

The public procurement system in Belarus: a regional aspect

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Abstract

The paper presented here is the country research and has an analytical character concerning a regional aspect of the public procurement system in Belarus. Stages of the public procurements system's formation and its legislative base and the development of the electronicization of purchases are considered. The public procurement system at the sub-national level is analyzed and weak points are emphasized. Corruption aspects and ways of their minimization in the public procurement activity are showed. Debatable issues and ways of procurement activity improvement in Belarus regions are presented.

The methodology of research is based on the analysis of a series of data on public procurements in the regions of Belarus, including budgetary expenditures on public procurement in the local governments of the Belarus regions and the e-auctions procurement at the Universal Commodity Exchange. Statistical data for analysis was obtained from official sources, such as the State Statistics Committees, Ministry of Finance, Open Joint Stock Company (OJSC) Belarusian Universal Commodity Exchange, and on-line databases of analytical centres working in this field, etc.

Keywords: budget expenditures, central budget, closed tender, corruption, e-auction, exchange bidding, expenditure assignment, fiscal decentralization, local budgets, open tender, public procurements, request for quotation, single source procurement, sub-national budgets.

Introduction

Public procurement is a big and important subject in the Belarusian administration system both at the central government and sub-national levels. An importance of this subject in present conditions is that public procurement has turned into the one of the instruments of public services provision. It is especially felt in the sub-national governments where the local ones are closer to citizens and provide their current ability to life. By means of public procurement being necessary for local community the local government performs their transformation into public products and services. In this connection it is important to know the administrative aspects of public procurement; namely, what the optimum ways of

procurement are and how they are connected with the expenditure assignment of local governments, what public services are connecting with concrete ways of procurement, how plans of procurement are formed, how to do justifications of procurement, and how to exercise financial and public control, supervision and audit. Not less important aspects are corruption areas and their factors in public procurement activity, the increase of public procurement transparency, and the accountability for civil society, mass media, local community, and citizens. All these issues are very significant for the creation of the public procurement system in Belarus. Due to the scope of public procurements, it is extremely wide and many-sided; in this paper some aspects of procurement activity are only touched upon. They are stages of public procurement formation in Belarus, characteristic of its common and special features, analysis of public procurements in the sub-national governments, the investigation of corruption points in public procurement, the ways to increase transparency and accountability, and finally the debatable issues of the procurement activity in Belarus.

1. General characteristic of the public procurement system in Belarus

An evolution of the public procurement system in Belarus in the direction of care from the directive and uncontested placement of the state orders was performed. At the same time, this care assumed the development and improvement of the public procurement mechanism.

The basis of current legislation on public procurements is made by the Civil Code [*Grazhdanski Kodeks*] (*Grazhdanski Kodeks Respubliki Belarus* (1998), (article 495) which contains the concept of the state needs "as a need of the Republic of Belarus defined in accordance with the established procedure or its administrative and territorial units and provided at the expenditures of budgetary funds and non-budgetary financial sources".

Table 1

The structure of purchases by procurement procedure types for 2011-2012

Indicators	2011		2012		deviations	
	number	share (per cent)	number	share (per cent)	+, -	in percent points
Procedures of purchases						
competitive procedures of purchases provided	141573	64.5	159575	65.8	+18002	+1.3
from which:						
• <i>open tender (auction)</i>	6817	3.1	6523	2.7	-294	-0.4
• <i>closed tender (auction)</i>	90	0.04	106	0.04	+16	0
• <i>procedures of price offers' request</i>	9563	4.4	12561	5.18	+2998	0.82
• <i>procedures of a competitive list's registration</i>	102070	46.5	111976	46.16	+9906	-0.34
• <i>negotiation procedures</i>	22618	10.3	27330	11.27	+4712	-0.03
• <i>e- auctions</i>	415	0.02	1079	0.44	+664	+0.25
non-competitive procedures of procurements, (single source procurement)	77935	35.5	83009	34.2	+5074	-1.3

Source: Own author's calculations based on the Ministry of Trade of the Republic of Belarus data

Now in Belarus the main form of the state requirement orders' satisfaction for delivery of industrial and consumer goods and services are acting. The formation of the market structure of public procurement began practically at the same time with the transition of Belarus to a market economy. The contractual relations with the use of stimulation forms began to come to change the centralized logistics [*tscentralizovannoe materialno-tehnicheskoe snabzhenie*] and obligatory public procurement. In recent years the public procurement volume in the expenditure structure of the Belarusian consolidated budget began to reach more than a half and their share in GDP more than 15% that corresponds to developed European countries. It points to an essential role and a place of public procurement in the Belarusian economy. They turned not only into the instrument of macroeconomic regulation, but also into one of the ways for public services provision.

The creation of public procurement regulations originated in 1993 and includes 5 stages:

The first stage began with the adoption of the Law "About deliveries of goods for the state needs" from November 24, 1993 No. 2588-XII (Zakon Respubliki Belarus...,1993). This Law establishes the general principles of formation, placement and performance on a contract (contractual) basis of the orders of goods for the public needs of all enterprises, organizations, firms, and companies, irrespective of the ownership form.

The second stage is connected with introduction in the public procurement procedures of a concept of competitive auction in 1996. At this stage the

Ministry of Economics and the Ministry of Finance entered the provision about the procedure of tenders for the purchases of goods, works and services. In it the ways of public procurement are formulated: "open method", "limited method", "simplified method", "negotiations" and "direct purchases".

On the third stage which started in 2006, the public procurement concept entered and the uniform order of purchases was defined as well. The order of the supplier's choice at the implementation of public procurement on the Belarus territory was defined. A uniform order of purchase of goods and services by means of budgetary funds, in whole or in part, has been introduced as well.

The fourth stage introduced changes into the regulations of public procurement. From 2009 the order of supplier's choice has been specified at the implementation of public procurement on the Belarus territory. The order of appeal of supplier's choice and bases for recognition of the auction as invalid was defined. Changes in concept of public procurement are introduced as well. For example, the procurement of budgetary organizations¹ which is carried out for their own incomes received from business activity² is excluded from the concept of public procurement. These types of procurement began to be classified as a procurement for their own incomes, separately from public procurement.

¹ Organizations funded by the central and local budgets. For example, health care centers, educational organizations, specialized schools, and universities.

² For example, the business activity of health care centers, educational organizations, specialized schools, and universities.

Table 2

The characteristic of contracts signed in 2011 and 2012

Indicators	2011		2012		Growth (in per cent)
	Number	valuation (trillion rubles)	Number	valuation (trillion rubles)	
Contract signed total	217784	15.0	244887	54.1	112.4
in which:					
• on competitive procedures	139411	9.9	160642	31.6	115.2
share (in per cent)	64.0	66.0	66.0	58.0	364.6
• on non-competitive procedures	78373	5.1	84245	22.5	360.0
share (in per cent)	36.0	34.0	34.0	42.0	441.2

Source: Author's calculations based on the National Statistic Committee of the Republic of Belarus data

The fifth stage began on January 1, 2013, and is connected with the adoption of the Law of the Republic of Belarus "About public procurement" (Zakon Respubliki Belarus..., 2012). In it the main terms of a competence of government bodies in the field of public procurement, customers and organizers of procurement procedures; conditions of their application; and appeal system have been defined. The procedure of public procurement implementation with the use of electronic auction has also been introduced by the Law.

Currently in Belarus the procurement practice is characterized by the two coexisting models: centralized and decentralized. The centralized model provides for the creation of a peculiar purchasing centre where all demands for purchases from various enterprises and organizations are collected. The centralized model provides the low prices due to wholesale purchases, but is less mobile and does not always consider all nuances in demand for the acquisition of necessary goods and services. The decentralized model provides an independent implementation of all purchasing processes by the consumer's organization. Simultaneously, the service coordinating activity or supporting purchases of all organizations can function. The decentralized model is very flexible, but it is more expensive in comparison with the centralized one. However, among two models of public procurement the centralized one dominates. The general dynamics of the procurement activity and its structure in Belarus are illustrated by Table 1.

As Table 1 shows, in 2012, 242584 procedures of the public procurement of goods (works, services) were performed. It is more than 23076 procedures or 10.5% in comparison with 2011. However, despite the growth of procedures, the structure which developed earlier didn't change essentially. In 2012 from the total number of procurement procedures, 9327 or 3.8% from all procedures didn't lead to contract

signings. In 2011, 9491 procurement procedures or 4.3% from all procedures didn't take place. For the characterizing procedures of public procurements in 2012, it should be noted that 452150 participants took part, from which 448802 or 99.26% are domestic participants and 3348 or 0.74% are foreign. From the total number of foreign participants, 31.5% from the Russian Federation were represented.

Our research of procedure types in the structure of procurement activity for 2008-2012 showed that the dominated types of procurements were: a competitive list's registration- 46.7%; single source procurement - 34.28%; and price negotiations - 11.13%. These types are showed in figure 1.

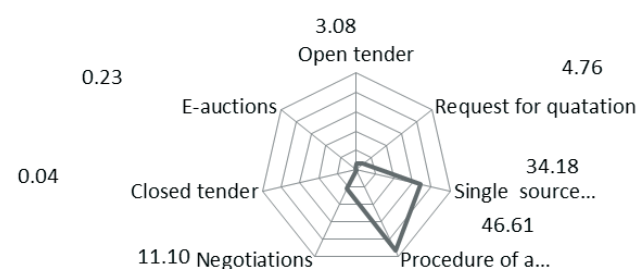


Fig 1. Structure of public procurement by the types of procurement which were performed in 2008-2012 (on average)

Source: Author's calculations based on the Ministry of Trade of the Republic of Belarus data

In 2012, on the base of the procurement procedure results, 244887 contracts on the sum of 54.1 trillion Belarusian rubles were signed, including the competitive types of the procurement's procedures – 160642 or 66% from total contracts. A deeper analysis of the procurement activity is displayed by Table 2.

An increase of the total number of procurement procedures provided in 2012 led to a 12.4% increase in contracts signed in comparison with 2011. The

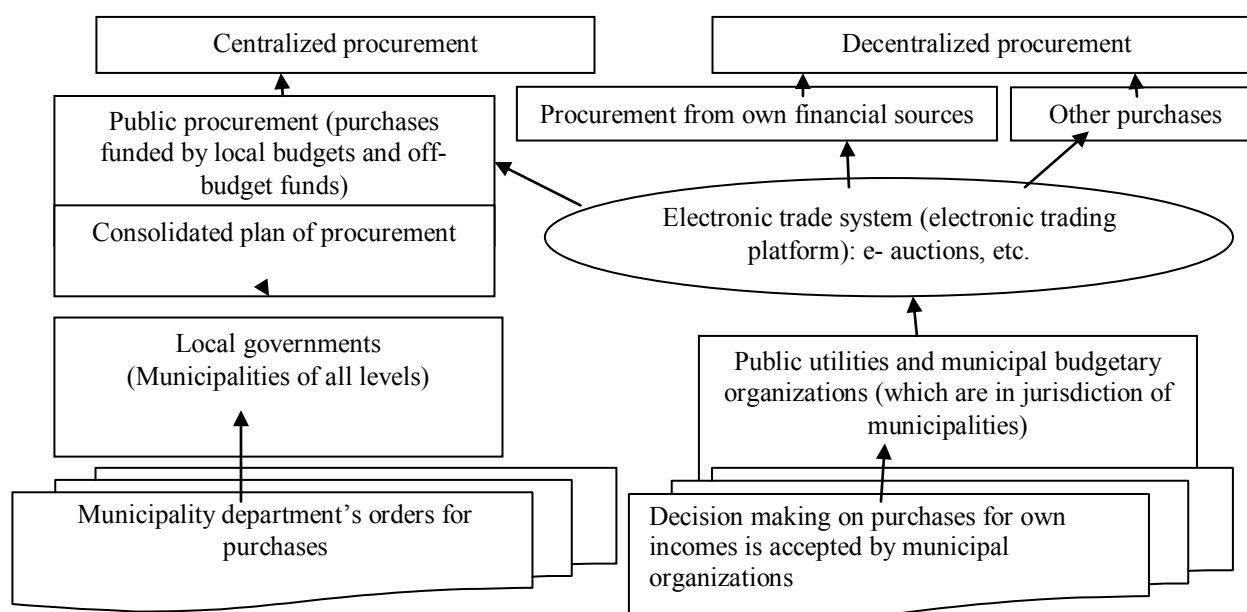


Fig. 2 Scheme of procurement activity at the sub - national level

Source: Figure developed based on the author's research

growth in the total number of procurement procedures provided in 2012 led to a 12.4 % increase of contracts signed in comparison with 2011. At the same time the total contracts cost signed increased 3.6 times. The number of signed contracts on the centralized purchases made 12474 or 5.1% of the total number of the signed contracts performed in January-December, 2012 (for the similar period of 2011, 11282 or 5.2%). Thus, the share of total procurement contracts signed by results of the centralized procurement made 9.4% of all contracts signed (for the similar period of 2011, it was 18%).

It should be noted, however, since 2013 the new forms of public procurement were adopted: open competitive tenders; closed competitive tenders; on-line auctions (e-auction); request for quotation procedures; single source procurement procedures; and exchange bidding. So, the procedure of a competitive list registration has been abolished and exchange bidding was entered¹.

As a whole, the system of legislative regulation of public procurement existing in Belarus is very difficult, complicated and inconsistent. A lack of this sphere is that public procurement is considered separately as an independent subject, without the context of administrative tasks: the levels of governments, expenditure functions of the sub-national governments, assignment of these functions, and the responsibilities of local authorities without the problems of regional and local governments.

2. Public procurement in the sub-national governments

The procurement activity at the sub-national levels are generally performed by the two channels: via the centralized channel of procurement and the channel of decentralized ones. The centralized procurement channel covers mainly the public procurement system which is funded by local budgets and the off-budget funds of local governments. Normally, the centralized procurement channel is characterized by difficult bureaucratic and multilevel procedures from the formation of municipality orders before their inclusion in the consolidated plan of procurement up to payment through the treasury accounts. The decentralized one covers procurement from their own financial sources of municipal organizations only. As a rule, it is accumulated from own incomes by the public utilities or other municipal organizations from business activity which are in jurisdiction of municipalities. In more detail, the scheme of purchases at the sub-national level is illustrated in Figure 2.

Procurement at the sub-national level occupies an essential share in regional budget expenditures and their share in the gross regional product (GRP)² made 9.33 % on average. The main articles of consolidated budget expenditures which covered public procurement are the following: purchase subjects of supply and expendables; payment of transport

¹ In capital construction sphere a negotiation procedure was only saved

² The indicator of the gross regional product (GRP) represents the sum of a gross value added and size of pure taxes on products by types of economic activity of the certain region.

services; communication fee; payment of public utilities; fee on standard design; other operating costs on purchases of goods and services (maintenance of buildings, the equipment, roads); capital investments; purchases of equipment and other fixed assets; capital construction; and capital repairs. The dynamics of public procurement expenditure are illustrated in Table 3.

Table 3
Dynamics of public procurement expenditure in regional consolidated budgets and in GRP in 2013 (percentage)

Regions (oblasts)	Indicators	
	The share of procurement in consolidated regional budget expenditures (per cent)	The share of procurement in GRP (per cent)
Brestskaya oblast	41.38	9.98
Vitebskaya oblast	33.97	8.41
Gomelskaya oblast	39.58	10.23
Grodnenskaya oblast	39.45	9.18
Minskaya oblast	37.68	6.78
Mogilevskaya oblast	36.24	9.74
Minsk city (capital)	58.80	10.38
Average by the regions	43.00	9.33

Source: Author's own calculations based on the Ministry of Finance of the Republic of Belarus reports

As Table 3 shows, the greatest share of purchases in regional budget expenditures belong to Minsk city – 58.8%. Its share in GRP made 10.38%. It is explained by the big needs for maintenance of the capital city, needs for city expansion, large city investment projects, and programs development as well. Among regions the best indicators in public procurement reached by the Gomelskaya oblast in which the territory size and number of the population was more than in other oblasts. In more detail the place and structure of public procurement in the Belarusian regional budget expenditures is revealed in Figure 3.

Further in-depth studies of public procurement in the sub-national governments are executed on the example of Minskaya oblast. Here research showed relative stable dynamics of public procurement for 2008-2013. The dynamics of these indicators is characterized by Figure 3.

As Figure 4 shows, the greatest share of purchases in expenditures of Minskaya oblast's local government budget took place in 2010 and reached more than 40%. Thus, the share of purchases in GRP made 7.28%. For the analyzed period the dynamics of procurement in Minskaya oblast characterizes the tendency of their growth. Thus, the growth of their volumes took place both in national currency and in the euro equivalent illustrated by data from Figure 4.

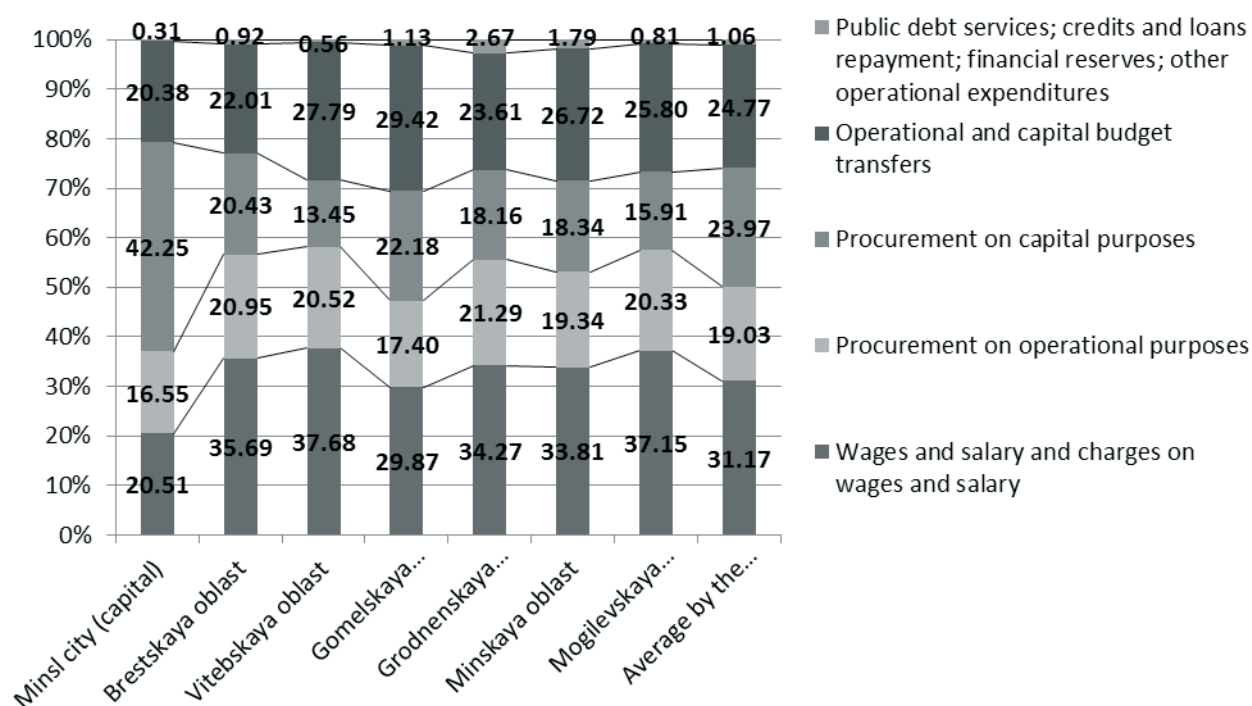


Fig. 3 The Belarusian regional budgets' expenditure structure

Source: Author's own calculations based on the Ministry of Finance of the Republic of Belarus reports

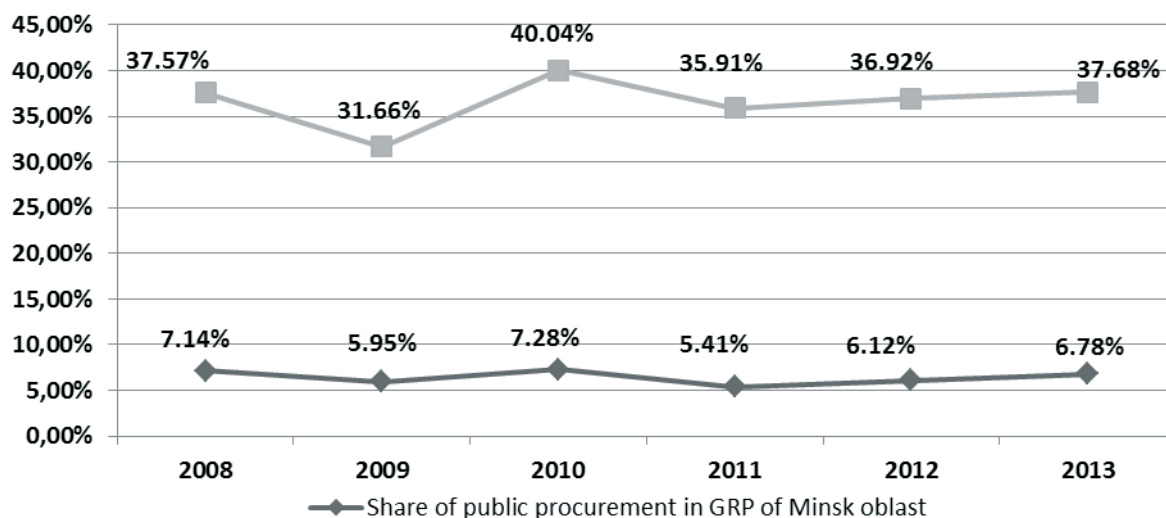


Fig 4. Dynamics of expenditures on public procurements in Minskaya oblast's consolidated budget and in GRP for 2008-2013 (in per cent).

Source: Author's calculations based on the Minskaya oblast's financial department reports.

The comparisons of procurement assessment in national currency and in euro equivalent as a whole prove a tendency of their growth. However, their outlined "failure" in 2008 and 2011 in Euro assessment is explained by the existence of the crisis phenomena in Belarus and the devaluation of national currency conducted by the Central bank in these years.

Further procurement analyses in the municipalities of the Minskaya oblast showed their share in local budget expenditures by the governmental levels. Strangely enough, the primary local governments - rural and settlement municipalities dominated, here. It is displayed by the following Table 4.

As we see, Table 4 shows that in local budget expenditures for analyzing period the lower local

governments had the greatest share in procurement. For example, the share of procurement of urban and rural governments made more than 57% in their budgets, while the share of the city's governments with rayon status made more than 43%. In these local governments the procurement for operational purposes are dominated and the procurement on capital ones, in turn, only a little bit. As a rule, the procurement of lower municipalities was connected with the performance of their governmental function for the improvement of their territories which is the main function in primary municipalities. The share of the procurement's expenditures in local budgets of rayons, cities with oblast status and oblast was less and reached 29.2%, 30.4%, and 29.7%, respectively.

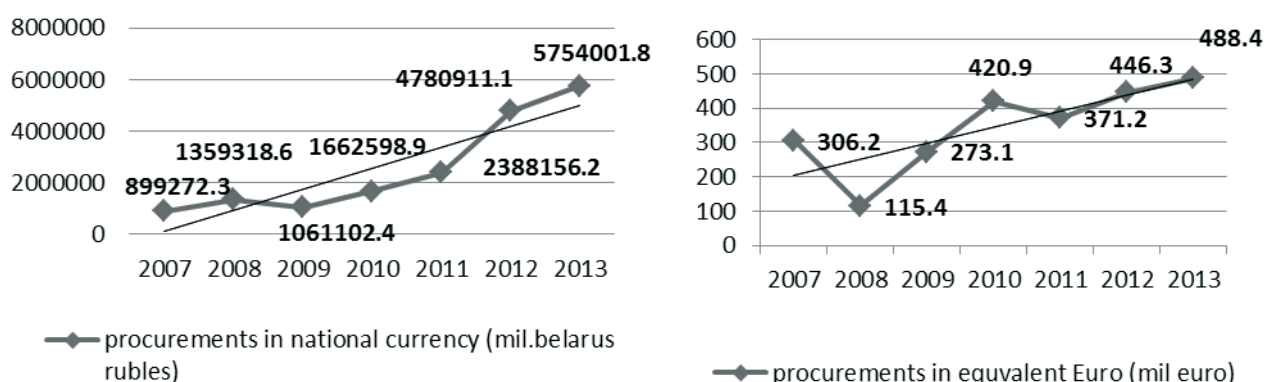


Fig 5. Dynamics of public procurements in municipalities of Minskaya oblast for 2007 – 2013 in national currency (mil. Belarusian rubles) and in equivalent Euro (mil. Euro).

Source: Author's calculations based on the Minsk oblast's financial department reports

Table 4

An average annual share of public procurements in sub-national budget expenditures of the Minskaya oblast during 2007-2013 (average annual data in per cent)

Articles of budget expenditures	Sub-national budgets of Minskaya oblast					
	Oblast budget	City budgets of oblast status	Rayon budgets	City budgets of rayon status	Budgets of urban settlements	Budgets of rural settlements
Wages and salary and charges on a wages and salary	9.54	51.74	45.42	40.35	38.74	30.29
Procurement, from which:	29.67	30.41	29.21	43.53	57.54	57.66
• <i>Operational procurement</i>	9.14	24.09	22.91	41.48	53.36	52.91
• <i>Capital procurement</i>	20.53	6.32	6.30	2.05	4.18	4.75
Operational and capital transfers	51.31	17.72	24.13	16.06	3.45	11.96
Public debt services, credit and loans repayment, financial reserve other expenditures	9.49	0.13	1.24	0.07	0.28	0.09
Total	100	100	100	100	100	100

Source: Author's calculations based on the Minskaya oblast's financial department reports

During the further analysis of public procurements at the sub-national level, the distribution of procurement by the levels of the sub-national governments was affected (see Table 5). Analytical results showed a totally different picture in comparison with the previous Table 4.

Table 5 shows that in procurement by levels of the sub-national governments, the oblast government and rayon ones dominated. Their shares in cumulative

purchases of the Minsk oblast made 46.33% and 48.68%, respectively. The share of lower level local governments: rural and urban settlement and cities of rayon status all together hardly reached 3% from all purchases in the Minskaya oblast. It is explained by the weakness of local municipalities, the limitation of their authorities and functions in public administration, and also the high extent of centralization processes where the higher local governments are making

Table 5

The share of procurements on levels of the sub-national governments of the Minskaya oblast during 2007-2013 (average annual data in per cent)

Years	Share procurements on the governmental levels					
	Oblast (centre)	Cities of oblast status	Rayons	Cities of rayon status	Urban settlements	Rural settlements
2007	47.87	1.61	47.16	0.16	0.22	2.99
2008	38.34	1.84	55.19	0.06	0.29	4.27
2009	46.06	1.47	48.4	0.04	0.18	2.85
2010	53.77	4.22	39.63	0.02	0.08	2.28
2011	46.27	1.64	49.53	0.02	0.12	2.41
2012	44.42	1.8	51.66	0.02	0.08	2.01
2013	47.55	1.48	49.17	0.03	0.04	1.74
Average annual	46.33	2.01	48.68	0.05	0.14	2.65

Source: Author's calculations based on the Minskaya oblast's financial department reports

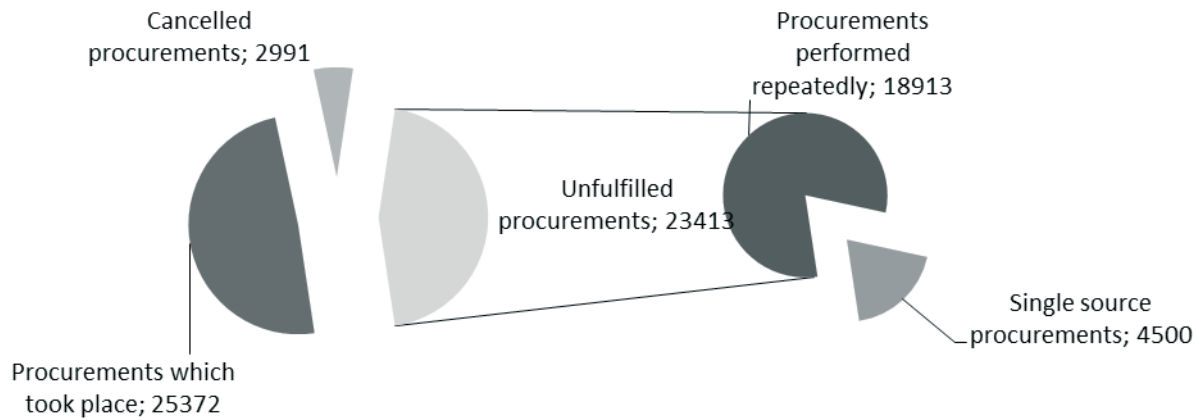


Fig. 6 The structure of purchasing procedure in 2013 (fragment)

Source: Figure developed based on Kovalkin's research; Kovalkin, V. (2014), p. 6.

procurement for subordinate municipalities, guided by the principles of reduction costs in procurement process. It deprives local municipalities to conduct the procurement activity independently. In fact, this tendency spectacularly reflects a situation in the Belarusian fiscal decentralization where all authorities and resources are concentrated on the higher governmental levels.

3. Corruption fields in the system of public procurement

The system of public procurement in Belarus, as well as in other countries, isn't deprived of corruption. Thus it should be noted that the main fields of corruption behaviour and corruption factors are covered in the imperfect procurement legislation, insufficient transparency and accountability of public procurement system for citizens, mass media, public organizations, and municipal community.

One of the weak places in public procurement system which creates a field for corruption is the legislatively recognized form "single source procurement"¹ or procurement from one supplier only. Our research shows that this form of purchases is the dominating form in procurement activity and it makes up more than one third of all purchases in the country (see Fig.1). It should be noted, however, that the form of "single source procurement" potentially increases corruptibility in the public procurement sphere at which conditions for the arrangement of supplier and customer for obtaining mutual benefits are created. The authorized government body on public procurement - the Ministry of Trade

legislatively does not control this form of procurement and the information concerning these procedures isn't published. It excludes the principles of transparency and accountability in the public procurement sphere. As a result, it leads to the inefficient use of budgetary funds for the purposes of public procurement.

As an example of the corruption field caused by "single source procurement" is the fragmental situation of 2013. According to the official site on procurement in the Republic of Belarus, 51776 procurement procedures were performed, from which 25372 purchases or a half from all registered cases took place, – 2991 cases were registered as cancelled procurement, and 23413 cases didn't take place. It is visually characterized by Figure 6.

However, from 23412 cases recognized unfulfilled, 4500 subsequently were realized as single source procurement, and 18913 cases were registered as purchases performed repeatedly. Thus a half of purchases of these cases were subsequently implemented on a non-competitive basis (Kovalkin, V., 2014, p.6).

Another weak place that creates a field for corruption in the public procurement system is the legislatively introduced concept "trade secret". Under the concept of "trade secret" it is possible to leave transparency from the procurement procedure. The concept of "trade secret" in the Belarusian legislation is too vague, and unfair bidders can use both from the customer and from suppliers. For example, under the guise of a "trade secret" some bidder can refuse to provide specifications and additional data necessary for the preparation of the competitive offer. In result, an artificial elimination of companies capable of giving the best conditions of contract, but which aren't pleasing to government institutions occurs. In this situation, however, contracts on public procurements aren't published.

¹ Single source procurement is the way of contract conclusion when direct purchases of demanded goods, works, and services are performed by a single supplier.

A serious concern is caused by the recent exclusion from the Law “About government procurement of goods (works, services)” procurement in the sphere of construction. According to the Decree of the President of the Republic of Belarus from 31 of December, No. 591, since 2014, procurement in the sphere of construction began to be regulated by the special legal act of the Council of Ministers (Ukaz Presidenta Respubliki Belarus...,2013). An exception from procurement procedures in the construction sphere from the legal framework of the Law “About public procurements of goods (works, services)” can not only reduce transparency and accountability of government procurement, but also to call into question the performance of international agreements by the Republic of Belarus.

The factor of strengthening corruption in public procurement is a restriction of foreign suppliers, including EU countries by the Belarusian legislation. Preferences in procurements concerning goods, works and services to the Belarusian producers or to producers of countries to whom the national treatment (Russia and Kazakhstan) are provided. Potentially it reduces the competition for the best purchases and raises the corruptibility level. The involvement of well-known international companies to participation in public procurement procedures can considerably reduce corruption risks where purchases on the large sums are performed. Furthermore, participation of western companies in procurement tenders provides large benefits for the central and sub-national budgets.

Research results and conclusions

A public procurement theme is a very big and important subject in system of public administration. The analysis of procurement activity at the sub-national governments’ level showed that in the system of purchases there is a serious methodological shortcoming. Public procurements in Belarus are considered as an independent subject without the context of local government administrative tasks, and regulating separately, without the specifics and problems of regional and local government. Between them there are no essential interrelations. The problem is that the place of public procurement in the system of regional and local government isn’t defined. The interrelation between these two directions is only that government purchases are funded by the Central and local budgets and off-budget funds. In fact, interrelations between public procurements and regional and local governments should develop instruments for public services provision.

The absence of serious interrelations between the system of purchases both regional and municipal administration is partly caused by the absence of

accurately fixed expenditure assignments or spending rights and functions in the sub-national governments in Belarus. Existing functions are rather indistinct and legislatively aren’t fixed. For example, it allows performing expenditures for procurements of the higher governments instead of lower ones. Other reason of the absence of interrelations between these directions is the unwillingness of official authorities to create a specific system of regional and municipal procurements. They give the reason caused by need of the universalization and unification of public procurement mechanism and also exclusive existence of state administration at all levels including the local ones. Meanwhile, such regional and municipal procurement specifics have to have the right to existence. Recognizing that procurement makes sense as instruments of public service only, it is lawful to demand the optimum ways of its granting should be determined for each public service “today” and “for the next 3 years”. For example, municipality departments have to have an optimum way of procurement where it has to be noted that at each “subordinated” service: today in the sphere of health care we shall use the fifth way of purchase, and tomorrow in education, the third way. Thus, by each of these ways the economic substantiation has to be developed.

Debatable issues are transparency and accountability problems and an assessment of public procurement productivity by the local governments, local community, mass media, and citizens. The creation and functioning of websites on the placement of public procurement is an important step to improve their transparency, but quite insufficient from the positions of accountability and efficiency’s assessment of public procurements performed.

Thus, information on public procurement and legislation acts concerning procurement are published in open access on an official website (www.icetrade.by)². For information on public procurements annual plans of public procurement, invitations to participation in procurement procedures, the documents submitted to the participant for the offer of preparation on participation, the messages on procedure results of government procurements, data on the contracts, and other lists, protocols and documents are summed up for the public procurement procedure in case of open competitions and electronic auctions. The messages about the results of public procurement procedure are published by the customer in open access at the official website. In case of e-auction they publish on the electronic trading platform. At the same time, on official site the contracts signed as a result of

² An official web-site <http://www.icetrade.by> was created to accumulate information on public procurement as well as the statistics and legal acts that regulate public procurement.

performing public procurements procedures aren't published. In this case, the public and bidders have no opportunity to track and check public procurement procedure from an invitation placement to the contract conclusion.

The statistics of an official site shows that messages about procurement procedure results take place only in half of cases that is a direct violation of the current legislation. It testifies that the authorized government body on public procurement, the Ministry of Trade, doesn't cope with control of all of public procurement procedures though the problem could be solved by means of simple software. Thus, it is possible to note that information on purchases performing isn't full and isn't easily available.

In our opinion the message about the results of public procurement procedure has to be published on an official site when all types of procedures are carried out except when data on procurement contains state secrets. Moreover, the message about the public procurement procedure result has to include not only the price of the signed contract, but also the full tender proposal of each bidder. It is necessary to provide also visibility of the contracts content signed as a result of public procurement procedures. The full text of the contract with all additions and specifications in register on an official site has to be published. But before official publication the contract has to be considered invalid.

For the increase of transparency level and decrease corruption risks in procurement system it is necessary to introduce e-auctions more widely. Such type of a competitive system of public procurement has to replace in the long term all other traditional types of procurement and to become dominant. One of the advantages of e-auction is the possibilities of viewing of all procedures, beginning from the offer announcement on purchase up to the performance of contracts by suppliers. Meanwhile in practice, both customers and suppliers reluctantly go to public procurement through e-auction, keeping possibilities for non-competitive procurement to come back to a single source procurement or purchases from a unique source. Thereby it creates opportunities for the existence of the corruption field in the procurement activity. In this connection, e-auctions are an obstacle for aspirations to perform procurements in a form of "single source procurement" and it will reduce corruption risks. In the long term it is necessary to improve e-auctions having included there procedures of the pre-qualification selection of service providers.

In the system of public procurement a problem point is the multi-levelness in public procurement decision-making. A preliminary stage of procurement

decision-making is connected with carrying out the state examination of concrete procurement. After this procedure it is necessary to prepare a business plan for procurements. Further examination at the local level, and then at the regional level are performed. The subsequent procedures on procurement should be performed both at the Ministry of Finance and the Ministry of Economics, and final decisions on procurement are made only then. Thus, the inclusion system into the procurement plan is quite bureaucratic, difficult and also multi-stage.

A serious concern is caused by the lack of control and monitoring of public procurements from the non-governmental organizations which could protect public interests. It needs to be enclosed in the special anti-corruption program in the sphere of public procurement which has to be developed by the Ministry of Trade and which so far is absent.

A not less important debatable issue is the cancellation of existing discrimination concerning foreign suppliers and contractors. It is known the new Law on public procurement introduces national treatment for foreign goods (work, services) and bidders offering those goods (work, services) provided the Belarusian goods (work, services) and bidders enjoy similar treatment by the respective foreign state (Sakolchyk, T., 2012). In our opinion, such measure considerably reduces the competitive environment and cuts down equal opportunities of the foreign companies as suppliers. The involvement of well-known international companies to the participation of public procurement procedures can not only strengthen the competition in purchasing activity and save budgetary funds, but also substantially reduce corruption risks in the public sector. In this connection it is necessary to exclude these discrimination measures provided in current legislation, concerning foreign goods and companies to provide equal opportunities for all bidders.

The conducted study shows that Belarus is still far from achieving advanced forms and the methods of public procurement. Despite introduction into practice of new forms and methods of public procurement in two decades which corresponds to world practice, the extent of public procurement centralization remains very high. Public procurement at the local level remains linked in a position of dependence to the Centre and its bodies. The degree of decentralization, therefore, in the public procurement system is very low. A condition of public procurement in general spectacularly reflects the existing situation in the sphere of decentralization on local level.

The further evolution of public procurement in Belarus will certainly require a deepening and

improvement of their legislative base which is very complicated, confusing and difficult to understand. Clearly, the legislative base has to be reconsidered and reformed in the direction of the creation of certain public procurement specifics at the regional and local level and the elimination of discrimination in public procurement concerning foreign bidders from EU countries and other foreign countries.

It is necessary to take a number of important anti-corruption measures in the public procurement activity. In this sphere the mechanism which tears away interests of bidders from single source procurement should be created. At the same time, big incentives and interests for the participation of buyers and sellers in electronic auctions creating transparency and accountability in the public procurement system should be created as well.

Obviously, the special procurement mechanism for local governments which has to be rather decentralized and independent from the centre should be created. It is necessary to grant more rights for local and regional authorities in the sphere of organization and simplification of procurement procedures, and to liquidate multi-levelness in the public procurement decision-making of the local governments that would considerably reduce bureaucratic procedures in procurement activity.

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Система публичных закупок в Беларуси: региональный аспект

Резюме

Представленная статья является страновым исследованием и имеет аналитический характер. В ней затронут региональный аспект системы общественных закупок в Беларуси. Методология исследования базируется на анализе серии данных по публичным закупкам в регионах Беларуси, включая бюджетные расходы на закупки в местных органах власти, а также на закупки по электронным аукционам на Белорусской универсальной товарной бирже. Статистические данные в этой статье получены из официальных источников, таких как государственный Комитет по статистике, Министерство финансов, ОАО Белорусская универсальная товарная биржа, а также базы данных аналитических интернет-центров, работающих в этой сфере, и т.д.

Публичные закупки являются очень большой и важной темой в системе администрирования Республики Беларусь. Анализ закупочной деятельности на уровне поднациональных правительств показал, что в системе закупок существует серьезный методологический недостаток. Публичные закупки в Беларуси рассматриваются, как самостоятельная тема вне контекста управленческих задач, и регулируются отдельно, вне специфики и задач регионального и местного управления. В свою очередь региональное и местное управление регулируется отдельно, вне специфики и задач публичных закупок. Между ними нет существенных взаимосвязей. Проблема заключается в том, не определено место публичных закупок в системе регионального и местного управления. Единственной взаимосвязью между этими двумя направлениями является то, что госзакупки осуществляются за счет средств центрального и местного бюджетов и внебюджетных фондов. Отсутствие серьезных взаимосвязей между системой закупок и региональным и местным управлением вызвано отчасти тем, что в Беларуси нет четко закрепленных расходных полномочий и функций в поднациональных правительствах. Существующие функции достаточно размыты и законодательно не закреплены. Это позволяет, например, осуществлять расходы по закупкам вышестоящих правительств вместо нижестоящих, и даже наоборот. Другой причиной отсутствия взаимосвязей между этими направлениями является нежелание властей создавать специфику для региональных и муниципальных закупок, аргументируя это необходимостью универсализации и унификации закупочной деятельности, а также наличием исключительно государственного управления на всех уровнях в Беларуси. Между тем, такая региональная и муниципальная специфика закупок и ее механизмы должны иметь право на существование.

Острыми дискуссионными вопросами остаются проблемы прозрачности, подотчетности и оценки результативности публичных закупок местными правительствами, местным сообществом, средствами массовой информации, гражданами. Создание и функционирование сайтов по размещению закупок является важ-

ным шагом в деле повышения уровня их прозрачности, но далеко недостаточным с позиций подотчетности и оценки эффективности проведенных закупок.

Так информация о публичных закупках и акты законодательства об общественных закупках размещаются в открытом доступе на официальном сайте. К информации о публичных закупках относятся годовые планы государственных закупок, приглашения к участию в процедурах закупок, документы, представляемые участнику для подготовки предложения на участие в открытом конкурсе, электронном аукционе, сообщения о результатах процедур публичных закупок, сведения о договорах, определяемые советом министров Республики Беларусь, список поставщиков (подрядчиков и исполнителей), временно не допускаемых к участию в процедурах публичных закупок, а также изменения и дополнения к ним, протоколы заседаний комиссий по вопросам открытия предложений, отклонения предложений и подведения итогов процедуры публичной закупки в случае проведения открытых конкурсов и электронных аукционов.

Сообщение о результате процедуры государственной закупки заказчик размещает в открытом доступе на официальном сайте, а в случае проведения электронного аукциона – на электронной торговой площадке. Вместе с тем, на официальном сайте не публикуются контракты, заключенные в результате проведения процедур публичных закупок. Как следствие - общественность и участники торгов не имеют возможности проследить и проконтролировать процедуру публичной закупки от размещения приглашения до заключения контракта.

Статистика официального сайта публичных закупок в Беларуси показывает, что сообщения о результатах процедур закупок размещается только в половине случаев, что является прямым нарушением действующего законодательства. Это свидетельствует о том, что уполномоченный орган по государственным закупкам, каким является Министерство торговли, не справляется с контролем всех процедур государственных закупок, тогда как эта проблема могла бы быть решена с помощью простых программных средств. Таким образом, можно констатировать, что информация о проведении закупок не полна и не достаточно легко доступна.

На наш взгляд, сообщение о результатах процедуры публичных закупок должно публиковаться на официальном сайте при проведении всех видов процедур закупок, кроме тех случаев, когда сведения о государственных закупках составляют государственные секреты. Более того, сообщение о результате процедуры закупки должно включать не только цену заключенного контракта, но и полное тендерное предложение каждого участника торгов вместе с критериями оценки предложений и обоснованием выбора победителя конкурсной комиссией. Необходимо также обеспечить

видимость содержания договоров, заключенных в результате проведения процедур публичных закупок. В данном реестре должен публиковаться на официальном сайте полный текст договора со всеми дополнениями и спецификациями, а до официальной публикации договор должен считаться недействительным.

В целях повышения уровня прозрачности и снижения уровня коррупционных рисков в системе закупок необходимо шире внедрять электронные аукционы. Такой вид конкурсной системы государственных закупок должен в перспективе заменить все другие традиционные виды закупок и стать доминирующим в закупочной деятельности. Одним из преимуществ электронного аукциона является возможности просмотра всех процедур, начиная от объявления предложения на закупку до исполнения договоров поставщиками. Между тем на практике, как заказчики, так и поставщики неохотно идут на публичные закупки через электронный аукцион, предпочитая традиционные закупки, поскольку при этом сохраняются возможности сведения закупок к неконкурентной форме закупок из одного источника. Тем самым это способствует существованию коррупционного поля в закупочной деятельности. Электронные аукционы, наоборот, препятствуют стремлениям поставщика и покупателя свести закупки к неконкурентным торгам из одного источника. С этих позиций это снижает коррупционные риски. В перспективе необходимо также доработать электронные аукционы, дополнительно включив туда процедуры предквалификационного отбора поставщиков услуг.

Серьезную озабоченность вызывает отсутствие контроля и мониторинга за публичными закупками со стороны негосударственных организаций, которые могли бы защищать общественные интересы. Это необходимо вложить в специальную антикоррупционную программу в сфере публичных закупок, которая должна быть разработана Министерством торговли, и которая к настоящему времени отсутствует.

Не менее важным дискуссионным вопросом выступает отмена существующей дискриминации в отношении иностранных поставщиков и подрядчиков. Как известно, новый Закон о закупках предусматривает введение национального режима в отношении товаров (работ, услуг) иностранного происхождения и поставщиков (подрядчиков, исполнителей), предлагающих такие товары (работы, услуги), в случае, если аналогичный режим установлен иностранным государством или группой иностранных государств. На наш взгляд, такая мера значительно снижает конкурентную среду и урезает равные возможности иностранных компаний в качестве поставщиков. Привлечение международных фирм и компаний к участию в процедурах публичных закупок может не только усилить конкуренцию в закупочной деятельности, сэкономив значительные бюджетные средства, но и в существенной степени сни-

зить коррупционные риски в общественном секторе экономики, где осуществляются закупки на крупные суммы. В этой связи необходимо исключить дискриминационные меры, предусмотренные в действующем законодательстве, в отношении иностранных товаров и компаний, чтобы обеспечить равные возможности для всех участников торгов.

Проведенное исследование показывает, что Беларусь еще далека от достижения развитых форм и методов публичных закупок. Несмотря на внедрение в практику в последние годы новых форм и методов закупок, соответствующих мировой практике, степень централизации публичных закупок остается очень высокой. Публичные закупки на региональном уровне остаются связанными в позиции их зависимости от центра и его органов. Степень децентрализации, поэтому в системе публичных закупок, является очень низкой. Состояние публичных закупок в целом зеркально отражает существующую ситуацию в сфере децентрализации управления на локальном уровне.

Дальнейшая эволюция публичных закупок в Беларуси определенно потребует углубления и улучшения их законодательной базы, которая в настоящее время очень запутана и сложна для понимания. Ясно, что законодательная база должна быть пересмотрена и реформирована в направлении создания определенной специфики публичных закупок на региональном и местном уровнях, ликвидации дискриминации участников закупок из стран Европейского Союза и других зарубежных участников.

Предстоит предпринять ряд важных антикоррупционных мер в закупочной деятельности. В этой области необходимо создать механизм, отторгающий интересы участников в неконкурентных процедурах торгов, одной из которых выступают закупки из одного источника. Одновременно следует стимулировать участие покупателей и продавцов в электронных аукционах, обеспечивающих прозрачность и подотчетность в публичных закупках.

Очевидно, что следует создать специальный закупочный механизм для местного и регионального самоуправления, который должен быть достаточно децентрализованным. Необходимо предоставить больше прав местным и региональным властям в организации и упрощении закупочных процедур, ликвидировать многоступенчатость в принятии решений по закупкам местных правительств, что значительно сократит бюрократические процедуры в закупочной деятельности.

Ключевые слова: бюджетные расходы, закрытый тендер, коррупция, электронный аукцион, обмен ценовыми предложениями, расходные назначения, фискальная децентрализация, местные бюджеты, открытый тендер, публичные закупки, запрос ценовых предложений, закупки из одного источника, поднациональные бюджеты.

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