

Office of the Public Protector

Public Procurement Law Training 2016

Unit 4

This final unit will focus specifically on corruption in public procurement and the legal measures aimed at curbing corruption that forms part of public procurement law. We shall look into the specific South African legal rules aimed at curbing corruption in public procurement and how the courts have interpreted those rules. We shall also consider corruption in public procurement more broadly and discuss what the typical forms of corruption in procurement are and how to identify potentially corrupt activities in public procurement.

The outcome of unit 4 is to develop an appreciation for:

- the ways in which South African law responds to corruption in public procurement;
- the various legal mechanisms that exist in South African law to tackle corruption in public procurement specifically;
- typical forms of corruption in public procurement and how to identify their occurrence in particular contexts;
- considerations when recommending measures against procurement corruption.

Programme

Thursday, 8 December 2016 - Day 1

TIME	ITEM
09:00 – 09:15	Introduction Recap of Unit 3
09:15 – 11:00	Overview of the various legal mechanisms aimed at addressing corruption in public procurement in South Africa
11:00 – 11:30	Break
11:30 – 13:00	Anti-corruption mechanisms under the PFMA, MFMA, PPPFA
13:00 – 14:00	Lunch
14:00 – 15:00	The Prevention and Combating of Corrupt Activities Act 2004
15:00 – 15:30	Break
15:30 – 16:30	Anti-corruption remedies in South African law

Friday, 9 December 2016 - Day 2

TIME	ITEM
09:00 – 09:10	Recap of Day 1
09:10 – 11:15	Corrupt schemes in public procurement: An overview
11:15 – 11:30	Break
11:30 – 13:00	Investigating corruption in public procurement
13:00 – 14:00	Lunch
14:00 – 15:30	Recommending measures against procurement corruption
15:30 – 16:00	Conclusions & close

Readings:

S Williams-Elegbe “A perspective on corruption and public procurement in Africa” in G Quinot & S Arrowsmith (eds) *Public Procurement Regulation in Africa* (2013)

S Williams & G Quinot “Public Procurement and Corruption: The South African Response” (2007) 124:2 *South African Law Journal* 339-363

J. Edgardo Campos Sanjay Pradhan, *The Many Faces of Corruption: Tracking Vulnerabilities at the Sector Level* (2006, World Bank), chapter 9. Available at <https://openknowledge.worldbank.org/handle/10986/6848>