

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

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

P.M. Lalonde, C. Yukins, D. Wallace Jr. and J. Matechak, "ABA SIL International Procurement Committee Year in Review 2007" (2008) 42 *The International Lawyer* 479

- 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
- L. Mastromatteo, "Internationalizing Public Contracts through Model Laws: The Case of the UNCITRAL Model Law on Public Procurement", ch.15 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 407
- J. Myers, "UNCITRAL Model Law on Procurement" (1993) 21 *International Business Lawyer* 179
- C. Nicholas, "The 2011 UNCITRAL Model Law on Public Procurement" (2012) 21 *Public Procurement Law Review* NA111
- 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.Erauw and P. Volken (eds), *Liber memorialis Petar Šarcevic. Universalism, Tradition and the Individual* (Munich: Sellier. European Law Publishers, 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 Contract Law Journal* 485

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

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

C. Nicholas, "Negotiations and the Development of International Standards in Public Procurement: Let the Best Team Win?" (2015) 7 *Trade, Law and Development* 64

C. Nicholas, "UNCITRAL and the Internationalization of Government Procurement Regulation", ch.3 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 86

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: Cambridge University Press, 2011) 746

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

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

C. Nicholas, "A critical evaluation of the revised UNCITRAL Model Law provisions on regulating framework agreements" (2012) 21 *Public Procurement Law Review* 19

D. Wallace, Jr., C.R. Yukins and J.P. Matechak, "UNCITRAL Model Law: Reforming Electronic Procurement, Reverse Auctions, and Framework Contracts" (2005) 40 (2) *The Procurement Lawyer* 1

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

D. Wallace, Jr., C.R. Yukins and J.P. Matechak, "UNCITRAL Model Law: Reforming Electronic Procurement, Reverse Auctions, and Framework Contracts" (2005) 40 *The Procurement Lawyer* 1

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) 40 (2) *The Procurement Lawyer* 1

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

Articles and Essays in Edited Collections

C. Nicholas, "A View from Outside the EU: UNCITRAL's Approach to Balancing Economic and Social Considerations in Public Procurement", ch.13 in A. Sánchez-Graells (ed.), *Smart Public Procurement and Labour Standards: Pushing the Discussion after RegioPost* (Hart Publishing, 2018) 265

C. Nicholas and A.C. Müller, "SME Participation in Government Procurement Markets - Legal and Policy Considerations under the WTO Agreement on Government Procurement and the UNCITRAL Model Law on Public Procurement", ch.5 in T. Rensmann (ed.), *Small and Medium-Sized Enterprises in International Economic Law* (Economic International Law Series) (Oxford: Oxford University Press, 2017) 123

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

C. Nicholas, "Remedies for Breaches of Procurement Regulation and the UNCITRAL Model Law on Procurement", ch.12 in D. Fairgrieve and F. Lichère (eds), *Public Procurement Law: Damages as an Effective Remedy* (Oxford: Hart Publishing, 2011) 213

X. Zhang, "Constructing a System of Challenge Procedures to Comply with the Agreement on Government Procurement", ch.17 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: Cambridge University Press, 2011) 483

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

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)
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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

I. Zapatrina, A. Zverev and A. Rodina, "Harmonisation of public-private partnership legislation: regional and international context of the Model Law on Public-Private Partnerships for CIS Countries" (2015) 10 *European Procurement & Public Private Partnership Law Review* 3

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: Cambridge University Press, 2011)

S. Arrowsmith and M. Trybus (eds), *Public Procurement: The Continuing Revolution* (The Hague: Kluwer Law International, 2003)

S. Brown-Shafii, *Promoting Good Governance, Development and Accountability: Implementation and the WTO* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2011)

A. Davies, *The prospects for the World Trade Organisation Agreement on Government Procurement* (Thesis: University of Nottingham, 2000)

S.J Evenett and B. Hoekman, *The WTO and Government Procurement* (Cheltenham UK and Northampton MA: Edward Elgar, 2006)

A. Gelbrich, *Regulation of Government Procurement within the WTO - Procurement Policies And Multilateral Trade Rules* (Vdm Verlag Dr. Mueller, 2008)

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)

A. La Chimia, *Tied Aid and Development Aid Procurement in the Framework of EU and WTO Law – The Imperative for Change* (Oxford and Portland, Oregon: Hart Publishing, 2013)

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

Articles and Essays in Edited Collections

K.W. Abbott, "Rule-making in the WTO: Lessons from the Case of Bribery and Corruption" (2001) 4 *Journal of International Economic Law* 275

A. Amerjee, "(Are) Government(s) Pro-'Cure'(ment)? The WTO and Beyond" (2015) 7 *Trade, Law and Development* 1

R.D. Anderson, "Making law in 'new' WTO subject areas: competition policy and government procurement", ch.19 in G.Z. Marceau (ed.), *A History of Law and Lawyers in the GATT/WTO: The Development of the Rule of Law in the Multilateral Trading System* (World Trade Organization/Cambridge University Press, 2015) 275

R.D. Anderson and S. Arrowsmith, "The WTO Regime on Government Procurement: Past, Present and Future", ch.1 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: Cambridge University Press, 2011) 3

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: Cambridge University Press, 2011) 681

R.D. Anderson and A.C. Müller, "WTO accession and accession to the Agreement on Government Procurement: what is the relationship? Why should WTO acceding governments also consider GPA accession?", ch. 32 in U. Dadush and C. Osakwe (eds), *WTO Accessions and Trade Multilateralism: Case Studies and Lessons from the WTO at Twenty* (Cambridge University Press/World Trade Organization, 2015) 674

R.D. Anderson, A.C. Müller, K. Osei-Lah, J.P. De León 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: Cambridge University Press, 2011) 561

R.A. Anderson, A.C. Müller and P. Pelletier, "Regional Trade Agreements and Procurement Rules: Facilitators or Hindrances?", ch.2 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 56

A. Davies, "The GATT Article III: 8(a) Procurement Derogation and *Canada – Renewable Energy*" (2015) 18 *Journal of International Economic Law* 543

K. Dawar, "The Government Procurement Agreement, the Most-Favored Nation Principles, and Regional Trade Agreements", ch.4 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 111

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5.5 Methods of procurement: basic characteristics and conditions for use

5.6 The conduct of procurement proceedings

5.7 Specifications

5.8 Qualification of suppliers/contractors (responsibility)

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

5.10 Electronic procurement

5.11 Information requirements

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

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5.13.1 Supplier review

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5.14 Conflicts of interest

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5.17 Outsourcing of public services

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**Section 3: THE WORLD BANK PROCEDURES 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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G. Gopal and A. Marc, *World Bank-Financed Projects With Community Participation: Procurement and Disbursement Issues (World Bank Discussion Paper) (No 265)* (World Bank, 1994)

J. Gutman, *Development Aid and Procurement: The Case for Reform* (Washington DC: The Brookings Institution, 2013)

M.I. Imudia with P.M. Kaindaneh and D. Baffour-Awuah, *Why Projects Fail in the Public Sector* (CreateSpace Independent Publishing Platform, 2013)

Independent Evaluation Group, The World Bank Group, *The World Bank Group and Public Procurement: An Independent Evaluation* (Washington D.C., World Bank, 2014)

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S. Williams-Elegbe, *Public Procurement and Multilateral Development Banks: Law, Practice and Problems* (Oxford: Hart Publishing, 2017)

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A. Kumar, A. Nair and J. Piecha, "Measuring Efficiency in International Public Procurement" (2015) 15 *Journal of Public Procurement* 365

B. Malmendier, "The Liability of International Development Banks in Procurement Proceedings: The Example of the International Bank for Reconstruction and Development (IBRD), the European Bank for Reconstruction and Development (EBRD) and the Inter-American Development Bank (IADB)" (2010) 19 *Public Procurement Law Review* 135

E. Martinot, "Renewable Energy Investment by the World Bank" (2001) 9 *Energy Policy* 689

- A. Moussa and R. Schwere, "Informatics in Africa: Lessons from the World Bank Experience" (1992) 12 *World Development* 1737
- B. Neamtu, "The Social and Environmental Safeguard Policy at the World Bank: Instance of Internationalization of Public Contracts?", ch.33 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 905
- J.D. Nolan, "A Comparative Analysis of the Laotian Law on Foreign Investment, the World Bank Guidelines on the Treatment of Foreign Direct Investment, and Normative Rules of International Law on Foreign Direct Investment" (1998) 2 *Arizona Journal of International and Comparative Law* 659
- 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
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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 section 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

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GENERAL / COMPARATIVE

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1 General works

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3 Reform of the regulatory system

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13 Electronic procurement

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14 Debriefing, freedom of information rules and other information requirements
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15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, strategic procurement, socio-economic policies, procurement linkages)
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C. Pereira, J. Henry-Lucio and L. Paschoaleto Martim, "Brazil's Anti-Corruption Laws, the FCPA and the UK Bribery Act: A Comparative View", ch.20 in M.J. Filho, C. Pereira and M.A. Rost (eds), *Brazil Infrastructure Law* (International Commerce and Arbitration Series, Vol. 20) (Eleven International Publishing, 2016) 319

C. Pereira and R. Wallbach Schwind, "Public Procurement in Brazil: Access for Foreign Suppliers and Compatibility with International Procurement Practices", ch.13 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 337

W. Romero, "The System of Protests and Appeals in Brazilian Public Biddings Law", ch.18 in M.J. Filho, C. Pereira and M.A. Rost (eds), *Brazil Infrastructure Law* (International Commerce and Arbitration Series, Vol. 20) (Eleven International Publishing, 2016) 289

R. Sanches and D. Engel, "The Role of Regional Multilateral Development Banks in the Internationalization of Public Contracts", ch.25 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 661

D. Siqueira Borda and M. Gasparoto Tonin, "Differential Public Procurement Regime (RDC): Main Characteristics", ch.19 in M.J. Filho, C. Pereira and M.A. Rost (eds), *Brazil Infrastructure Law* (International Commerce and Arbitration Series, Vol. 20) (Eleven International Publishing, 2016) 299

W.F. Sorte Jr., "Assessing the efficiency of centralised public procurement in Brazilian ICT sector" (2013) 6 (1) *International Journal of Procurement Management* 58

D. Vargas and T. Reis, "National and International Pies Taste the Same: The Role of the World Bank in the Flexibilization of Public Contracts Law in Brazil", ch.24 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 635

R. Wallbach Schwind, "Public Procurement Financed by International Agencies and Multilateral Funds in Brazil", ch.17 in M.J. Filho, C. Pereira and M.A. Rost (eds), *Brazil Infrastructure Law* (International Commerce and Arbitration Series, Vol. 20) (Eleven International Publishing, 2016) 277

B. Werneck and M. Saadi, "Brazil", ch.4 in B. Werneck and M. Saadi (eds), *The Public-Private Partnership Law Review*, 3rd edition (London, UK: Law Business Research, 2017) 33

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)
- D.M. Attwater, *Procurement review: a practitioner's guide* (Scarborough, Ont.: Carswell, 2001)
- M.B. Card, *The Inner Circle: How It Works at Public Works* (Ottawa: The Procurement Coaches, 2017)
- P. Emanuelli, *Accelerating the Tendering Cycle: A Legal Due Diligence Guide* (Toronto: Northern Standard Publishing, 2012)
- P. Emanuelli, *Government Procurement*, 4th edition (LexisNexis Canada, 2017)
- P. Hogg and P. Monahan, *Liability of the Crown*, 3rd edition (The Carswell Company, 2000)
- K.P. McGuinness and S. Bauld, *Municipal Procurement*, 2nd edition (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, 2010)
- P. Sandori and W.M. Pigott, *Bidding and tendering: what is the law?*, 4th edition (Markham, Ont.: LexisNexis Butterworths, 2009)
- R.C. Worthington, *Desktop Guide to Procurement Law* (LexisNexis Canada, 2013)
- R.C. Worthington, *The Public Purchasing Law Handbook* (Markham, Ont.: LexisNexis Butterworths, 2004)

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 *Legal Studies* 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
- 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 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

D. Lemieux, "Fair Procedures and the Contracting State" (2009) 61 *Administrative Law Review* 115

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

T. Ling, D. Logan and R. Nijjar, "Canada", ch.6 in J. Davey and A. Gatenby (eds), *The Government Procurement Review*, 6th edition (London: Law Business Research, 2018) 59

M.G. Masse and E.E. Brown, "Canada", ch.5 in E. Burrows and E. McNeill (eds), *The International Comparative Legal Guide to: Public Procurement 2018 – A practical cross-border insight into public procurement*, 10th edition (London: Global Legal Group., 2018) 31

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

B. Mills, P.D. Conlin and D. Tyler, "Canada", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 39

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 *Journal of the Canadian College of Construction 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 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 *Legal Studies* 231

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

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. It also covers joint and centralised procurement.

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).

Books

P. Emanuelli, *The Laws of Precision Drafting: A Handbook for Tenders and RFPs* (Toronto: Northern Standard Publishing, 2009)

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

Books

P. Emanuelli, *The Laws of Precision Drafting: A Handbook for Tenders and RFPs* (Toronto: Northern Standard Publishing, 2009)

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)
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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

J.D. Mujuzi, "Public procurement, foreign convictions and the Canadian ineligibility and suspension policy of the integrity regime: some of the issues to grapple with" (2017) 26 *Public Procurement Law Review* NA81

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

13.1 Electronic communications and tendering

Articles and Essays in Edited Collections

C. McCue and A.V. Roman, "E-Procurement: Myth or Reality?" (2012) 12 *Journal of Public Procurement* 221

13.2 Electronic reverse auctions

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, strategic procurement, socio-economic policies, procurement linkages)
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Articles and Essays in Edited Collections

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

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

D.M. Attwater, "Promoting Sustainable Development with Canadian Public Procurement" (2014) 44 *Public Contract Law Journal* 79

Environment Canada, "Towards Greener Government Procurement: An Environment Canada Case Study", ch.2 in T. Russel (ed.), *Greener Purchasing: Opportunities and Innovations* (Greenleaf Publishing, 1998 / Routledge, Kindle edition, 2017) 31

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

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

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

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

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

J. Karton and J.-D. Shervill, “New Wine in Old Bottles: Corrupt Foreign Contracts in Canadian Private Law”, ch.2 in M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015) 37

M. Morrison and M. Dixon, “Canada”, ch.3 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 38

M. Morrison, P. Schabas and M. Dixon, “Canada”, ch.7 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 56

18.2 Implementation of international conventions on bribery

19 Collusion by suppliers (bid rigging)

20 Competition law and public procurement (other than bid rigging)

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 *Alberta Law Review* 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)

Articles and Essays in Edited Collections

B. Ashkin, D. Porter, E. Richer La Flèche and J. Templeton, "Canada", ch.5 in B. Werneck and M. Saadi (eds), *The Public-Private Partnership Law Review*, 3rd edition (London, UK: Law Business Research, 2017) 46

M. Siemiatycki and N. Farooqi, "Value for Money and Risk in Public–Private Partnerships" (2012) 78 (3) *Journal of the American Planning Association* 286

26 Defence procurement

Books

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

Articles and Essays in Edited Collections

U. Berkok, "Canadian Defence Procurement", ch.7 in S. Markowski, P. Hall and R. Wylie (eds), *Defence Procurement and Industry Policy – A small country perspective* (London and New York: Routledge, 2010) 209

J. Fergusson, "In Search of a Strategy: The Evolution of Canadian Defence Industrial and Regional Benefits Policy", ch.5 in S. Martin (ed.), *The Economic of Offsets – Defence Procurement and Countertrade* (Routledge, 2014) 107

27 Trade relations in public procurement

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

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, "Canada's sub-central government entities and the Agreement on Government Procurement: past and present", ch.7 in S. Arrowsmith and R.D. Anderson (eds), *The WTO Regime on Government Procurement: Challenge and Reform* (Cambridge: Cambridge University Press, 2011) 175

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

P.M. Lalonde, "The Internationalization of Canada's Public Procurement", ch.11 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 300

C.W. Lavesque, "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

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

N. Nychay and X. Van Overmeire, "Public Procurement", ch.3 in N. Nychay and X. Van Overmeire, *The Comprehensive Economic and Trade Agreement between Canada and the EU: An Overview* (LexisNexis Canada/Butterworth, 2015)

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

A. Semple, "Socially Responsible Public Procurement (SRPP) under the EU Law and International Agreements: The GPA, CETA and the EU-Ukraine Deep and Comprehensive Free Trade Area" (2017) 12 *European Procurement & Public Private Partnership Law Review* 293

CHILE

Books

OECD, *Public Procurement in Chile: Policy Options for Efficient and Inclusive Framework Agreements* (OECD Public Governance Reviews) (Paris, OECD Publishing, 2017)

Articles and Essays in Edited Collections

F. Bahamondez and P. Farías, "Chile", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 49

G. Burr Ortuzar, E.Mora Sevillano, C.Loyola Castro and C. Uribe, "Challenges in Chilean E-Procurement System: A Critical Review", Ch. 8 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 170

G. Concha and R. Anrique, "Impacts of the public procurement reform in Chile on the municipal level" (Published in *Proceedings of the 6th International Conference on Theory and Practice of Electronic Governance*) (2012 ICEGOV) 440

J.L. Lara and A. Schneider, "Chile", ch.7 in J. Davey and A. Gatenby (eds), *The Government Procurement Review*, 6th edition (London: Law Business Research, 2018) 75

F.P. Núñez, F.S. Quijada and C.B. Kelly Núñez, "Chile", ch.5 in J. Delmon and V. Rigby Delmon (eds), *International Project Finance and Public-Private Partnerships: Legal Guide to Key Growth Markets 2013* (Kluwer Law International, 2012)

COLOMBIA

Articles and Essays in Edited Collections

A.N. Fuentes, "How Free Trade Agreement Can Improve Anti-Corruption Enforcement: A case study of the United States and Colombia" (2016) 45 *Public Contract Law Journal* 479

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

X. Zuleta and C. Moncada, "Colombia", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 61

COSTA RICA

Articles and Essays in Edited Collections

OECD, "Supporting integrity policies in public procurement", ch. 6 in OECD, *Costa Rica: Good Governance, from Process to Results* (OECD Public Governance Reviews) (Paris: OECD Publishing, 2015) 109

I. Palaco, A. Avendaño and W. Núñez, "Contract Management Innovation in Public Procurement: Costa Rica's Experience", in K.V. Thai, *International Public Procurement: Innovation and Knowledge Sharing* (Public Administration, Governance and Globalization) (Springer, 2015) 13

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

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

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

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

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

Books

OECD, *Mexico's e-Procurement System: Redesigning CompraNet through Stakeholder Engagement* (Paris: OECD Publishing, 2018)

Articles and Essays in Edited Collections

O.J. Almas, L.E. Graham and T.N. Pieper, "Mexico", ch.14 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 178

J. Arreola E. and V. Franyutti J., "Mexico", ch.13 in J. Davey and A. Gatenby (eds), *The Government Procurement Review*, 6th edition (London: Law Business Research, 2018) 151

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

F. Hernandez A and J. Zugasti Gonzáles, "Mexico", ch.13 in B. Werneck and M. Saadi (eds), *The Public-Private Partnership Law Review*, 3rd edition (London, UK: Law Business Research, 2017) 142

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

R. Hernández García and C.I. Osio Sanchez, "Mexico", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 147

E.P. Motta and P. Valladares, "Public Procurement in Mexico", ch.12 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 319

L.F. Ortiz, "Mexico", ch.17 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 163

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

PANAMA

Articles and Essays in Edited Collections

K. Asvat and J. De Obarrio, "Panama", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 172

F.L. Hernández González, "The Case of Panama Canal Expansion: Pacta Sunt Servanda Versus Rebus Sic Stantibus in Public Works Procurement" (2016) 16 *Journal of Public Procurement* 52

PARAGUAY

Articles and Essays in Edited Collections

J. Maria Parquet Villagra and K.B. Ioannidis Eder, "Paraguay", ch.16 in B. Werneck and M. Saadi (eds), *The Public-Private Partnership Law Review*, 3rd edition (London, UK: Law Business Research, 2017) 167

PERU

Books

OECD, *Public Procurement in Peru: Reinforcing Capacity and Co-ordination* (Paris: OECD Publishing, 2017)

Articles and Essays in Edited Collections

J.M. Astete and P. Castle, "Peru", ch.19 in J. Ellison and L. Baudrihaye (eds), *The International Comparative Legal Guide to: Public Procurement 2014 – A Practical cross-border insight into public procurement*, 6th edition (International Comparative Legal Guide Series) (London, UK: Global Legal Group, 2013) 134

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

PLEASE NOTE THAT THIS SECTION OF THE BIBLIOGRAPHY HAS NOT YET BEEN UPDATED TO 2018

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)

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T.J. Madden, P.A. Debolt, R.A. Burton, R.E. Pearson, T.L. Elling, S.A. Jenks, D.N. Locaria, J.Y. Boland and J. Chiow, "2008 Year in Review: Analysis of Significant Federal Circuit Government Contracts Decisions" (2009) 39 *Public Contract Law Journal* 1

T.J. Madden, W.L. Walsh Jr., J. Scott Hommer III, 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) 31 *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) 27 *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, "Desiderata: 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 Raton: PRAcademics Press 2007)
- J.J. Snider Smith, "Competition and Transparency: What Works for Public Procurement Reform" (2008) 38 *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: The Fear of Discretion and the Quality of Government Performance* (Washington, DC: 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) 32 *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) 27 *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) 3 *Journal of Public Procurement* 145

J.J. Snider Smith, "Competition and Transparency: What Works for Public Procurement Reform" (2008) 38 *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) 7 *Journal of Public Procurement* 135

J.E. Kerringan and C.J. Brasco, "The Technology Transfer Revolution: Legislative History and Future Proposals" (2002) 31 *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. DaPonte Thornton, "Fine Tuning Acquisition Reform's Favorite Procurement Vehicle, the Indefinite Delivery Contract" (2002) 31 *Public Contract Law Journal* 383

R.J. Wall and C.B. Pockney, "Revisiting Commercial Pricing Reform" (1998) 27 *Public Contract Law Journal* 315

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; 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) 36 *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) 4 *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) 3 *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) 36 *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) 9 *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) 6 *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: The Fear of Discretion and the Quality of Government Performance* (Washington, DC: AEI Press, 1990)

Articles and Essays in Edited Collections

J.R. Bartle and R.L. Korosec, "A Review of State Procurement and Contracting" (2003) 3 *Journal of Public Procurement* 192

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) 7 *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) 33 *Public Contract Law Journal* 5

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

R.O. Large, C. Giménez, and D. McCarthy, "Oral Communication Capabilities of Governmental Purchasers in the USA" (2009) 9 *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

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.

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).

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) 34 *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) 20 *Public Contract Law Journal* 532

K.W. Buffington, "The Florida Sunshine Law and Evaluation Committees" (2003) 3 *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) 7 *Journal of Public Procurement* 84

R.C. Epstein, "Soliciting high-technology contracts" (1990) 137 *New Jersey Lawyer* 44

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.A. Jackson, "Expanding contracting opportunities without competition" (1997) 26 *Public Contract Law Journal* 205

J.M. Keisler and W.A. Buehring, "How Many Vendors Does it Take to Screw Down a Price? A Primer on Competition" (2005) 5 *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) 7 *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
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Books

J. Cibinic, R.C. Nash, and K.R. O'Brien-DeBakey, *Competitive Negotiation: The Source Selection Process*, 3rd edition (Wolters Kluwer, 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 edition (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. Gagan, 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 Contract 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. Kirckpatrick, "Evaluating Contractor Past Performance in the United States" (2001) 10 *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) 5 *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) 2 *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) 3 *Journal of Public Procurement* 215

J.H. Rains, "An update on public sector competitive bidding in Florida" (1990) 19 *Stetson Law Review* 771

T.J. Rollins, "A contract lawyer's guide to the requirement for meaningful discussions in negotiated procurements" (1988) 122 *Military Law Review* 221

W.P. Rudland, "Cancellation or termination?" (1969) 11 *The United States Air Force JAG Law Review* 273

D.R. Shetterly, "Contracting for Public Bus Transit: Do Techniques Employed Make a Difference in Service Outcome?" (2002) 2 *Journal of Public Procurement* 73

D.O. Smith, "Alternatives to exclusion of unbalanced offers" (1990) 19 *Public Contract Law Journal* 233

K.F. Snider, M. F. Walker, "Best Practices and Protests: Towards Effective Use of Past Performance As a Criterion in Source Selections" (2001) 1 *Journal of Public Procurement* 96

M. Steinicke, "Public procurement and the negotiated procedure - A lesson to learn from U.S. Law?" (2001) 22 *European Competition Law Review* 331

S. Subramanian, "The implications of the FAR rewrite for meaningful discussions of past performance" (1997) 26 *Public Contract Law Journal* 445

S.N. Tomanelli, "Competitive advantage arising from contractor possession of government-furnished property" (1994) 23 *Public Contract Law Journal* 243

S.N. Tomanelli, "The duty to eliminate competitive advantage arising from contractor possession of government-furnished property" (1993) 142 *Military Law Review* 141

D.A. Whiteford, "Negotiated Procurements: Squandering the Benefit of the Bargain" (2003) 32 *Public Contract Law Journal* 509

10 Specifications

Articles and Essays in Edited Collections

"Standards of review of specifications in government procurements: an equal protection analog" (1990) 58 *The George Washington Law Review* 573

B. Fitzgerald, "Legal Issues for the Use of Free and Open Source Software in Government" (2005) 29 *Melbourne University Law Review* 412

K.C. Golden, "The Spearin doctrine: the false dichotomy between design and performance specifications" (1995) 25 *Public Contract Law Journal* 47

M. Sieverding, "Choice in Government Software Procurement: A Winning Strategy" (2006) 15 *Public Procurement Law Review* 338

R.J. Wehrle-Einhorn, "Use of performance-based standards in contracting for services" [1993] *The Army Lawyer* 10

11 Qualification of suppliers/contractors (responsibility)

11.1 General

Articles and Essays in Edited Collections

A.A. Gray, "Responsiveness versus responsibility: policy and practice in government contracts" (1974) 7 *Public Contract Law Journal* 46

F. Kushnir, "Evaluating Offerors without Past Performance Information: The Good, the Bad, and the Neutral" (2006) 35 *Public Contract Law Journal* 317

J.F. Nagel, "Financial inability in government contracts" (1987) 17 *Public Contract Law Journal* 320

11.2 Supplier lists (approved lists, qualification lists)

11.3 Exclusion and debarment for criminal offences and other misconduct

Books

R. Bednar (ed.), *The Practitioner's Guide to Suspension and Debarment*, 3rd edition (Chicago: American Bar Association, Section of Public Contract Law, 2002)

R.K. Huffman and F.M. Levy, *Guide to the Mandatory Disclosure Rule: Issues, Guidelines, and Best Practices: Report of the Task Force on Implementation of the Contractor Code of Business Ethics and Conduct and Mandatory Disclosure Rule* (Chicago, Ill: American Bar Association, 2010)

S.R. Lollis, *The Practitioner's Guide to Suspension and Debarment*, Committee on Debarment and Suspension (American Bar Association, Section of Public Contract Law, 2002)

Articles and Essays in Edited Collections

"Due process in public contracts: pre-award hearings to determine responsibility of bidders" (1974) 5 *Pacific Law Journal* 142

"'Graylisting' of federal contractors: *Transco Security, Inc. of Ohio v. Freeman* {639 F.2d 318} and procedural due process under suspension procedures" (1982) 31 *Catholic University Law Review* 731

"Moving toward a better-defined standard of public interest in administrative decisions to suspend government contractors" (1987) 36 *The American University Law Review* 693

"Shaping specific procedural requirements for disqualification under Louisiana's public bid law" (1980) 40 *Louisiana Law Review* 871

R.J. Bednar, "Emerging Issues I Suspension and Debarment: Some Observations From and Experienced Head" (2004) 13 *Public Procurement Law Review* 223

R.J. Bednar, A.B. Styles and J. McDowell, "Self-Cleaning under Non-EU National Jurisdictions: United States", ch.CIII in H. Pünder, H-J. Priess and S. Arrowsmith (eds), *Self-Cleaning in Public Procurement Law* (Köln: Carl Heymanns Verlag, 2009) 157

D. Brian, "Contractor Debarment and Suspension: a Broken System" (2004) 13 *Public Procurement Law Review* 235

J.A. Calamari, "The aftermath of *Gonzalez* {*Gonzalez v. Freeman*, 334 F.2d 570} and *Horne* {*Horne Bros. v. Laird*, 463 F.2d 1268} on the administrative debarment and suspension of government contractors" 17 *New England Law Review* 1137

T.J. Canni, "Shoot First, Ask Questions Later: An Examination and Critique of Suspension and Debarment Practice Under the FAR, Including a Discussion of the Mandatory Disclosure Rule, the IBM Suspension, and Other Noteworthy Developments" (2009) 38 *Public Contract Law Journal* 547

N. Causey, "Past performance information, de facto debarments, and due process: debunking the myth of Pandora's box" (2000) 29 *Public Contract Law Journal* 637

S.M. Collins, "What the MCI case Teaches About the Current State of Suspension and Debarment" (2004) 13 *Public Procurement Law Review* 218

S.D. Gordon, "Suspension and debarment from federal programs" (1994) 23 *Public Contract Law Journal* 573

A.A. Gray, "Responsiveness versus responsibility: policy and practice in government contracts" (1974) 7 *Public Contract Law Journal* 46

S. Kathuria, "Best Practices for Compliance with the New Government Contractor Compliance and Ethics Rules under the Federal Acquisition Regulation" (2009) 38 *Public Contract Law Journal* 803

Z.D. Krug, "Due process and the problem of public contracts: a critical look at current doctrine" (2004) 89 *Cornell Law Review* 1044

M.G. Madsen, "The Government's Debarment Process: Out-of-Step with Current Ethical Standards" (2004) 13 *Public Procurement Law Review* 252

J.J. McCullough and A.J. Pafford, "Government Contract Suspension and Debarment: What Every Contractor Needs to Know" (2004) 13 *Public Procurement Law Review* 240

G.P. Norton, "The questionable constitutionality of the suspension and debarment provisions of the Federal Acquisition Regulations: what does due process require?" (1989) 18 *Public Contract Law Journal* 633

J.S. Pachter, "The New Era of Corporate Governance and Ethics: The Extreme Sport of Government Contracting" (2004) 13 *Public Procurement Law Review* 247

D. Robbins, S.A. Shaw, R.A. Grandon, et al., "Path of an investigation: how a major contractor's ethics office and Air Force procurement fraud and suspension/debarment apparatus deal with allegations of potential fraud and unethical conduct" (2011) 40 *Public Contract Law Journal* 595

S.L. Schooner, "The Paper Tiger Stirs: Rethinking Suspension and Debarment" (2004) 13 *Public Procurement Law Review* 211

A.T. Schutz, "Too Little Too Late: An Analysis of the General Service Administration's Proposed Debarment of Worldcom" (2004) 56 *Administrative Law Review* 1263

B.D. Shannon, "Debarment and suspension revisited: fewer eggs in the basket?" (1995) 44 *Catholic University Law Review* 363

B.D. Shannon, "The government-wide debarment and suspension regulations after a decade—a constitutional framework—yet, some issues remain in transition" (1991) 134 *Military Law Review* 1

S.A. Shaw, "Access to Information: The Key Challenge to a Credible Suspension and Debarment Programme" (2004) 13 *Public Procurement Law Review* 230

J.M. Steadman, "Banned in Boston---and Birmingham and Boise and...: due process in the debarment and suspension of government contractors" (1976) 27 *The Hastings Law Journal* 793

E.J. Tomko, "After the fall: conviction, debarment, and double jeopardy" (1992) 21 *Public Contract Law Journal* 355

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 contracts)
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Books

J.W. Chierichella, *Multiple Award Schedule Contracting* (Philadelphia, Pa.: Xlibris, 2006)

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)

Articles and Essays in Edited Collections

B.A. Alcala, "Federal procurement of commercial automatic data processing equipment: GSA schedule contracts." (1991) 6 *Santa Clara Computer and High Technology Law Journal* 173

M.J. Benjamin, "Multiple Award Task and Delivery Order Contracts: Expanding Protest Grounds and Other Heresies" (2002) 31 *Public Contract Law Journal* 429

R.S. Brams, "Multiple award schedule contracting: a practical guide to surviving its shortcomings, ambiguities and pitfalls" (1990) 19 *Public Contract Law Journal* 441

D.G. Gavin, "Government requirements contracts" (1972) 5 *Public Contract Law Journal* 234

W.W. Goodrich, "Avoiding disaster in federal supply schedule contracts" (1984) 15 *Public Contract Law Journal* 1

D.I. Gordon and J.L. Kang, "Task Order Contracting in the U.S. Federal System: The Current System and Its Historical Context", ch.5 in S. Arrowsmith (ed.), *Public Procurement Regulation in the 21st Century: Reform of the UNCITRAL Model Law on Procurement* (West, 2009) 215

J.A. Howell, "Governmentwide Agency Contracts: Vehicle Overcrowding on the Procurement Highway" (1998) 27 *Public Contract Law Journal* 395

S.A. Kaufman, "What GSA is entitled to know about an MAS contractor's commercial discounts" (1985) 15 *Public Contract Law Journal* 244

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<p>15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, strategic procurement, socio-economic policies, procurement linkages)</p>
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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

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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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E.J. Lewis, *Forty Ways to Make Government Purchasing Green* (Washington, DC: Center for Study of Responsive Law, 1992)

J. Singh, D.R. Limaye, B. Henderson and X. Hi, *Public Procurement of Energy Efficiency Services: Lessons from International Experience* (Washington, D.C: World Bank, 2010)

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R.S. Lingo, "Something new from something old: federal procurement of recycled products" 31 *The Air Force Law Review* 269

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P. Sherman, "Paved with Good Intentions: Obstacles to Meeting Federal Contracting Goals for Service-Disabled Veteran-Owned Small Businesses" (2006) 36 *Public Contract Law Journal* 125

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C.L. Wittmeyer, "A Public Procurement Paradox: The Unintended Consequences of Forest Product Eco-labels in the Global Marketplace" (2003) 23 *The Journal of Law and Commerce* 69

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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M.A. Sauter, *Government Awards & Objections: Bid Protests and the GAO* (Hauppauge, N.Y: Nova Science, 2011)

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

G.L. Hopkins, "The universe of remedies for unsuccessful offerors on federal contracts" (1985) 15 *Public Contract Law Journal* 365

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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

R.J. McAvoy, "Bid protest-balancing public and private interests" 34 *The Air Force Law Review* 227

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S. Schooner, "Pondering the Decline of Federal Government Contract Litigation in the United States" (1999) 8 *Public Procurement Law Review* 242

H.J. Schweiter, "Post-award declaratory judgment jurisdiction of the Claims Court and the BCA over non-monetary claims: faithful statutory construction or the abdication of judicial responsibility" (1989) 18 *Public Contract Law Journal* 277

R.A. Smith, "Government contracts: contesting the federal government's award decision" 20 *New England Law Review* 31

R.E. Speidel, "Judicial and administrative review of government contract awards" (1972) 37 *Law and Contemporary Problems* 63

J.B. Tieder, "Forums and remedies for disappointed bidders on federal government contracts" (1978) 10 *Public Contract Law Journal* 92

E.A. Troff, "The United States agency-level bid protest mechanism: a model for bid challenge procedures in developing nations" (2005) 57 *Air force law review* 113, and at www.afjag.af.mil/shared/media/document/AFD-081009-010.pdf

T.C. Wheeler, "The Availability of Sanctions in Government Contracts Litigation" (2000) 29 *Public Contract Law Journal* 569

D.R. White "Somewhat Different, Yet Surprisingly Familiar: Small Business Innovative Research Program and Small Business Technology Transfer Program Contract Award Protests" (2009) 38 *Public Contract Law Journal* 775

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J. Lowry, "Recovering Principles: Providing a Bid Protest Forum for Stimulus Funded Contractors to Improve Accountability and Transparency" (2011) 40 *Public Contract Law Journal* 1019

J.I. Schwartz, "Public Contracts Specialization as a Rationale for the Court of Federal Claims" (2003) 71 *The George Washington Law Review* 863

R. Sneckenberg, "What Are You Looking At - Supplementation of the Administrative Record in Bid Protests at the Court of Federal Claims" (2011) 21 (1) *Federal Circuit Bar Journal* 23

G.D. Soll and T.L. Ward, "'In- or Out-': The Jurisdictional Confusion over Challenges to Agency Decisions to In-Source Contracted Work" (2012) 41 *Public Contract Law Journal* 583

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T.J. Saviano, "Overriding a Competition in Contracting Act stay: a trap for the wary" [1995] *The Army Lawyer* 22

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D.L. Yesner, "Control Data Corporation v. Baldrige {655 F.2d 283}: restricting the standing of government contractors to challenge administrative procurement actions" (1983) 13 *Public Contract Law Journal* 346

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J.R. Montgomery, "Bid imperfections in California public contracting: carving out a good faith exception to the void contract rule" 38 *Santa Clara Law Review* 205

16.1.7 Procedure, time limit and other specialised topics

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M.J. Benjamin, "Multiple Award Task and Delivery Order Contracts: Expanding Protest Grounds and Other Heresies" (2002) 31 *Public Contract Law Journal* 429

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N. Herbert, "Appellate Review of a "Strong Basis in Evidence" in Public Contracting Cases" (2006) 77 *University of Colorado Law Review* 193

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B.P. Waagner and E.D. Evans, "Agency Discretion in Bid Timeliness Protests: The Case for Consistency" (2000) 29 *Public Contract Law Journal* 713

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

16.2 Other enforcement mechanisms

17 Conflicts of interest

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"Political patronage in public contracting" (1984) 51 *The University of Chicago Law Review* 518

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D.I. Gordon, "Organizational Conflicts of Interest: A Growing Integrity Challenge" (2005) 35 *Public Contract Law Journal* 25

C.P. Goddard Jr, "'Little' Goes Too Far: Forfeiture of All Claims is Not Required" (2006) 35 *Public Contract Law Journal* 263

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C.D. Woodruff, "Organizational conflicts of interest—not what it's been said to be" (1986) 16 *Public Contract Law Journal* 213

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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.K. Huffman and F.M. Levy, *Guide to the Mandatory Disclosure Rule: Issues, Guidelines, and Best Practices: Report of the Task Force on Implementation of the Contractor Code of Business Ethics and Conduct and Mandatory Disclosure Rule* (Chicago, Ill: American Bar Association, 2010)

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19 Collusion by suppliers (bid rigging)
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W.E. Kovacic, "Antitrust analysis of joint ventures and teaming arrangements involving government contractors" 58 *Antitrust Law Journal* 1059

R.M. Lemke, "Legislative price-fixing and the competitive bidding requirement in government contracts" (1940) 8 *The George Washington Law Review* 955

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20 Competition law and public procurement

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C.W. Sherrer, "Predatory pricing: an evaluation of its potential for abuse under government procurement contracts" (1981) 6 *The Journal of Corporation Law* 531

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21 Pricing of public procurement contracts

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J.E. Murphy, *Guide to Contract Pricing: Cost and Price Analysis for Contractors, Subcontractors, and Government Agencies*, 5th edition (Vienna, VA: Management Concepts, 2009)

D. Oyer, *Pricing and Cost Accounting: A Handbook for Government Contractors*, 3rd edition (Vienna, VA: Management Concepts, 2011)

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"Determination of cost in military procurement cost - plus - a - fixed - fee contracts" (1952) 65 *Harvard Law Review* 1035

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R. Braucher, "Cost-reimbursement contracts with the United States" (1952) 5 *Stanford Law Review* 4

D.D. Dzara, "The United States' experimentation with share-in-savings contracting: is the risk worth the reward?" (2006) 15 *Public Procurement Law Review* 1

L. Fletcher, "Contingent fees in procurement of government contracts" (1942) 11 *The George Washington Law Review* 37

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M.K. Love, "Theoretical Delay and Overhead Damages" (2000) 30 *Public Contract Law Journal* 33

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J.A. Lovitky, "Understanding causation and determining the price adjustment in defective pricing cases" (1988) 17 *Public Contract Law Journal* 407

J.W. McBride, "Avoiding Anti-Deficiency Act violations on fixed-price incentive contracts (the hunt for red ink)" [1994] *The Army Lawyer* 3

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22 Contract execution

22.1 General

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J. Cibinic, *Government Contract Claims* (Washington, D.C.: Government Contracts Program, George Washington University, 1981)

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I.M. Ortiz, *Fighting Fraud with Qui Tam and the False Claims Act* (Hauppauge, N.Y.: Nova Science Publisher's, 2010)

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C.M. Sylvia, *The False Claims Act: Fraud against the Government* (Eagan, MN: Thomson Reuters/West, 2010)

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P.J. Andrews, "Audit responsibility in settlement of contract claims" (1974) 7 *Public Contract Law Journal* 147

D.P. Arnavas, "Unconscionability under UCC sect2-302: how it applies to commercial and government contracts" (1979) 12 *Uniform Commercial Code Law Journal* 48

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SINGAPORE

Articles and Essays in Edited Collections

A. Endeshaw, "Government Contracts and Procurement in Singapore" [1999] *International Trade Law and Regulation* 33

M. Furmston, "For a Few Dollars More – Corruption in Singapore", ch.14 in M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015) 301

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, "Procurement Practices in the Singapore Civil Service: Balancing Control and Delegation" (2002) 2 *Journal of Public Procurement* 29

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

R. Matthews and N. Zhang Yan, "Small country 'total defence': a case study of Singapore", ch.9 in S. Markowski, P. Hall and R. Wylie (eds), *Defence Procurement and Industry Policy – A small country perspective* (Hardback) (London and New York: Routledge, 2010) 255

L.K. Tang and S.H. Goh, "A Price Review Framework for Maintenance, Repair and Operations Procurement Contracts in Public Sector, ch.10 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization) (Springer, 2017) 173

R.L.K. Tiong, Z. Sha and A.N. Chowdhury, *Development of public-private partnerships in the water sector in Singapore*, ch.10 in A. Gunawansa and L. Bhullar (eds), *Water Governance – An Evaluation of Alternative Architectures* (Cheltenham, UK, and Northampton, MA, USA: Edward Elgar, 2013) 242

SOUTH KOREA

Books

OECD, *The Korean Public Procurement Service: Innovating for Effectiveness - OECD Public Governance Reviews* (Paris: OECD Publishing, 2016)

Articles and Essays in Edited Collections

K. Arai, "Case studies of bid-rigging and procurement reform assessment in fuel oil supply in Japan and Korea" (2012) 12 *Journal of Public Procurement* 249

C.Y. Baek, "Building a Successful E-Procurement System in the United States: Lessons from the South Korean System" (2015) 44 *Public Contract Law Journal* 755

I.J. Chang and K.H. Hong, "Korea", ch.13 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 164

D. Cheng and M.W. Chinworth, "The Teeth of the Little Tigers: Offsets, Defense Production and Economic Development in South Korea and Taiwan", ch.10 in S. Martin (ed.), *The Economic of Offsets – Defence Procurement and Countertrade* (Paperback) (Routledge, 2014 1996) 245

Y.K. Cho and S.S. Kim, "South Korea", ch.13 in J. Delmon and V. Rigby Delmon (eds), *International Project Finance and Public-Private Partnerships: Legal Guide to Key Growth Markets 2013* (Kluwer Law International, 2012)

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

J-Y. Choi and H. Kim, "Electronic government procurement reform: managing institutional reform - lessons from the Korean model. Managing Institutional Reform: Lessons from the Korean Model" (2013) 22 *Public Procurement Law Review* 116

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

D-I. Kim, "Korea", ch.10 in V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014) 191

J. Lee, W-U. You and J. Chang, "Korea", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 128

J. Yang, "Korean Free Trade Agreement Negotiations in Government Procurement: Results and Policy Suggestions" (2010) 10 *Journal of Public Procurement* 335

TAIWAN

Articles and Essays in Edited Collections

D. Cheng and M.W. Chinworth, "The Teeth of the Little Tigers: Offsets, Defense Production and Economic Development in South Korea and Taiwan", ch.10 in S. Martin (ed.), *The Economic of Offsets – Defence Procurement and Countertrade* (Paperback) (Routledge, 2014 1996) 245

C-H. Ko and H-S. Liao "Reducing ineligible contractor disputes in government procurement: A lesson from Taiwan" 2014 (2) (18) *KSCE Journal of Civil Engineering* 409

THAILAND

Articles and Essays in Edited Collections

W. Chittmittrapap and J. Thammavaranucupt, "Thailand", ch.21 in B. Werneck and M. Saadi (eds), *The Public-Private Partnership Law Review*, 3rd edition (London, UK: Law Business Research, 2017) 217

S. Khoman, "Procurement Conspiracies and Procurement Governance: Some Lessons from Thailand", in K.V. Thai, *International Public Procurement: Innovation and Knowledge Sharing* (Public Administration, Governance and Globalization) (Springer, 2015) 183

S. Khoman, "Reducing Connected Dealings and Improving Procurement in Thailand" sub-chapter 13.4, ch. 13 – Corruption, Transactions, Costs, and Network Relationships: Governance Challenges for Thailand, Section 3: Institutions, Governance, and Political Economy, in A.M. Balisacan, U. Chakravorty and M.-H.V. Ravago (eds), *Sustainable Economic Development: Resources, Environment, and Institutions* (Academic Press, 2015) 231

N. Kokkaew, J. Sunkpho and D. Alexander, "Thailand's New Public Private Partnership Law: A Cure to the Problem" (2013) 8 *European Procurement & Public Private Partnership Law Review* 143

UNITED ARAB EMIRATES

Books

M. Grose, "Public procurement", section 2.4 in ch. 2 "Construction Law" in M. Grose, *Construction Law in the United Arab Emirates and the Gulf* (Wiley-Blackwell, 2016) 20

Articles and Essays in Edited Collections

D. Wadham and M.M. Garcia, "United Arab Emirates", ch.17 in J. Delmon and V. Rigby Delmon (eds), *International Project Finance and Public-Private Partnerships: Legal Guide to Key Growth Markets 2013* (Kluwer Law International, 2012)

VIETNAM

Articles and Essays in Edited Collections

D. Harrison and B.T. Tien, "Vietnam", ch.19 in J. Delmon and V. Rigby Delmon (eds), *International Project Finance and Public-Private Partnerships: Legal Guide to Key Growth Markets 2013* (Kluwer Law International, 2012)

H. Van Nguyen Cameron, "Unsolicited Proposals for PPP Projects in Vietnam: Lessons from Australia and the Philippines" (2017) 12 *European Procurement & Public Private Partnership Law Review* 132

AUSTRALASIA

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

GENERAL/COMPARATIVE

Books

M.L. Ahmadu, *International Procurement and Electronic Commerce in the South Pacific: Law and Practice* (Florida: Vandepas Publishing, 2007)

Articles and Essays in Edited Collections

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 edition (Carswell, 2000)

K. Puri, *Australian Government Contracts: Law and Practice* (North Ryde, N.S.W.: CCH Australia, 1978)

N. Seddon, *Government Contracts: Federal, State and Local*, 5th edition (Annandale, NSW: The Federation Press, 2013)

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
- G. Wood, A. Petterd and S. Pierce, "Australia", ch.2 in J. Davey and A. Gatenby (eds), *The Government Procurement Review*, 6th edition (London: Law Business Research, 2018) 13

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.

Articles and Essays in Edited Collections

B. Creighton, "Government Procurement as a Vehicle for Workplace Relations Reform: The Case of the National Code of Practice for the Construction Industry" (2012) 40 *Federal Law Review* 349

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

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 "Administrative law, government contracts and the level playing field" (1989) 12 *The University of New South Wales Law Journal* 114

M. Allars, "Private Law But Public Power: Removing Administrative Law Review From Government Business Enterprises" (1995) 6 *Public Law Review* 44

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. It also covers joint and centralised procurement.

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

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

Articles and Essays in Edited Collections

N. Ilhan and M.M. Rahim, "Benefits of E-Procurement Systems Implementation: Experience of an Australian Municipal Council", Ch. 12 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 249

M. Rahim and A.P. Bantwal, "Perceived Benefits from a Local Government Public Procurement Initiative: A Diffusion of Innovation Perspective", ch.16 in K. Vaidya (ed.), *Inter-organizational Information System and Business Management: Theories for Researchers* (USA: IGI Global, 2012) 288

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, strategic procurement, socio-economic policies, procurement linkages)

Articles and Essays in Edited Collections

A. Chew, R. Harding-Farrenberg and J. Gamble, "Tackling Housing Needs in Australia – Social and Affordable" (2017) 12 *European Procurement & Public Private Partnership Law Review* 437

B. Creighton, "Government Procurement as a Vehicle for Workplace Relations Reform: The Case of the National Code of Practice for the Construction Industry" (2012) 40 *Federal Law Review* 349

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

E. Thurbon, "Australia", ch.3 in V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014) 35

W. Wescott, "Issues for Environmental Purchasing in Australian Local Government", ch.5 in T. Russel (ed.), *Greener Purchasing: Opportunities and Innovations* (Greenleaf Publishing, 1998 / Routledge, Kindle edition, 2017) 71

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

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

G. Williams and T. Meagher, "Australia", ch.3 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 17

R.R. Wyld and J. Forde, "Australia", ch.1 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 1

18.2 Implementation of international conventions on bribery

19 Collusion by suppliers (bid rigging)
--

20 Competition law and public procurement (other than bid rigging)

21 Pricing of public procurement contracts

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

G.A. Hodge and A.C. Rouse, "Outsourcing government information technology services: An Australian case study", ch.12 in G. Boyne, K.J. Meier, L.J. O'Toole and R.M. Walker (eds), *Public Service Performance: Perspectives on Measurement and Management* (Cambridge University Press, 2010) 212

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)

Articles and Essays in Edited Collections

A. Chew, "Use of unsolicited proposals for new projects – the approaches in Australia" (2015) 10 *European Procurement & Public Private Partnership Law Review* 29

A. Chew, R. Harding-Farrenberg and J. Gamble, "Tackling Housing Needs in Australia – Social and Affordable" (2017) 12 *European Procurement & Public Private Partnership Law Review* 437

D. Donnelly, N. Ng and T. Leschke, "Australia", ch.2 in B. Werneck and M. Saadi (eds), *The Public-Private Partnership Law Review*, 3rd edition (London, UK: Law Business Research, 2017) 9

M. Regan, P.E.D. Love and J. Smith, "Public Infrastructure Procurement: A Review of Adversarial and Non-Adversarial Contracting Methods" (2015) 15 *Journal of Public Procurement* 365

H. Van Nguyen Cameron, "Unsolicited Proposals for PPP Projects in Vietnam: Lessons from Australia and the Philippines" (2017) 12 *European Procurement & Public Private Partnership Law Review* 132

26 Defence procurement

Articles and Essays in Edited Collections

S. Markowski and P. Hall, "The Defence Offsets Policy in Australia", ch.3 in S. Martin (ed.), *The Economic of Offsets – Defence Procurement and Countertrade* (Paperback) (Routledge, 2014) 49

S. Markowski and R. Wylie, "Using Commercial Discipline To Improve Australian Defence Procurement: Misplaced Enthusiasm?" (2012) 30 *Contemporary Economic Policy* 448

27 Trade relations in public procurement

Articles and Essays in Edited Collections

M. Bosworth, "Government Procurement Policies across the Tasman: What Role Is Played by (Preferential) Trade Agreements?", ch.17 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 462

Z. Racziewicz and J. Tarrant, "Public Procurement Rules and the Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)", ch.7 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 151

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

S. Mueller, "Public-Private Partnerships in New Zealand", in F. Lichere (ed.), *Public-Private Partnership: Reports of the XVIII Congress of the International Academy of Comparative Law* (Bruxelles: Bruylant, 2011) 425

Z. Racziewicz and J. Tarrant, "Public Procurement Rules and the Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)", ch.7 in M. Audit and S.W. Schill (eds), *Transnational Law of Public Contracts* (Bruylant, 2016) 151

B. Upton, "New Zealand", ch.18 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 171

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

T. Kotsonis, "Damages claims should be limited to cases of a sufficiently serious breach", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 6

A. Sanchez-Graells, "You Can't Be Serious: Critical Reflections on the Liability Threshold for Damages Claims for Breach of EU Public Procurement Law After the EFTA Court's Fosen-Linjen Opinion" (2018) 1 *Nordic Journal of European Law* 1

M. Schmauch, "Public Procurement", in C. Baudenbacher (ed.), *The Handbook of EEA Law* (Springer, 2015) 605

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 law 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, *Public Procurement in the European Community: Volume II: A Guide to the Procurement Cases of the Court of Justice* (Winteringham: Earls Gate, 1992)

S. Arrowsmith, *The Law of Public and Utilities Procurement: Regulation in the EU and UK*, 3rd edition (Sweet & Maxwell, Volume 1 2014; Volume 2 2018)

P. Badcoe (ed.), *Public Private Partnerships and PFI* (Looseleaf) (Sweet & Maxwell, updated 2016)

C. Bovis, *EC Public Procurement: Case Law and Regulation* (Oxford University Press, 2007)

- C.H. Bovis, *EU Public Procurement Law*, 2nd edition (Elgar European Law Series) (Cheltenham, UK, and Northampton, MA, USA: Edward Elgar, 2012)
- C. Bovis, *Public Procurement in the European Union* (Basingstoke: Palgrave MacMillan, 2005)
- C. Bovis (ed.), *Research Handbook on EU Public Procurement Law* (Research Handbooks in European Law Series) (Edward Elgar Publishing, 2016)
- C. Bovis, *The Law of EU Public Procurement*, 2nd edition (Oxford University Press, 2015)
- C. Bovis, *The Liberalisation of Public Procurement and its Effects on the Common Market* (Ashgate, 1998)
- C. de Koninck and T. Ronse (eds), *European Public Procurement: The European Public Procurement Directives and 25 Years of Jurisprudence by the Court of Justice of the European Communities* (London: Kluwer Law International, 2008)
- C. de Koninck, T. Ronse and W. Timmermans (authors and editors), *European Public Procurement Law: The Public Sector Procurement Directive 2014/24/EU Explained through 30 Years of Case Law by the Court of Justice of the European Union*, 2nd edition (Kluwer Law International/Wolters, 2015)
- L. Digings, J. Bennett and R. Hann, *EU Public Procurement: Law and Practice* (Looseleaf) (Sweet & Maxwell, updated 2018)
- S. Emmett and P. Wright, *Excellence in Public Sector Procurement: How to control costs and add value* (Gt. Shelford, UK: Cambridge Academic, 2012)
- J.M. Fernández Martín, *The EC Public Procurement Rules: A Critical Analysis* (Oxford: Clarendon Press, 1996)
- M. Frilet, and F. Lager, "Public Procurement Issues in the European Union" (2010) 21 *European Business Law Review* 399
- F. Garvey, *An Architect's Guide to Public Procurement* (RIBA Publishing /Routledge, 2015)
- M. Hackett and G. Statham (eds), *The Aqua Group Guide to: Procurement, Tendering and Contract Administration*, 2nd edition (Wiley-Blackwell, 2016)
- C. Harlow and R. Rawlings, "The Pathway Model and Steering: Public Procurement", ch.6 in C. Harlow and R. Rawlings, *Process and Procedure in EU Administration* (Oxford and Portland, Oregon: Hart Publishing, 2014) 142
- V. Hatzopoulos, *Regulating Services in the European Union* (Oxford, UK: Oxford University Press, 2012)
- S. Hjelmberg, P.S. Jakobsen and S.T. Poulsen, *Public Procurement Law: the EU Directive on Public Contracts* (Djøf Publishing, 2006)
- S. Hobe, M. Hofmannová and J. Wouters (eds), *A Coherent European Procurement Law and Policy for the Space Sector, Towards a Third Way* (Cologne Studies In International and European Law / Kolner S) (LIT Verlag, 2012)

L. Knight, C. Harland, J. Telgen, et al. (eds), *Public Procurement: International Cases and Commentary* (Abingdon: Routledge, 2007)

H. Kruimer, *The Non-Discrimination Obligation of Energy Network Operators: European Rules and Regulatory Practice* (Intersentia, 2014)

K. Krüger, *Public contracts in a EU, EEA and GPA perspective: Three lectures* (Bergen: Universitetet i Bergen, Juridiske Fakultet 1997)

P. Lee, *Public Procurement (Current EC Legal Developments)* (Butterworths Law, 1992)

F. Lichère, R. Caranta and S. Treumer (eds), *Modernising Public Procurement: The New Directive* (European Procurement Law Series Vol. 6) (Copenhagen: Djøf Publishing, 2014)

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2 Objectives of regulation and general principles

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2.1 Objectives of regulation

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- F. Wooldridge, "Public Procurement in the European Community" [1987] *Journal of Business Law* 505
- J. Wotton, J. Robinson and H. Peer, "Public Procurement in the EU: Understanding the Complexities" (2003) 15 *Global Counsel* 37

4 Implementation of EU requirements in 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).

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- 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
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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

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- 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
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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

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J. Wolswinkel, "From public contracts to limited authorisations and vice versa: exploring general award requirements from the EU court's corollary approach" (2015) 24 *Public Procurement Law Review* 137

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. It also covers joint and centralised procurement, including cross-border joint and centralised procurement.

8.1 General

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S. Arrowsmith, "Deregulation of Utilities Procurement in the Changing Economy: Towards a Principled Approach?" (1997) 18 *European Competition Law Review* 420

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H. Nijholt, "Concept of a "Body Governed by Public Law" in European Procurement Law" (2005) 22 *International Construction Law Review* 422

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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, scope of exclusions etc).

9.1 General

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10 Methods of procurement: basic characteristics and conditions for use

This sub-section covers articles that deal in a general way with the different methods of procurement available (e.g. open tendering, other forms of tendering, procedures involving negotiation, single-source procurement, etc)

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13	Qualification of suppliers/contractors (suitability/responsibility)
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15 Electronic procurement

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15.2 Electronic communications and tendering

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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

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16 Debriefing, freedom of information rules and other information requirements

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

17.1 General

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

Books

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C. Theron and M. Dowden, *Strategic Sustainable Procurement: Law and Best Practice for the Public and Private Sectors* (Do Sustainability, 2014; Routledge, 2017)

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21 Bribery and other corruption in public procurement

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M. Slavicek, "Damages for Breach of the EC Public Procurement Rules in Sweden" (2006) 15 *Public Procurement Law Review* 233

A. Sundstrand and R. Ågren, "The implementation of Directive 2014/24/EU in Sweden: a sanguine approach", ch.12 in S. Treumer and M. Comba (eds), *Modernising Public Procurement: The Approach of EU Member States* (Edward Elgar Publishing, 2018) 260

SWITZERLAND

Articles and Essays in Edited Collections

C. Kissling, "Impact of Bribery on Contracts under Swiss Civil Law", ch.16 in M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015) 351

B.C. Lauterburg and P.E. Zurkinden, "Switzerland", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2018* (London: Law Business Research, 2018) 205

M. Meinhardt, F. Lenggenhager and O. Labhart, "Switzerland", ch.23 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 220

R. Richers and M.K. Weber, "Switzerland", ch.21 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 271

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

A. Shingal, "Services procurement under the WTO's Agreement on Government Procurement: whither market access" (2011) 10 (4) *World Trade Review* 527

M. Steiner, "Is there a Swiss Approach towards Sustainable Public Procurement?" (2013) 8 *European Procurement & Public Private Partnership Law Review* 73

B. Udis, "US – Swiss F-5 Transaction and the Evolution of Swiss Offsets Policy", ch.12 in S. Martin (ed.), *The Economic of Offsets – Defence Procurement and Countertrade* (Paperback) (Routledge, 2014) 321

A. Waser and B. Merkt, "Switzerland", ch.23 in E. Burrows and E. McNeill (eds), *The International Comparative Legal Guide to: Public Procurement 2018 – A practical cross-border insight into public procurement*, 10th edition (London: Global Legal Group., 2018) 188

TURKEY

Books

E.Ç. Gürakar, *Politics of Favoritism in Public Procurement in Turkey: Reconfigurations of Dependency Networks in the AKP Era* (Reform and Transition in the Mediterranean) (Palgrave Macmillan, 2016)

Articles and Essays in Edited Collections

U. Alsaç, "EKAP: Turkey's Centralized E-Procurement System", Ch. 6 in R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 126

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
- R.L. Burdsal, "An Overview of Turkish Public Procurement Law" (2002) 11 *Public Procurement Law Review* 56
- O. Çetinkaya, F.T. Esin and B. Aydın, "Turkey", ch.22 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 281
- T. Danişman, I.S. Çiftçi and H. Gedik, "Turkey", ch.15 in J. Delmon and V. Rigby Delmon (eds), *International Project Finance and Public-Private Partnerships: Legal Guide to Key Growth Markets 2013* (Kluwer Law International, 2012)
- T. Demirbaş, E. Eroğlu and Ö. Çetinkaya, "The Benefits and Barriers of Electronic Public Procurement System: A Case Study on Public Hospitals in Turkey", ch.8 in P. Ordóñez de Pablos, J.M.C. Lovelle, J.E.L. Gayo and R.D. Tennyson (eds), *E-Procurement Management for Successful Electronic Government Systems* (USA: IGI Global, 2013) 131
- U. Emek, "Public-Private Partnerships in the Turkish Healthcare Sector: Policy, Procedure and Practice", Chapter Four in N. Mouraviev and N. Kakabadse (eds), *Public-Private Partnerships in Transitional Nations: Policy, Governance and Praxis* (Cambridge Scholars Publishing, 2017) 86
- 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.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
- E.C. Gurakar and B.K.O. Tas, "Does Public E-Procurement Deliver What It Promises? Empirical Evidence from Turkey" (2016) 52 (11) *Emerging Markets Finance and Trade* 2669
- G. Gürkaynak and Ç.O. Kama, "Turkey", ch.24 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 228
- R.K. Ilhan, "Public Private Partnerships in Turkey" (2011) 6 *European Public Private Partnership Law Review* 85
- M.H. Kaya, "The legitimacy of Preferential Procurement and International Competition under the Turkish Public Procurement Law" (2012) 5 *Law & Justice Review* 121
- S. Kural and U. Alsac, "Public Procurement Procedures in Turkey" (2006) 6 *Journal of Public Procurement* 100

I. Onur, R. Özcan and B.K.O. Tas, "Public procurement auctions and competition in Turkey" (2012) 40 (3) *Review of Industrial Organization* 207

E.E. Ozcan, "Public-Private Partnerships in Turkey", in F. Lichere (ed.), *Public-Private Partnership: Reports of the XVIII Congress of the International Academy of Comparative Law* (Bruxelles: Bruylant, 2011) 497

M. Tiryakioğlu and M.A. Yülek, "Development-based public procurement policies: a selective survey of literature, cross-country policy experience and the Turkish experience" (2015) 28 (3) *Innovation: The European Journal of Social Science Research (Special Issue: Public Procurement)* 344

S. Togan, B.K.O. Taş and S. Alyanak, "Public Procurement in Turkey", ch.7 in A. Georgopoulos, B. Hoekman and P.C. Mavroidis (eds), *The Internationalization of Government Procurement Regulation* (Oxford: Oxford University Press, 2017) 189

Y. Yılmazkaya, "Procurement Policy and Technological Development in the Turkish Aviation Industry: the Offset Experience of Kale Aero", ch.13 in M.A. Yülek and T.K. Taylor (eds), *Designing Public Procurement Policy in Developing Countries: How to Foster Technology Transfer and Industrialization in the Global Economy* (New York: Springer-Verlag, 2012) 253

UKRAINE

Articles and Essays in Edited Collections

S. Kheda, "Ukraine", ch.25 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 234

V. Malolitneva, "The Public Procurement System of Ukraine in the Context of the EU-Ukraine Association Agreement" (2014) 9 *European Procurement & Public Private Partnership Law Review* 126

A. Semple, "Socially Responsible Public Procurement (SRPP) under the EU Law and International Agreements: The GPA, CETA and the EU-Ukraine Deep and Comprehensive Free Trade Area" (2017) 12 *European Procurement & Public Private Partnership Law Review* 293

O. Soloviov, "Legal and Institutional Aspects of Public-Private Partnership in Ukraine: Reality and Prospects", Chapter Two in N. Mouraviev and N. Kakabadse (eds), *Public-Private Partnerships in Transitional Nations: Policy, Governance and Praxis* (Cambridge Scholars Publishing, 2017) 36

O. Soloviov, "Legal Aspects of Public-Private Partnership in Ukraine: Snapshot of Recent Experience and Current Processes" (2016) 11 *European Procurement & Public Private Partnership Law Review* 232

S. Tsygankov and E. Gasanova, "Electronification of the Public Procurement System: A Comparative Analysis of the Experience of the Russian Federation and Ukraine", Ch. 13 in

R.K. Shakya (ed.), *Digital Governance and E-Government Principles Applied to Public Procurement* (Premier Reference Source) (USA: IGI Global, 2017) 267

I. Zapatrina, "State Support under PPP: New Challenges in the Context of the UN Sustainable Development Goals" (2018) 13 *European Procurement & Public Private Partnership Law Review* 326

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, *Civil Liability and Public Authorities* (Earlsgate, 1992)

S. Arrowsmith, *The Law of Public and Utilities Procurement: Regulation in the EU and UK*, 3rd edition (Sweet & Maxwell, Volume 1 2014; Volume 2 2018)

A.C.L. Davies, *The Public Law of Government Contracts* (Oxford University Press, 2008)

L. Digings, J. Bennett and R. Hann, *EU Public Procurement: Law and Practice* (Looseleaf) (Sweet & Maxwell, updated 2018)

C.M. Donnelly, *Delegation of Government Power to Private Parties: A Comparative Perspective* (Oxford University Press, 2007)

S. Emmett and P. Wright, *Excellence in Public Sector Procurement: How to control costs and add value* (Gt. Shelford, UK: Cambridge Academic, 2012)

F. Garvey, *An Architect's Guide to Public Procurement* (RIBA Publishing /Routledge, 2015)

A. Geddes, *Public and Utility Procurement: a Practical Guide to UK Regulations and Associated Community Rules* (Sweet & Maxwell, 1997)

M. Hackett and G. Statham (eds), *The Aqua Group Guide to: Procurement, Tendering and Contract Administration*, 2nd edition (Wiley-Blackwell, 2016)

- I. Harden, *The Contracting State* (Buckingham: Open University Press, 1992)
- M.L. Macaulay and L.R. Ramsey, *Construction and Procurement Law* (Edinburgh: W. Green/Sweet & Maxwell, 2002)
- C. Maddox, *Brexit and Procurement Law* (Legal Perspectives on Brexit) (Routledge: ebook, 2018)
- D. Marcer, *Procurement of Services in the Public Sector: the bidder's perspective* (Gt. Shelford, UK: Cambridge Academic, 2013)
- J.D.B. Mitchell, *The Contracts of Public Authorities: A Comparative Study* (London School of Economics and Political Science, 1954)
- G. Powell, *Construction Contract Preparation and Management: from Concept to Completion* (Palgrave Macmillan, 2012)
- V. Ramsey and S. Furst, *Keating on Construction Contracts Mainwork & Supplement*, 10th edition (Sweet & Maxwell, 2018)
- H. Randall (ed.), *Local Government Contracts and Procurement* (Haywards Heath: Bloomsbury Professional, 2011)
- A. Shorter, *EU Procurement: Legal Precedents and their Impact – A look at some of the quirkier and more interesting legal cases around EU procurement and how they have affected tendering practice* (Cambridge: Cambridge Academic/Liverpool Academic Press, 2014)
- A. Shorter, *The Definitive Beginner's Guide to Tendering and EU Procurement: Procuring Contracts in Social Housing or other Public Body Environments*, 2nd edition (Cambridge Academic, 2016)
- N. Soko, *How to Win UK Contracts: The Ultimate SME Guide to Finding Tendering and Winning Public Contracts* (Naomi Soko/Procurement Agent Press, 2016)
- H. Street, *Governmental Liability: A Comparative Study* (Cambridge University Press, 1953)
- C. Turpin, *Government Procurement and Contracts* (Harlow: Longman, 1989)

Articles and Essays in Edited Collections

- A. Akintoye and S. Renukappa, "The UK water industry: infrastructure, governance and procurement", ch.4 in A. Gunawansa and L. Bhullar (eds), *Water Governance – An Evaluation of Alternative Architectures* (Cheltenham, UK, and Northampton, MA, USA: Edward Elgar, 2013) 81
- 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, "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 implications of Brexit for public procurement law and policy in the United Kingdom" (2017) 26 *Public Procurement Law Review* 1
- 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
- S. Arrowsmith and S. Smith, "The 'Lord Young' reforms on transparency of information and selection of firms to be invited to tender under the Public Contracts Regulations 2015: a practical analysis of the legal provisions" (2018) 27 *Public Procurement Law Review* 75
- 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
- E. Burrows and E. McNeill, "England & Wales", ch.7 E. Burrows and E. McNeill (eds), *The International Comparative Legal Guide to: Public Procurement 2018 – A practical cross-border insight into public procurement*, 10th edition (London: Global Legal Group., 2018) 45
- S. Chappell, "Coping with Differences between the Public Procurement Directives and the Regulations in Local Authority Contracting" (1995) 4 *Public Procurement Law Review* 119
- C. Davies, "A brief history of UK government IT contracting" (2012) 17 *Communications Law* 53
- M.C. Elliotis, "The Future for Public Procurement Law in the Post-Brexit Period" (2018) 13 *European Procurement & Public Private Partnership Law Review* 91
- M. Freedland, "Government by Contract and Public Law" [1994] *Public Law* 86
- A. Gatenby, A. Carter, B. Gilliam, L. Dobson and P. Minto, "United Kingdom", ch.17 in J. Davey and A. Gatenby (eds), *The Government Procurement Review*, 6th edition (London: Law Business Research, 2018) 206
- D.G. Holt and G. Proverbs, "A Survey of Public Sector Procurement in England" (2001) 7 *Journal of Construction Law* 3
- T. Kotsonis, "Brexit and the UK public procurement", in T. Kotsonis (ed.), *Getting the Deal Through: Public Procurement 2017* (London: Law Business Research, 2017) 9
- E. Nieto Garrido, "Public Procurement Law in the United Kingdom", ch.5 in M. Sánchez Morón (ed.), *Public Procurement in the European Union and Its Member States* (Editorial Lex Nova/Thomson Reuters, 2012) 173
- N. O'Loan, "Implementation of the Works, Supplies and Compliance Directives" (1992) 1 *Public Procurement Law Review* 88
- V. Ramsey and S. Furst, "Public Procurement", in V. Ramsey and S. Furst, *Keating on Construction Contracts*, 10th edition (Sweet & Maxwell, 2016)

A. Sanchez Graells, "The implementation of Directive 2014/24/EU in the United Kingdom", ch.13 in S. Treumer and M. Comba (eds), *Modernising Public Procurement: The Approach of EU Member States* (Edward Elgar Publishing, 2018) 278

K. Stricklin-Coutinho and R. Grogan, "The Implications of Brexit for Public Procurement", ch.2 in E. Burrows and E. McNeill (eds), *The International Comparative Legal Guide to: Public Procurement 2018 – A practical cross-border insight into public procurement*, 10th edition (London: Global Legal Group, 2018) 10

P. Wang, "Brexit and the WTO Agreement on Government Procurement ('GPA') (2017) 26 *Public Procurement Law Review* 34

C.R. Yukins, "Brexit and procurement: a US perspective on the way ahead" (2017) 26 *Public Procurement Law Review* 71

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.

Books

C. Maddox, *Brexit and Procurement Law* (Legal Perspectives on Brexit) (Routledge: ebook, 2018)

Articles and Essays in Edited Collections

S. Arrowsmith, "The implications of Brexit for public procurement law and policy in the United Kingdom" (2017) 26 *Public Procurement Law Review* 1

M.C. Elliotis, "The Future for Public Procurement Law in the Post-Brexit Period" (2018) 13 *European Procurement & Public Private Partnership Law Review* 91

J. Gordon Murray, "Debate: Revolutionizing or recycling public procurement policy in the UK?" (2012) 32 *Public Money and Management* 165

A. Sanchez Graells, "The implementation of Directive 2014/24/EU in the United Kingdom", ch.13 in S. Treumer and M. Comba (eds), *Modernising Public Procurement: The Approach of EU Member States* (Edward Elgar Publishing, 2018) 278

P. Telles and A. Sanchez Graells, "Examining Brexit through the GPA's lens: what next for UK public procurement reform?" (2017) 47 *Public Contract Law Journal* 1

A. Turrell, "Developing a Public Value Healthcare Procurement Framework" (2013) 13 *Journal of Public Procurement* 476

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.

Articles and Essays in Edited Collections

S. Arrowsmith, "The implications of Brexit for public procurement law and policy in the United Kingdom" (2017) 26 *Public Procurement Law Review* 1

M.C. Elliotis, "The Future for Public Procurement Law in the Post-Brexit Period" (2018) 13 *European Procurement & Public Private Partnership Law Review* 91

A. Sanchez Graells, "The implementation of Directive 2014/24/EU in the United Kingdom", ch.13 in S. Treumer and M. Comba (eds), *Modernising Public Procurement: The Approach of EU Member States* (Edward Elgar Publishing, 2018) 278

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.

Books

S.J. Squire and I. Beazley, *Increasing Professionalism in Public Finance Management: A Case Study of the United Kingdom*, World Bank Studies (Washington D.C., World Bank, 2016)

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: Oxford University Press, 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

E. Aspey, "The search for the true public law element: judicial review of procurement decisions" [2016] *Public Law* 35

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) 263

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).

Books

J.M. Fernandez Martin, *The EC Public Procurement Rules: A Critical Analysis* (Oxford: Clarendon Press, 1996)

Articles and Essays in Edited Collections

S. Arrowsmith, "The implications of Brexit for public procurement law and policy in the United Kingdom" (2017) 26 *Public Procurement Law Review* 1

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

Books

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

S. Cirell, *A guide to the Local Government (Contracts) Act 1997: A Practical Guide to the Provisions and their Effect* (LGA Publications, 1998)

Articles and Essays in Edited Collections

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)

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

A. Davies, "Ultra Vires Problems in Government Contracts" (2006) 122 *Law Quarterly Review* 98

P.P. Mitchell, "The Crown, Public Authorities and the European Community", ch.11 in H. Beale (ed.), *Chitty on Contracts*, 33rd edition (Sweet & Maxwell, 2018)

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

Articles and Essays in Edited Collections

J. McLean, "The Crown in contract and administrative law" (2004) 24 *Oxford Journal of Legal Studies* 129

P.P. Mitchell, "The Crown, Public Authorities and the European Community", ch.11 in H. Beale (ed.), *Chitty on Contracts*, 33rd edition (Sweet & Maxwell, 2018)

5.7 The Best Value regime for local government

Books

M. Ahmad (ed.), *Knight's Guide to Best Value and Public Procurement* (Looseleaf) (LexisNexis Butterworths, updated 2015)

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) 10 *Public Procurement Law Review* 92

P. Craig, "Contract and Service Provision, ch.5 in P. Craig, *Administrative Law*, 7th edition (Sweet & Maxwell, 2012)

A. Koukiadaki, "The impact of the EU regulation on social services of general interest in the United Kingdom", ch.13 in J-C. Barbier, R. Rogowski and F. Colomb (eds), *The Sustainability of the European Social Model: EU Governance, Social Protection and Employment Policies in Europe* (Edward Elgar Publishing, 2015) 297

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

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. It also covers joint and centralised procurement.

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

J. Chard, G. Duhs and J. Houlden, "Body Beautiful or Vile Bodies? Central purchasing in the UK" (2008) 17 *Public Procurement Law Review* NA26

I. Harden, "Defining the Range of Application of the Public Sector Procurement Directives in the United Kingdom" (1992) 1 *Public Procurement Law Review* 362

P. Henty and C. Tullis, "The impact of the Government's tuition fees proposals on the classification of universities under the Public Contracts Regulations 2006" (2011) 20 *Public Procurement Law Review* NA287

A. Koukiadaki, "The impact of the EU regulation on social services of general interest in the United Kingdom", ch.13 in J-C. Barbier, R. Rogowski and F. Colomb (eds), *The Sustainability of the European Social Model: EU Governance, Social Protection and Employment Policies in Europe* (Edward Elgar Publishing, 2015) 297

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

L.R.A. Butler, "Below Threshold and Annex II B Service Contracts in the United Kingdom: A Common Law Approach", ch.9 in D. Dragos and R. Caranta (eds), *Outside the EU Procurement Directives – Inside the Treaty?* (The European Procurement Law series Vol. 4) (Copenhagen: Djøf Publishing, 2012) 283

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

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

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)

Articles and Essays in Edited Collections

S. Arrowsmith and R. Craven, "Competitive dialogue in the United Kingdom", ch.3 in S. Arrowsmith and S. Treumer (eds), *Competitive Dialogue in EU Procurement* (Cambridge: Cambridge University Press, 2012) 181

E. Aspey and R. Craven, "Regulating Complex Contracting: A Socio-legal Study of Decision-Making under EU and UK Law" (2018) 81 (2) *The Modern Law Review* 191

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

9 The conduct of procurement proceedings

Articles and Essays in Edited Collections

S. Arrowsmith and R. Craven, "Competitive dialogue in the United Kingdom", ch.3 in S. Arrowsmith and S. Treumer (eds), *Competitive Dialogue in EU Procurement* (Cambridge: Cambridge University Press, 2012) 181

S. Arrowsmith and S. Smith, "The 'Lord Young' reforms on transparency of information and selection of firms to be invited to tender under the Public Contracts Regulations 2015: a practical analysis of the legal provisions" (2018) 27 *Public Procurement Law Review* 75

E. Aspey and R. Craven, "Regulating Complex Contracting: A Socio-legal Study of Decision-Making under EU and UK Law" (2018) 81 (2) *The Modern Law Review* 191

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

L. Butler, "Exclusion, Qualification and Selection in the UK under the Public Contracts Regulations 2015", in M. Burgi, M. Trybus and S. Treumer (eds), *Qualification, Selection and Exclusion in EU Procurement* (European Procurement Law Series) (Djøf Publishing, 2016) 189

R. Eadie and M. McCavigan, "Random selection: winning the lottery in construction contracts" (2016) 9 *International Journal of Procurement Management* 185

R. Eadie and S. Potts, "Innovation partnership procurement: EU directive impact" (2016) 169 *Proceedings of the Institution of Civil Engineers - Management, Procurement and Law* (ICE Publishing) 238

P. Telles, "Awarding of Public Contracts in the United Kingdom", ch.9 in M. Comba and S. Treumer (eds), *Award of contracts in EU procurements* (Copenhagen: Djøf Publishing, 2013) 251

J. Thomas, "Public procurement and Lord Young's reforms – two years on" (2018) 27 *Public Procurement Law Review* 152

10 Specifications

11 Qualification of suppliers/contractors (responsibility)

11.1 General

Articles and Essays in Edited Collections

S. Arrowsmith, "The 'Lord Young' reforms on transparency of information and selection of firms to be invited to tender under the Public Contracts Regulations 2015: a practical analysis of the legal provisions" (2018) 27 *Public Procurement Law Review* 75

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R. Eadie, J. Rodgers, C. McKeown and P. Smyth, "An Analysis of public sector prequalification procedures in Northern Ireland" (2012) 5 (3) *International Journal of Procurement Management* 273

J. Thomas, "Public procurement and Lord Young's reforms – two years on" (2018) 27 *Public Procurement Law Review* 152

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

P. Arden, "Legal regulation of multi-provider framework agreements and the potential for bid rigging: a perspective from the UK local government construction sector" (2013) 22 *Public Procurement Law Review* 165

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 García (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

A. Eyo, "Evidence on use of dynamic purchasing systems in the United Kingdom" (2017) 26 *Public Procurement Law Review* 237

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

A. Eyo, "Electronic auctions in EU procurement: reflections on the auction rules from the United Kingdom" (2012) 21 *Public Procurement Law Review* 1

14 Debriefing, freedom of information rules and other information requirements

Articles and Essays in Edited Collections

S. Arrowsmith, "The 'Lord Young' reforms on transparency of information and selection of firms to be invited to tender under the Public Contracts Regulations 2015: a practical analysis of the legal provisions" (2018) 27 *Public Procurement Law Review* 75

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

<p>15 Industrial, social and environmental objectives in public procurement (horizontal policies, collateral policies, sustainable development, strategic procurement, socio-economic policies, procurement linkages)</p>
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15.1 General

Books

R. MacFarlane and M. Cook, *Achieving Community Benefits through Procurement* (Joseph Rowntree Foundation, 2002)

C. Theron and M. Dowden, *Strategic Sustainable Procurement: Law and Best Practice for the Public and Private Sectors* (Do Sustainability, 2014; Routledge, 2017)

Articles and Essays in Edited Collections

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", ch.8 in J. Jowell and D. Oliver (eds), *The Changing Constitution*, 2nd edition (Oxford: Clarendon Press, 1989)

R. Eadie, C. McKeown and K. Anderson, "The impact of recession on construction procurement routes" (2013) 6 *International Journal of Procurement Management* 24

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.B. Ferguson and A.C. Page, "Pay Restraint: the Legal Constraints" (1978) 128 *New Law Journal* 515

J. Hartwell, "Sustainable Procurement", ch.11 in A. Cotgrave and M. Riley (eds), *Total Sustainability in the Built Environment* (Palgrave Macmillan, 2013) 206

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* (Djøf Publishing, 2010) 259

15.2 Industrial development

15.3 Innovation

Books

J. Binks, *Using Public Procurement to Drive Skills and Innovation: A Report for the Department of Trade and Industry* (Local Futures Group, March 2006)

Articles and Essays in Edited Collections

R. Eadie and S. Potts, "Innovation partnership procurement: EU directive impact" (2016) 169 (6) *Proceedings of the Institution of Civil Engineers - Management, Procurement and Law* (ICE Publishing) 238

E. Uyerra, J. Elder, S. Gee, L. Georghiou and J. Yeow, "UK", ch.12, in V. Lember, R. Kattel and T. Kalvet (eds), *Public Procurement, Innovation and Policy: International Perspectives* (Springer, 2014) 233

J. Yeow, J. Rigby and Y. Li, "The Effect of Government Target for the Procurement Innovation: The Case of the UK's Small Business Research Initiative", ch.7 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization) (Springer, 2017) 113

15.4 Small and medium-sized enterprises in public procurement

Articles and Essays in Edited Collections

K. Loader, "SME suppliers and the challenge of public procurement. Evidence revealed by a UK government online feedback facility" (2015) 21 *Journal of Purchasing & Supply Management* 103

J. Thomas, "Public procurement and Lord Young's reforms – two years on" (2018) 27 *Public Procurement Law Review* 152

J. Yeow, J. Rigby and Y. Li, "The Effect of Government Target for the Procurement Innovation: The Case of the UK's Small Business Research Initiative", ch.7 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization) (Springer, 2017) 113

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

Books

***, *ILEA Contract Compliance Equal Opportunities Unit, Contract Compliance: a Brief History* (London: ILEA Contract Compliance Equal Opportunities Unit, 1990)

B. Bercusson, *Fair Wages Resolutions* (Mansell, 1978)

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)

R. Nielsen, *Discrimination and equality in public procurement* (EU & Arbetsrätt, 2005)

Articles and Essays in Edited Collections

E. Aspey, "Labour Considerations in EU Procurement: A Study of UK Utilities" (2012) 37 *European Law Review* 294

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

N. Boeger, "Public Procurement and Business for Value: Looking for Alignment in Law and Practice", ch.7 in A. Sánchez-Graells (ed.), *Smart Public Procurement and Labour Standards: Pushing the Discussion after RegioPost* (Hart Publishing, 2018) 115

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* (Cambridge University Press, 2009) 310

R. Craven, "The role of public procurement in the fight to eradicate modern slavery in the UK construction industry", ch.2 in G. Piga and T. Tatrai (eds), *Public Procurement Policy (The Economics of Legal Relationships)* (London and New York: Routledge, 2015) 22

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, 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

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

D. Halloran, "The Social Value in Social Clauses: Methods of Measuring and Evaluation in Social Procurement", ch.3 in K.V. Thai (ed.), *Global Public Procurement Theories and Practices* (Public Administration, Governance and Globalization) (Springer, 2017) 39

O. Kahn-Freund, "Legislation through Adjudication: The Legal Aspects of Fair Wages Clauses and Recognised Conditions" (1948) 11 *Modern Law Review* 274

C. Mahler, "Social Value and Public Services Procurement", Ch. 15 in C. Mahler (ed.), *Handbook of Research on Value Creation for Small and Micro Social Enterprises* (USA: IGI Global, 2018) 293

C. McCrudden, "Law Enforcement by Regulatory Agency: the Case of Employment Discrimination in Northern Ireland" (1982) 45 *Modern Law Review* 617

V. Ulfbeck, "Supply Chain Liability of the Public Buyer" (2017) 12 *European Procurement & Public Private Partnership Law Review* 325

15.6 Environmental policies (green procurement)

Articles and Essays in Edited Collections

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* (Djøf 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. Arrowsmith and R. Craven, “Public procurement and access to justice: a legal and empirical study of the UK system” (2016) 25 *Public Procurement Law Review* 227

E. Aspey, “The search for the true public law element: judicial review of procurement decisions” [2016] *Public Law* 35

S. Bailey, “Judicial Review and the Public Procurement Regulations” (2005) 14 *Public Procurement Law Review* 291

S.H. Bailey, “Reflections on standing for judicial review in procurement cases” (2015) 24 *Public Procurement Law Review* 122

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

R. Craven, “Controls and litigation on public contracts: the United Kingdom”, in L. Folliot-Lalliot and S. Torricelli (eds), *Contrôles et contentieux des contrats publics – Oversight and Challenges of public contracts* (Brussels: Bruylant, 2018) 109

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: Cambridge University Press, 2011) 511

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: Earls Gate, 1993) 271

16.1.2 Forum for review

16.1.3 Remedies: interim measures

Articles and Essays in Edited Collections

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

16.1.4 Remedies: damages

Articles and Essays in Edited Collections

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

F. Banks and M. Bowsher, "Damages Remedy in England & Wales and Northern Ireland", ch.4 in D. Fairgrieve and F. Lichère (eds), *Public Procurement Law: Damages as an Effective Remedy* (Oxford: Hart Publishing, 2011) 61

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)

J. Jenkins, "Ineffectiveness as a remedy under English law", in H-J. Priess, N. Lau and R. Kranzenberg (eds), *Wettbewerb – Transparenz – Gleichbehandlung: 15 Jahre GWB-Vergaberecht Festschrift für Fridhelm Marx* (München: Verlag C.H. Beck, 2013) 337

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

Articles and Essays in Edited Collections

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

16.2 Previous mechanisms for the utilities sector

Articles and Essays in Edited Collections

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

16.3 Other enforcement mechanisms

Articles and Essays in Edited Collections

R. Craven, "Controls and litigation on public contracts: the United Kingdom", in L. Folliot-Lalliot and S. Torricelli (eds), *Contrôles et contentieux des contrats publics – Oversight and Challenges of public contracts* (Brussels: Bruylant, 2018) 109

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

Articles and Essays in Edited Collections

Y. Marique, *Integrity in English and French public contracts: Changing administrative cultures?*, ch.7 in J-B. Auby, E. Breen and T. Perroud (eds), *Corruption and Conflicts of Interest: A Comparative Law Approach* (Cheltenham, UK and Northampton, MA, USA: Edward Elgar, 2014) 85

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

18.1 General

Articles and Essays in Edited Collections

S. Brazil and J. Binns, “England & Wales”, ch.5 in M.F. Mendelsohn (ed.), *The Anti-Bribery and Anti-Corruption Review*, 3rd edition (London, UK: Law Business Research, 2014) 63

J. Lippman, “Business without Bribery: Analyzing the Future of Enforcement for the UK Bribery Act” (2013) 42 *Public Contract Law Journal* 649

M. Livingston and B. Basdeo, “Cayman Islands”, ch.8 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 66

Y. Marique, “English Judges: Little Mice in the Big Business of Corruption?”, ch.6 in M.J. Bonell and O. Meyer (eds), *The Impact of Corruption on International Commercial Contracts* (Springer, 2015) 141

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C. Pereira, J. Henry-Lucio and L. Paschoaleto Martim, “Brazil’s Anti-Corruption Laws, the FCPA and the UK Bribery Act: A Comparative View”, ch.20 in M.J. Filho, C. Pereira and M.A. Rost (eds), *Brazil Infrastructure Law* (International Commerce and Arbitration Series, Vol. 20) (Eleven International Publishing, 2016) 319

J. Pickworth and D. Williams, “United Kingdom”, ch.26 in J. Pickworth and D. Williams (eds), *Bribery & Corruption*, 2nd edition (Global Legal Insights, 2014) 245

P. Stanislas, “Tackling Corruption and Crime in Public Procurement in the 2012 London Olympics and Paralympics Games: The Role of Operation Podium, the Specialist Organized, and Economic Crime Unit of the Metropolitan Police”, ch. 7 in P. Gottschalk and P. Stanislas (eds), *Public Corruption: Regional and National Perspectives on Procurement Fraud* (CRC Press, Taylor & Francis Group, 2017) 107

P. Tickner, *Fraud and Corruption in Public Services* (Gower Publishing/Routledge, 2015)

18.2 Implementation of international conventions on bribery

19 Collusion by suppliers (bid rigging)

Articles and Essays in Edited Collections

P. Arden, "Legal regulation of multi-provider framework agreements and the potential for bid rigging: a perspective from the UK local government construction sector" (2013) 22 *Public Procurement Law Review* 165

20 Competition law and public procurement (other than bid rigging)

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

A. Sanchez-Graells, "New rules for health care procurement in the UK: a critical assessment from the perspective of EU economic law" (2015) 24 *Public Procurement Law Review* 16

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

Articles and Essays in Edited Collections

R. Craven, "Controls and litigation on public contracts: the United Kingdom", in L. Folliot-Lalliot and S. Torricelli (eds), *Contrôles et contentieux des contrats publics – Oversight and Challenges of public contracts* (Brussels: Bruylant, 2018) 109

J. Thomas, "Public procurement and Lord Young's reforms – two years on" (2018) 27 *Public Procurement Law Review* 152

23 Foreign aid and public procurement

24 Outsourcing of public services

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, *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)

K. Walsh, N. Deacon, P. Smith, et al., *Contracting for Change: Contracts in Health, Social Care, and Other Local Government Services* (Oxford University Press, 1997)

Articles and Essays in Edited Collections

S. Antoniazzi, "Innovations for the Water Service in England and Wales after the Reform of 2014 and Profiles of Comparison with Other European Systems" (2016) 11 *European Procurement & Public Private Partnership Law Review* 97

G. Boyne, "Competitive Tendering in Local Government: a Review of Theory and Evidence" (1998) 76 *Public Administration* 695

L.R.A. Butler, "An inspection of rail franchise procurement: first-class regulation for privatised passenger rail?" (2018) 27 *Public Procurement Law Review* 251

P. Craig, "Contract and Service Provision", ch.5 in P. Craig, *Administrative Law*, 7th edition (Sweet & Maxwell, 2012)

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

A. Koukiadaki, "The impact of the EU regulation on social services of general interest in the United Kingdom", ch.13 in J-C. Barbier, R. Rogowski and F. Colomb (eds), *The Sustainability of the European Social Model: EU Governance, Social Protection and Employment Policies in Europe* (Edward Elgar Publishing, 2015) 297

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

T. Prosser and L. Butler, "Rail Franchises, Competition and Public Service" (2018) 81 *The Modern Law Review* 23

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

R. 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)

P. Craig, "Contracting Out, the Human Rights Act and the Scope of Judicial Review" [2002] *Law Quarterly Review* 551

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

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

Books

P. Badcoe (ed.), *Public Private Partnerships and PFI* (Looseleaf) (Sweet & Maxwell, updated 2016)

S. Cirell, J. Bennett and R. Hann, *The PFI and Major Strategic Procurement in Local Government* (Looseleaf) (London: Sweet & Maxwell, 1999)

D. Grimsey and M. Lewis, *Public Private Partnerships – The Worldwide Revolution in Infrastructure Provision and Project Finance* (Cheltenham, UK: Edward Elgar, 2004)

G. Lindrup and E. Godfrey (eds), *Butterworths PFI Manual* (Looseleaf) (London: LexisNexis Butterworths, updated 2015)

Y. Marique, *Public-Private Partnerships and the Law: Regulation, Institutions and Community* (Cheltenham, UK and Northampton, MA, USA: Edward Elgar, 2014)

J. Mead and S. Gruneberg, *Programme Procurement in Construction: Learning from London 2012* (Wiley-Blackwell, 2013)

N. Meletiadis, *Public Private Partnerships and Constitutional Law: Accountability in the United Kingdom and the United States of America* (Routledge, 2018)

N. Morrison and N. Owen, *Special Report: Private Finance Initiative* (Sweet & Maxwell, 1996)

A. Pollock, *NHS Plc: The Privatisation of Our Health Care* (London: Verso Books, 2005)

A. Pollock, J. Shaoul, D. Rowland, et al., *Public Services and the Private Sector: A Response to the IPPR* (London: Catalyst, 2001)

J. Sillett, *The Private Finance Initiative* (London: Local Government Information Unit, 1999)

C.D. Tvarnø (ed.), *PPP - An international analysis in a legal and economic perspective* at www.cbs.dk/staff.tvarno

E. Yescombe, *Public Private Partnerships: Principles of Policy and Finance* (London: Butterworth-Heinemann 2007)

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S. Antoniazzi, "Innovations for the Water Service in England and Wales after the Reform of 2014 and Profiles of Comparison with Other European Systems" (2016) 11 *European Procurement & Public Private Partnership Law Review* 97

S. Arrowsmith, "The European Procurement Rules and Public Private Partnerships: EU Policies in Conflict?" (2000) 37 *Common Market Law Review* 709

D. Asenova, "Organizational Innovation in Public Procurement in Scotland: the Scottish Futures Trust", ch.7 in P. Valkama, S.J. Bailey and A-V. Anttiroiko (eds), *Organizational Innovation in Public Services: Forms and Governance* (Palgrave MacMillan, 2013) 111

D. Asenova and M. Beck, "Perspectives on the future of Public Private Partnership in the UK", ch. 21 in A. Akintoye, M. Beck and M. Kumaraswamy (eds), *Public Private Partnerships: A Global Review* (Routledge, 2016)

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