

Practices of Public Procurement in Europe and Common Law

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Abstract

The effective public procurement is essential for good public services and good governance; this includes a wide range of varieties where the public sector has to acquire from third parties. The modern times have an incredible impact in the way how we live our lives; how we are governed affecting large parts of the governing system technology have affected the public procurement sector as well. This is done for a good reason; well it has shown that it can benefit a lot. In this article it will be talking about European Public Procurement with much of focus on France, Germany a continental Europe and United Kingdom and Common laws including UK and countries in Southeast Asia like Malaysia and Singapore with together with UK differs quite a lot from Continental European laws. The article aims to compare the two systems of the public procurement one of the British Common laws and the Continental Europe. Looking at the reviews that are made through the two distinct systems of public procurement, looking at the objections and laws that govern them, lastly

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looking at the technological adoption on how the legislative interventions and judicial observance of new public procurements practices that spark across the globe.

Keywords: Public Procurement, Law, Continental Europe, Common Law, govern. UK, Malaysia, Singapore.

Introduction

Public procurement law regulates the purchasing by public sector bodies and certain utility sector bodies of contracts for goods, works or services. The law is designed to open up the EU's public procurement market to competition, to prevent "buy national" policies and to promote the free movement of goods and services. In general there are two sets of laws, the first set of laws is the national laws of a country and the second set of laws is the directives of European Commission that puts forwards rules and regulations for European Member countries. However the British common laws where United Kingdom (UK) belongs have quite of separate set of laws. In the UK there are two sets of Regulations, depending on where the contracting authority is based: In England, Wales and Northern Ireland: the *Public Contracts Regulations 2006*. In Scotland: the *Public Contracts (Scotland) Regulations 2006*¹.

As part of British Common Law which is formed not only by the UK, but it includes the Common Law which is applicable to many legal systems in the world. In our case we will focus on the Common Law of Malaysia and Common Law of Singapore as Malaysia and Singapore were a single country in the centuries that passed. This article seeks to examine the English law, which includes the common law, rules of equity and legislation, is the predominant source of

¹Walker, H., & Brammer, S. (2009). Sustainable procurement in the United Kingdom public sector. *Supply Chain Management: An International Journal*, 14(2), 128-137.

the Malaysian law focusing on the effect on Public Procurement that it has. Though it is derived from the Common Law, the laws that govern public procurements in Malaysia and Singapore have its own statutory mandates *Government Contracts Act 1949 (Act 120)* and *Government Contracts Act 1966* respectively².

The article will look at the differences on practices with regards to the public tenders but looking at the objection or reviews of procurement procedures, also looking into the similarities that are brought in by the modern developments such as online applications and submissions in the application for a tender or service under public procurement. The technological developments have developed in a similar way that has been almost the same path for continental European countries. Public procurement represents an essential part of the Single Market project, launched by European Institutions in 2011. Its regulation will insert competition and transparency in the market and be a safeguard to the attainment of fundamental principles of the Treaties

1. The Evolution of EU Public Procurement Laws

European Union (EU) had started as a single market project, which started with a few treaties that were signed after the World War II that still exists today. At the beginning there

²Jones, D. S. (2007). Public procurement in Southeast Asia: Challenge and reform. *Journal of Public Procurement*, 7(1), 3.

were only six founding states which later in a very short period of time the number of states joining the EU it doubled. The complex organization expanded very fast it has now 27 member states. The law on EU public procurement is divided into two periods. Firstly the period relates to the 1970s and the initial Works and Supplies Directives. Secondly the five-year period from 1989, that saw the implementation of the revised *Supplies and Works Directives* together with wholly new *Directives covering Utilities and Services*. The 1971 Public Works Directive affected central government agencies, regional or local authorities and ‘other public bodies’ (Arrowsmith, Bordalo, Heuninckx, Treumer & Fejø 2011, p.47)³.

According to the newly introduced laws Contracts where their value is lesser than *European Currency Unit* (ECU) 1 million were exempt as were the defense and utilities sectors. The new laws requires that all contracts are to be advertised in the Supplement to the *Official Journal of the European Communities (OJEC)* and it also stipulates the maximum and minimum periods needed between the advertising of the 2 contracts, tender details need to be sent out to the prospective bidders and must mention the closing date that there is no more reception of bids. The new law it also includes many technicalities such as discrimination in technical, all the specifications where the criteria on how the choices are made

³Arrowsmith, S., Bordalo Faustino, P., Heuninckx, B., Treumer, S., & Fejø, J. (2011). *EU public procurement: an introduction*..

by the buyers had to specify also the basis on which bidders would be disqualified or eliminated from competitions (Gelderman, Ghijsen, & Brugman, 2006 p. 705)⁴. The technicalities are overseen by the local authorities at the first. Means they set up the required procedures that must be followed. The strong point that the authorities look is the opening and closing dates has to be clearly mention, in addition there shall be no discrimination practices. The criterion of disqualification of the bidders is a high standard that has to be elaborated to the competitors.

The single market that emerged in Europe and the new dimensions which were proposed in 1990s this made it necessary for a revised *Work Directive* it became effective in 1990, set up a new threshold that all contracts is to be at the value of ECU 5 million. Procedures allows for an open competition also is given room for a restricted competition based on the creation of a selected list of tenderers after initial calls for expressions of interest, one or two tenderers will be directly handpicked by the relevant authority. The *'Utility Services Directive'* became effective in 1994 and replaced the original Utilities Directive. As with the earlier utilities legislation, a distinction is made between two types of entity: first, central, regional, local and 'other public

⁴Gelderman, C. J., Ghijsen, P. W. T., & Brugman, M. J. (2006). Public procurement and EU tendering directives—explaining non-compliance. *International Journal of Public Sector Management*, 19(7), 702-714.

bodies' normally covered by public law; and second, those public and private bodies awarding contracts in the four utilities sectors. The utility services rules apply to all contracts other than those specified as works and supplies contracts but excluding contracts for which there are specific exemptions. There is also a distinction between priority and non-priority services as found in the Public Services Directive. According Trybus (1998)

“The thresholds were left unchanged compared with the earlier Utilities Directive. Contracts below the financial thresholds are excluded from the directives, as are some contracts for reasons of national security, defense or international procedure. The so-called hard defense material, for example tanks and fighter planes, are excluded from the EC Treaty by Article 223(1)(b)”⁵.

European Union when it comes to dividing the governance of the procurement it gives too distinct jurisdiction. Cases that falls below the threshold are under the state supervision and has no necessity to follow the directives, as per cases which are not falling below the threshold they are subject to the rules and regulations of single market union which places too much importance for the security hence the security procurement contracts are solely left on the hands of the local governments,

⁵Trybus, M. (1998). European Defence Procurement: Towards a Comprehensive Approach. *Eur. Pub. L.*, 4, 111.

means that the states have the final say. The legislation makes it clear that procurement on the military are excluded in any form of supervision or subject to any restriction are solely mater of each state.

1.1. Germany, France and UK

The fall of the Berlin Wall embarks Germany on the journey of acquiring the status of ultimate leader in European Union, thus so far it has achieved. Since the economy and laws goes hand in hand in our research we firstly look at the Public Procurement in Germany. How it is regulated in national level, and most importantly how it is affected the laws and regulations of European Union. The German public procurement regime is regulated by main sets of legislations:

- German Act Preventing Restriction of Competition – (Gesetz gegen Wettbewerbsbeschränkungen (GWB));
- Public Procurement Rules – (Vergabeordnung (VgV))
- Regulations on Public Procurement and the Award of Contracts in the Transport, Water and Energy Sectors – (Sektorenverordnung (SektVO))
- Rules on Public Procurement and the Award of Contracts for Construction Services – (Vergabe- und Vertragsordnung von Bauleistungen (VOB))

- Rules on Public Procurement and the Award of Contracts for Services – Vergabe- und Vertragsordnung für Leistungen (VOL)
- Rules on Public Procurement and the Award of Contracts for Freelance Services – (Vergabe- und Vertragsordnung für freiberufliche Dienstleistungen (VOF))

Legislations are to govern the procurement process. However the European Union directives are intrinsic, means that when this legislation were proposed if they are after the set of directives was released it has to integrate the directives, in cases that this legislation are predating the directives then amendments has to be done in order to bring the legislation in line with the EU required directives. The mentioned directives that are put forward by the European Commission are applied by the all states and are binding. However this sets the benchmark (threshold), those cases that pass the threshold will be under the jurisdictions of directives of EEC and now EC for the reason of fair competition and many standards, and its abidingness is proved by the decision of the *Court of Justice of the European Union* (CJEU). Beside these laws there are specific legislation that will not be dealt with on this article, however looking at the case law the enforceability of the European Laws it can be seen in the case of *Commission v Germany*⁶ in question was the failure of the Federal Republic

⁶Case C-433/93, *Commission v Germany* [1995] ECR I-2303.!

of Germany to adopt and notify within the prescribed period all the measures necessary to comply with the requirements arising under Council Directive, thus Germany has failed to fulfil its obligations under the *EEC (European Economic Community) Treaty*, now the *EC (European Community) Treaty*. In case the governments fails to comply with directives from European.

In France where similarly the directives are applicable the majority of the contracts are public works carried out at the local and regional levels. The EU Directives 2004/17/EC and 2004/18/EC were incorporated into French law in the Public Procurement Code (CMP) in 2006, which remains the primary legislative vehicle for procurement regulations.⁷.

In UK the national laws are highly influenced by the European Laws. UK is a member of the European Union, due to its status in the Union UK has obligation to EU procurement directives which regulates the procurement in Public Sector⁸.

In brief, the relevant legislation in UK is as follows:

⁷ Assar, S., & Boughzala, I. (2007). Empirical evaluation of public e-procurement platforms in France. *International Journal of Value Chain Management*, 2(1), 90-108.

⁸ Erridge, A. (2005). UK public procurement policy and the delivery of public value. *Challenges in Public Procurement: An International Perspective*, 335-352.

- The Public Contracts Regulations (PCR 2015), which applies to public sector procurements;
- The Utilities Contracts Regulations (UCR 2016), which applies to procurements by certain regulated utilities;
- The Concession Contracts Regulations (CCR 2016), which applies to the procurement of works and services concession contracts; and
- The Defense and Security Public Contracts Regulations 2011 (DSPCR 2011), which applies to the procurement of certain defense and security contracts. Defense contracts are not subject to the EU procurement directives.

In general procurement in United Kingdom (UK), the set of rules that apply to England, Wales and Northern Ireland, although in general, Scottish procurement legislation is in most material respects substantively similar to the rules that apply to the rest of the UK.⁹ As unification platform the Union has succeeded to bring the UK into the union, which historically has such as different legal culture and history, it can be said the totally differs from the continental Europe. However the EU has created a new way for unification, later will be talked about the e-procurement which also brought a

⁹Morgan, K., & Sonnino, R. (2007). Empowering consumers: the creative procurement of school meals in Italy and the UK. *International Journal of Consumer Studies*, 31(1), 19-25.

globalization of the process of procurement which has widened the scale of similarities.

2. Public Procurement in Common Law

The Common law is derived from the English Law; the common law is applicable to one third of the world however in our case we will look only to countries like UK, which is the birth place of the English Common Laws, and will look particularly into the Common of Malaysia and Singapore. Where the British reign have changed whole laws and legal system of the country.

Since the Malaysia and Singapore are former colonies of Britain there still applicable the English Common laws. Though major changes have occurred but the current legal system is based on the Common Law system. UK joining the European Union it was obliged to follow a set of reforms in which included changes in the legal system as well. In this instance it gave UK a great dispatch with the other common law countries, where UK is now bound by the directives from EU.

2.1. Malaysia and Singapore

Legal system of Malaysia including the judiciary, laws and legislation although of dispatched from the legal system have UK yet there are strong resemblances and

connection between the common laws of Malaysia and Singapore, the spirit and the practicality of English Common Laws is still persistent in the Legal System at some of the most advanced nations in Southeast Asian nations. Particularly the legal history of Malaysia and Singapore are quite similar or almost the same until 1963 and have pursued the new amendments in the interest of national developments.¹⁰ There few main regulations applicable to Public Procurement in Malaysia. The main framework for Public Procurement in Malaysia comprise of:

- a) Financial Procedure Act 1957
- b) Government Contracts Act 1949
- c) Treasury Directives and Circular Letters
- d) Federal Central Contract Circulars¹¹

These are the legislation to regulate the government procurement; all public agencies are subjected to the general Public Procurement regime. In Malaysia the main regulator is considered to be the *Ministry of Finance Malaysia Government*

¹⁰Jones, D. S. (2007). Public procurement in Southeast Asia: Challenge and reform. *Journal of Public Procurement*, 7(1), 3.

¹¹Grace, X., & John, A. X. (2016). Public procurement in Malaysia: is there a need for reform? a look at the objectives of public procurement principles with particular emphasis on transparency and accountability.

*Procurement Division*¹². A government division placed under the Ministry of Finance which the aim is to provide the general procurement policies, principles and objectives for the

government
procurement
policies.

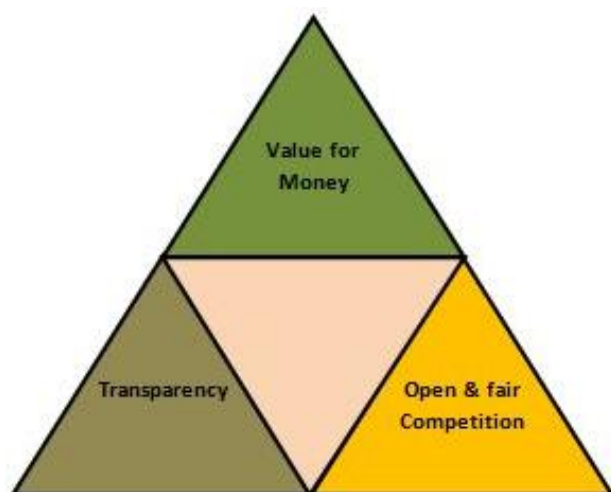


Figure 1.

In Singapore similarly with the Malaysian style the procurement procedures The Ministry of Finance Singapore (MOF),

Government Procurement is the acquisition of goods and services by Ministries, Departments, Organs of State and Statutory Boards. The Ministry of Finance is responsible for the *Government Procurement (GP)* policy framework, which governs how Government agencies conduct their procurement within the GP framework.¹³

¹²The government division that puts forward the basic regulation for the government procurement.

¹³ The website of Ministry of Finance Retrieved from <http://www.mof.gov.sg/Policies/Government-Procurement> on 25.12.2017

Figure 1, table indicates the most important on the top of pyramid is the Value for Money, is based on the Open and Fair Competition and Transparency

The most important legislation on government procurement in Singapore is the *Government Procurement Act(Chapter 120)*¹⁴ Singapore Government procures from sources that can best meet its requirements and which offer the best value. The core of the public procurement is the value of money given to the tender which must allow for free and fair competition among the tenders. According the official webpage the *`value for money is derived from the optimal balance of benefits and costs on the basis of total cost of ownership`*. As such, value for money does not necessarily mean that a tender or quotation must be awarded to the lowest bidder, even though most of the time the winning bidder is the one which has places the lowest quotation, however the law does not make it mandatory for the tender to be given to the lowest quotation.

3. Technological Adoption in Public Procurement.

Globalization is an irreversible process; it is process that has increased the capacity of government, companies and many stakeholders. This has increased the economic freedom where the individuals and firms are now able to conduct

¹⁴ Retrieved from the official Singapore Government Gazette webpage <https://sso.agc.gov.sg/SL/GPA1997-S269-2014> on 25.12.2017.

economic activities with residents of other countries. The globalization has been a driving force for the reduction of barriers to do business with foreigners, where it has a fast reduction and convergence of transaction costs via advances in 'transport of information'. Emphasizes that the era of globalization seems to put forward are mainly the technological advances in transportation and telecommunication which in developing countries in 1990s led to embrace economic and policy shifting by bringing new dimensions into equation (Braga, 2002, pp.3-7)¹⁵.

The globalization era has affected United States of America and Europe and the first bashing countries. These were the two pioneer regions on the application of the new developments. **Information and Communications Technology (ICT)** is considered as a major force in the economy especially in European Union. It is globally accepted that the principle underlying a modern public procurement system is open competition, unrestricted, universal access to the procurement market. European Union in this instance being the flagship of the new electronic reforms, in Asia this followed firstly by Malaysia and Singapore.

3.1. E- Procurement

¹⁵ Braga, C. A. P. (2002). *Globalization and technology: you can't put the genie back in the bottle again*.

The EU Public Procurement practice it is assumed that the contracting entities submit notices for publication to *Office of Official Publications for EC (EUR-OP)*, whereas with the new technology the e-procurement, these notices could be sent via e-mail or published on-line, this took place after the Green Paper and the EC Communication, the Commission adopted, on 10 May 2000, a package of amendments¹⁵ (known as the 'Legislative package' on public procurement) intended to simplify and modernize the public procurement directives. In 1995, the European Commission gave *SIMAP*¹⁶ the mandate to undertake two pilot projects aimed to identify the areas where it would be possible to enhance the procurement process in Europe by developing a fully-operational information system.¹⁷

In Malaysia major attention in 1999 and a number of initiatives are already underway as part of e-Perolehan¹⁸ where the government invested millions of dollars to build the system of e-procurement. E-procurement creates a volatile environment, intense global competition, coupled with the increase and widening use of ICT creates a paradigm shift of transacting business via efficient virtual ways of the internet. The new paradigm of E-procurement has been associated with

¹⁶For more information about the pilots, see [//simap.eu.int/EN/pub/src/pilot.htm](http://simap.eu.int/EN/pub/src/pilot.htm)

¹⁷Carayannis, E. G., & Popescu, D. (2005). Profiling a methodology for economic growth and convergence: learning from the EU e-procurement experience for central and eastern European countries. *Technovation*, 25(1), 1-14.

¹⁸The translation of e-Procurement in Local Language

savings in time, improved productivity, and reduced costs to the governments as well as the suppliers although the initial costs and time spent in establishing the system may be high in the beginning. The main goal was to ensure a greater transparency for the competitors and provide equal opportunity private entrepreneurs in bidding for government contracts¹⁹. Malaysia considered the implementation of the e-Procurement since the day that built up is infrastructure and believed to be a successful issue which could promote the great transparency and fair opportunity.

The Ministry of Finance (MOF) was concerned that there should be an e-procurement initiative;

*“The concept of **Government Electronic Business (GeBIZ)** took root in mid-1998. The [MOF] decided to bring together different pockets of activities or systems in the Singapore public sector related to procurement to create a single integrated system that could support the entire procurement life cycle between public sector agencies and suppliers electronically.”*

In Singapore the Government Electronic Business (GeBIZ) it is very clear that this platform aims to simplify the

¹⁹Shu Hui, W., Othman, R., Hj Omar, N., Abdul Rahman, R., & Husna Haron, N. (2011). Procurement issues in Malaysia. *International journal of public sector Management*, 24(6), 567-593.

process of government procurement into on single integrated system. This will increase the transparency level, is based on the principles of open and fair competition which emphasizes on the value for money as the top priority in government procurement.

4. Objections and Reviews in Public Procurement

The *TFEU – Treaty on the Functioning of the European Union* is the primary source of public procurement legislation in the EU, as well as the basis of all secondary legislation (which it has been adopted under the EU's powers to legislate in support of opening up the internal market)²⁰. All this is done to strengthen a fair and open competition.

In Germany a federal structured government, the public procurement tribunals of the respective federal states (Länder) are competent for public contracts falling within the scope of responsibility of the Länder. The legal basis for the establishment and organization of the public procurement tribunals is laid down in *Sections 155 German Act against Restraints of Competition (German Competition Act, GWB)*.

The organizational structure of the public procurement tribunals is similar to that of a court of law as they exercise their functions independently and on their own responsibility

²⁰ See art. 47(2) EC (now art. 53 TFEU), art. 55 EC (now art. 62 TFEU), and art. 95 EC (now art. 114 TFEU).

within the limits of the law. Public procurement law, the reviews are carried out on the basis of *Sections 97* of the *German Act against Restraints of Competition (German Competition Act, GWB)*, if the contract volumes exceed certain values (the thresholds) laid down under European Community Law. Public procurement law ensures that public contracts are awarded in competitive, transparent and non-discriminatory procedures. Appeals from tribunals can end as final stage in the *Court of Justice of the European Union (CJEU)*.

In France, the administrative jurisdictions are competent for disputes related to public procurement contracts (except private contracts which can be challenged before judicial courts). The administrative tribunals are competent in the first instance, and their decisions can be appealed before the administrative courts of appeal. Ultimately, the administrative Supreme Court (*Conseil d'Etat*) is competent to review the decisions of the administrative courts of administrative tribunals. In cases where all the local courts are passes in line with the European Union Laws they are subject for appeal to the ECJ²¹.

United Kingdom it has a vast difference even among its legislation, but to put it simple under *Chapter 6 of the Public Contracts Regulations*, a contracting authority such as

²¹De Mars, S. (2013). The limits of general principles: a procurement case study.

a government agency has, under *Regulation 89 and 90*, a duty to comply with:

- Part 2 of the Public Contracts Regulations, which establishes procedures for certain procurements by contracting authorities for public contracts; or
- other enforceable *EU Public Procurement* obligation in respect of a contest or design contest falling within Part 2.

The duty is owed to "*economic operators*" from the *UK* or *European Economic Area*, and is extended to certain "*economic operators*" outside this geographical limit under regulation 90, for example, where there is an international bilateral agreement requiring that the UK accord economic operators from the relevant state remedies that are no less favorable than those owed to UK economic operators under regulation 89

Malaysia has a federal system of governance, the case of government procurement are to be seen into different levels. The first is the state level, and the other level is the Federal level. Differently from the UK and Singapore Malaysia has created the *Agency Procurement Boards*. In the

Malaysia's Government Procurement Regime guideline rule number 10 reads as follows²²:

All tenders i.e. procurement of supplies, services and works above the value of RM500,000 must be considered and decided by Agency Procurement Boards. The Minister of Finance appoints all Federal Government Procurement Boards and the Chief Ministers of the respective states appoints the State Government Procurement Boards. The chairperson is usually a Head of Department or a Controlling Officer who under the Financial Procedure Act 1957 is empowered to manage the annual allocation given to a particular Ministry or Department.

Model tender documents, which can increase transparency and consistency, are found in the Treasury Instruction, Treasury Circular Letters, and the *Procurement Guidelines Book* issued by the Ministry of Finance. The *Procurement Guidelines Book* also explains procurement procedures to government agency staff. The *State Government Procurement Boards* in state level is responsible for the state only. The first review is due to be done by them, then the local court. In this instance it also put up a threshold that under this board only the tenders that have a pass the fixed threshold are under jurisdiction of the board. The guidelines make it clear

²² Guideline provided on official website of Treasury under the Malaysia's Government Procurement Regime.

See more at http://www.treasury.gov.my/pdf/lain-lain/msia_regime.pdf

that the State Chief Ministers appoints the board. In the Federal level is similarly where the Ministry of Finance appoints all the board members. Means in terms of financial the boards have to oversee the objections and reviews to the tender. Under the Ministry of Finance Malaysia, the responsible government office is the Government Procurement Division this is the first step on the federal level where the objections will reach. When the dispute is not solved the case will be brought to the civil court for judgment. In Malaysia the last result of courts is the *Federal Court of Malaysia*, which includes the High Court of Malaya and High Court of Borneo.

In Singapore the Government Procurement Adjudication Tribunal, is set up in accordance with the *Government Procurement Act (GPA)*, will handle complaints of non-compliance with the GPA. According the official website of Ministry of Finance Singapore,²³ firstly brings the necessity that the reviews or the objection that has to go first through the Ministry. The Ministry has the power to review the legislation and update the legislation by making market research. Since the government has appointed the Minister of Finance and the Deputy Prime Minister to look at the lapses. In instances that the issue is not solve in the tribunal led by the Deputy Prime

²³ The official Website of the Ministry of Finance Guidelines on ADDRESSING PROCUREMENT LAPSES: retrieved from: <http://www.mof.gov.sg/news-reader/articleid/99/parentId/59/year/2012?category=Parliamentary%20Replies> on 26.12.2017

Minister the case goes for the court trial. The cases can go up to the final stage which is the *Supreme Court of Singapore*. At this stage no more appeals exist only reviews within the court are available.

Conclusion

Public Procurement it is one of the main actors of the local economy or it can even have broader affect. The legislation for an effective public procurement is essential for public services and good governance for a greater public welfare. In the article it is mentioned how modern times have an incredible impact in the way how we live our lives. The governing system technology hasimmense effect on the public procurement sector as well. European Public Procurement it is now a single market agenda that is put under the legislation of the European Directives.

The focus was on France, Germany a continental Europe and United Kingdom we could observe that the EU as attempted to bring the trade in public procurement more open to a fair competition. It has successfully remove barriers to trade in public procurement through a detailed secondary legislation, where now it is established that procurement is now a cross-border. For that EU laws and judiciary exists to be procured in line with processes that ensure transparency and equal treatment.EU has a faster legislative that in mid 1990s proposed the e-procurement that was successfully

implemented. Looking at the technological adoption on how the legislative interventions and judicial observance of new public procurements practices that spark across the globe. The legislating of laws that enable a pilot plan for e-procurement was firstly introduced by Malaysia in 1998 and a year later followed by Singapore. The ECJ's use of the general principles has removed the certainty inherent to having explicit rules in the procurement directives,

Although the UK is part of Common laws or precisely the birthplace of Common law, the UK has now shifted towards the single market union. This is due to the measures taken to unify the market and make available to the cross-border for the EU member states. Whereas the common law of countries in Southeast Asia like Malaysia and Singapore differs quite a lot from UK and Continental European laws.. The article aims to compare the two systems of the public procurement one of the British Common laws and the Continental Europe, where we can see that European Union has two layers of reviews and control one is the state level and the other is the EU level where proposed changes were implemented through the legislation changes and reforms.

In this line it can be clearly seen that in case of objection the first layers are between the state levels in case the issue is not solved appeals can reach the European Court of Justice. On the other side, in Malaysia there a whole different complexity where the state and federal level have two separate

State and Federal Government Procurement Boards, those are subject to a complex appointments and regulations. Whereas the reviews are more strait forward and there are more specific in terms of transparency and equality.

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