FOREWORD

Edited by Gabriella M. Racca and Christopher R. Yukins, Joint Public Procurement and Innovation: Lessons Across Borders brings in contributions by internationally recognized experts. It is therefore with great pleasure that we have included this book in the “Droit Administratif / Administrative Law” Series.

The book is based on joint efforts made by the Public Contracts in Legal Globalization (PCLG) international research network, whose members have carried out collective research on a number of topics linked to public contracts since 2007. (1) Driven by the Sciences Po Governance and Public Law Centre (Chaire Mutations de l’Action Publique et du Droit Public), the PCLG Network comprises European and non-European researchers and practitioners as well. The PCLG Network publication Comparative Law on Public Contracts (2010) has shown that public procurement law offers suitable topics for comparative research also on account of its cross-border implications.

This book comes after many other volumes of the “Droit Administratif / Administrative Law” Series. The most recent one, Contrôles et contentieux des contrats publics – Oversight and Challenges of Public Contracts edited by L. Folliot-Lalliot and S. Torricelli (2018), has shown the strategic importance of European Union Law in the evolution of public contracts law. The previous work, Integrity and Efficiency in Sustainable Public Contracts: Balancing Corruption Concerns in Public Procurement Internationally edited by G.M. Racca and C.R. Yukins (2014), has shown how corruption, collusion, favoritism, and conflict of interest undermine the efficiency of public spending. It has also shed light on how corruption implies violations of fundamental rights, and undermines the fiduciary relationship between citizens and public institutions. In that view, transparency and accountability could be regarded as prisms for evaluating the suitability of public contracts – an analysis that led to identifying the need for a strategic reorganization of the public contracts sector.

Building on the aforementioned publications, the aim of this book is to focus on procurement innovation in organizations, cross-border procurement, and award procedures while examining the subject matter of the contract and the procurement process also with a view to suggest ways of encouraging the participation of innovative suppliers.

(1) The Network site address is www.public-contracts.org/.

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All this developed from discussions carried out during the workshop “Public Contracts and Innovations – Contrats Publics et Innovation” led by Gabriella M. Racca, Professor at the University of Turin, and Christopher R. Yukins, Professor at the George Washington University (Government Procurement Programme), which was held at the International Training Centre of The International Labour Organisation (ILO) in Turin on 27 May 2016. The Turin workshop, in fact, focused on the demand-side driven innovation for sustainability, efficiency, and integrity in public contracts as well as techniques and instruments for electronic and aggregated procurement (joint procurement and centralized purchasing bodies, framework agreements, eProcurement). Also discussed were innovation partnerships, risks of collusion, public contracts and smart cities.

During the PCLG Network meeting held in Paris on 16 December 2016 (“Public Contracts and Innovation – Contrats publics et innovation”), further discussion involving the participation of the Procurement Unit of the Public Governance and Territorial Development Office of the Organization for Economic Co-operation and Development (OECD) brought about updates on ongoing research on innovation in the evaluation of procurement systems, and also on the relationship between smart cities and procurement.

The latest updates on the subjects of interest were discussed during the PCLG Network meetings held in Paris on 15 December 2017 and 14 December 2018.

Indeed, the Turin workshop and Paris meetings provided the fundamentals for this edited collection by offering insights into a wide range of means that can foster innovation in the public contracts cycle, and outlining future prospects.

The work of our academic consortium has emphasized progress in four different areas as far as public procurement is concerned. Firstly, the digital transformation of public procurement since traditional processes have given way to what we now call “e-procurement”. Secondly, innovation has emerged as a key theme in public contract law and administrative law as well in that both have to adapt to change despite the fact that assimilating innovation in public procurement has often proved to be challenging – as discussed thoroughly in this volume. Thirdly, smart cities (cities built and designed around electronic data) have become a key issue, partly because reshaping public purchasing is necessary to meet the smart cities’ special needs of innovative and integrated procurement. Finally, owing to rapid advances in transnational procurement (and law), it has become clear that existing administrative structures, including procurement rules, need to be revisited and reformed. Our consortium’s work has spanned all these areas, and set the stage for this volume on innovation in procurement in many ways.
This book examines innovation from three different perspectives. Firstly, innovation in the subject matter of contracts, considering smart cities and strategies for buying innovative solutions. Secondly, innovation in award procedures envisaging the efficient use of award criteria with the aim to encourage innovative suppliers in the procurement process. And lastly, innovation in procurement processes envisaging the strategic use of organizational models and contractual tools (such as central purchasing bodies, cross-border procurements, electronic means and framework agreements).

It should be noted that the differences between the U.S. and EU procurement systems have been taken into consideration by the editors of this book, whose comparative approach has offered views from academic, institutional, and practical standpoints. Their work, supported by different worldwide networks, has created a sound basis for further and more thorough developments in the fields under examination.

The authors of the chapters of this book are all specialists in their own disciplines, respectively. Their diversity in terms of cultural and professional backgrounds is a valuable resource that has provided fertile ground for the scholarly research presented in this book.

In continuity with the previous books, we hope that this research will foster further transnational academic cooperation, and encourage innovation in public contracts for the benefit of public institutions and their citizens.

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