



**Republic of Serbia**

**REPUBLIC COMMISSION FOR PROTECTION OF RIGHTS  
IN PUBLIC PROCUREMENT PROCEDURES**

**INTEGRITY PLAN  
OF REPUBLIC COMMISSION  
FOR PROTECTION OF RIGHTS IN PUBLIC  
PROCUREMENT PROCEDURES**

**Belgrade, 2013**

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Republic Commission for Protection of Rights in Public Procurement Procedures

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# I

## INTRODUCTION

### *Concept and General Goals of Integrity Plan of Republic Commission*

Integrity Plan of Republic Commission for Protection of Rights in Public Procurement Procedures (hereinafter: Republic Commission) is a legal document, created in a procedure prescribed by Anti Corruption Agency Law (“Official Gazette of Republic of Serbia” no. 97/08, 53/10 and 66/11) and Guidelines for Creation and Execution of Integration Plans, identifying deficiencies of a system and threats that can cause corruption and prescribing number of legal and factual prevention measures against corruptive behavior.

Adoption of Integrity Plan of Republic Commission, as autonomous strategic document, is aimed at: prevention, reduction and removal of ethically and professionally unacceptable conduct, corruption factors and other irregularities in functioning of Republic Commission as independent and autonomous state institution with broad range of authorities and responsibilities. At the same time, Integrity Plan should contribute to improvement of general stability and immunity of Republic Commission and strengthening of its capacity to protect itself from possible corruptive influences.

Within the Integrity Plan basic working processes in the service of Republic Commission are presented, existing means to control the legality of those processes are described, risks for corruption defined (evaluation of different levels of exposure to the corruption is: ● low, ● medium and ● high) and measures to improve organizational and technical aspects of functioning of Republic Commission, as well as for elimination of risks perceived are prescribed.

### *Methodology of Creation, Structure and Ways to Apply the Integrity Plan of Republic Commission*

In accordance with the provisions of Anti Corruption Agency Law and Guidelines for Creation and Execution of Integration Plans, working group of Republic Commission has conducted the creation of Integrity Plan through different prescribed phases, and in the phase of establishing the exposure of the institution to the corruption it has carried out the query among employees using anonymous questionnaire (the statistics represented with charts are in the addendum). Based upon data collected as well as upon analysis of working processes in Republic Commission anti corruption measures have been defined adjusted to the specific features of Republic Commission.

Structure of the Integrity Plan of Republic Commission consists of two basic entities: common (within it the aspects of fight against corruption characteristic for each state institution or other user of public assets have been reviewed) and specific (within it the aspects of fight against corruption exclusively connected to the authorities and models of operations of Republic Commission have been reviewed).

Applying the measures prescribed by Integrity Plan of Republic Commission is based upon principle of permanent and non-exceptional applying along with periodical controls of the results achieved. Monitoring of applying of prescribed measures is to be conducted by a person appointed by decision of President of Republic Commission, and this person is obliged to make reports on perceived problems in execution of Integrity Plan and submit them to President of Republic Commission in case there is a need.

President of Republic Commission makes a decision to make new Integrity Plan every three years, counting from the day the last Integrity Plan has been adopted. Integrity Plan of Republic Commission can be amended before the expiry of the mentioned three years, in case it needs to be adjusted to the new needs of Republic Commission, and upon proposal of a person responsible for its applying. Before amending the Integrity Plan it is necessary to conduct the analysis of results and efficiency of measures prescribed in the existing Integrity Plan.

## II

### COMMON AREA

**AREA OF INSTITUTION MANAGEMENT** is clearly and precisely regulated with laws, bylaws and internal documents of Republic Commission, i.e.: Public Procurement Law, Civil Servants Law, Rules of Procedure of Republic Commission, Rulebook on Internal Organization and Workplace Systematization in the Service of Republic Commission, Regulation on Disciplinary Responsibility of Civil Servants in Republic Commission.

Responsibility of the Members and President of Republic Commission is precisely defined by Public Procurement Law prescribing that Republic Commission is accountable for its work to the National Assembly of Republic of Serbia, which appoints and removes from office President and Members of Republic Commission upon proposal of the committee of the National Assembly in charge of finances after the conducted public competition. The Republic Commission delivers semi-annual reports of its performance to the National Assembly by 30th September or 31st March.

Rulebook on Internal Organization and Workplace Systematization in an adequate way prescribes the organizational structure of Republic Commission corresponding to the authorities established by Public Procurement Law. There are three separate basic organizational units in Republic Commission: Department for Protection of Rights in Public Procurement Procedures (within it Department for Expert Operations regarding Protection of Rights in Public Procurement Procedures and Group for Monitoring of Implementation of Decisions, Controlling of Implementation of the Decisions with Contracting Authorities and Preventing the Abuse of Requests for Protection of Rights are established), Department for Special Authorities of Republic Commission (within it Division for Minor Offence Proceedings, Group for Imposing Fines and Group for Annulment of Public Procurement Contracts and Initiation of the Proceedings for Annulment of Public Procurement Contracts are established) and Department for General Affairs (within it Group for Legal and HR Affairs, Group for Financial and Economic Affairs and Registry Office with Archives are established). The hierarchy and subordination principle has been established between these organizational units of Republic Commission specific to public administration of Republic of Serbia

Rules of Procedure in detail arrange methods of operations of Republic Commission, establish rules of proceeding and decision making in cases initiated before Republic Commission within its authorities prescribed by Article 139 of Public Procurement Law, and regulate other issues of importance for operations of Republic Commission.

Control of work quality of the employees of Republic Commission is conducted through evaluation of civil servants in accordance with the Civil Servants Law and Regulation on Evaluation of Civil Servants. At the same time, Disciplinary Responsibility of Civil Servants in Republic Commission additionally (with regards to the Civil Servants Law) arranges procedural and legal matters of disciplinary proceedings.

Transparency of the activities of Republic Commission when it comes to managing of the institution is provided by publishing of Information on Work, which besides general information contains key documents: Procurement Plan, Financial Plan, List of Basic Material Means available to Republic Commission etc.

***Results of query conducted amongst employees:***

- 90,9% of examinees believes that the area of institution management is clearly and precisely regulated;
- 40% of examinees is not informed enough on business contracts concluded;

***Evaluation of risk exposure when it comes to corruption occurrence: •low level;***

***Measures to prevent corruptive behavior:***

1. Regular updating of web page of Republic Commission and appointment of one employee to be responsible for establishing of need for update, for writing of articles and for proposing of introduction of new functional characteristics of web page;
2. Timely publishing of information on work of Republic Commission through update of Information on Work and its publishing on web page of Republic Commission;
3. Regular informing of employees of Republic Commission on all the matters of importance for institution management via email by Secretary of Republic Commission;
4. Development of internal computer network named “Tunnel” aimed at presenting important legal documents regarding institution management and instructing of employees to use it;
5. Conducting of permanent expert vocational training of employees of Department for General Affairs: expert gatherings, seminars, trainings;

**AREA OF PUBLIC FINANCE MANAGEMENTIS** is sufficiently regulated with Budget System Law, Regulation on Budget Execution System of Republic of Serbia, Regulation on Organization of Budget Accounting (regulating budget accounting, appointing persons responsible for legality, regularity and making of accounting documents concerning changes in business or other events, arranging internal accounting control mechanisms, establishing ways to conduct inventory of assets and responsibilities, harmonizing of outstanding claims and obligations, keeping of business ledgers and accounting documents, creating and delivering of financial reports) and Regulation on Procedures of Financial Management and Control, arranging procedures, acts of creation of liabilities, usage of financial means, control milieu for execution of the Rulebook, risk management, control activities, information and communication, monitoring and assessing the financial management system.

The Decision on Conditions and ways to Use Company's Vehicles and Decision to Use Company Mobile Phones are also important for management of public assets of Republic Commission.

***Results of conducted query of employees:***

- 56% of examinees is familiar with regulation concerning preparation of Financial Plan, conducting of planning process and budget execution;
- 58% of examinees believes that Financial Plan is being prepared based upon detailed analysis of the needs;

***Evaluation of risk exposure when it comes to corruption occurrence: • low level;***

***Measures to prevent corruptive behavior:***

1. Periodical (semiannual) analysis of harmonization of legal documents of Republic Commission with laws and bylaws regarding budget system of Republic of Serbia and financial operations of state institutions conducted by Head of Group for Financial and Economic Affairs. If need occurs it is necessary to amend internal documents of Republic Commission and harmonize them with mentioned regulation;
2. Training of employees in Group for Financial and Economic Affairs regarding applying of new regulation, especially when it comes to introduction of program budgeting system of state institutions and submission of electronic tax application;
3. Instructing of employees of Republic Commission to follow regulation and decisions regarding financial plan, its application, adoption and execution through internal computer network named "Tunnel".

**AREA OF PUBLIC PROCUREMENT MANAGEMENTIS** is regulated with Public Procurement Law, Regulation on Mandatory Elements of Tender Documents in Public Procurement Procedures and Ways to Prove Requirements Are Met, Regulation on Contents of Public Procurement Report and Public Procurement Registry, Regulation on Form and Contents of Request for Opinion on Soundness of Negotiated Procedure, Regulation on Form and Contents of Procurement Plan and Report on its Execution, Regulation on Financial Management and Internal Control and other bylaws.

Public procurement Plan is published within Information on Work of Republic Commission on web page and in accordance with the law and bylaws. It is also delivered to the Public Procurement office and State Audit Institution. It is to be noted that only procurement of office supplies exceeds value of RSD 400.000,00 and to which provisions of Public Procurement Law are applied.

Bearing in mind the responsibility of Republic Commission established by Public Procurement Law to decide upon request for protection of rights in public procurement procedures, as well as the fact that Republic Commission can act as contracting authority procuring goods, services and works, it is necessary to conduct public procurement procedures by public procurement commission that does not include Members of Republic Commission that could be deciding upon possible submitted request for protection of rights.

***Results of conducted query of employees:***

- 72% examinees are familiar with the contents of regulations regarding public procurement plan.

***Evaluation of risk exposure when it comes to corruption occurrence: • low level;***

***Measures to prevent corruptive behavior:***

1. Conducting public procurement of office supplies through centralized public procurement organized by Administration for Joint Services of Republic Bodies.
2. When it comes to the procurement procedures whose estimated value does not exceed RSD 400.000,00 annually, before the procedure is conducted it should previously check the prices on the market, at least three bids for goods, services or works procured should be received, and minutes on choosing the most favorable bid should be kept.

**AREA OF HR MANAGEMENTIS** is regulated clearly and in detail with Civil Servants Law, Rulebook on Internal Organization and Workplace Systematization, HR Plan of Republic Commission (harmonized with needs and responsibilities of Republic Commission based upon expert analysis of personnel needs) and Plan of Dynamics of Employment.

Civil Servants Law and Regulation on Conducting Internal and Public Competition arrange methods of employing. As this procedure is very clear and precise in all of its phases, there is no need to adopt specific internal document to additionally arrange this area.

Process of evaluation and advancing of civil servants is regulated by Civil Servants Law, Regulation on Evaluation of Civil Servants, where criteria for evaluation and advancing are explicitly prescribed.

***Results of conducted query of employees:***

- 67,27% of examinees is familiar with the fact that there are regulations regarding HR management;
- 58,18% of examinees believes that HR Plan of Republic Commission reflects the needs of the institution;
- 70,9% of examinees is familiar with the fact that there are regulations covering the process of employment;

***Evaluation of risk exposure when it comes to corruption occurrence: • low level;***

***Measures to prevent corruptive behavior:***

1. Instructing employees of Republic Commission to get familiarized with contents of regulations concerning HR management through internal computer network named “Tunnel”;
2. Informing employees on HR changes within the service of Republic Commission by Secretary of Republic Commission;
3. Prescribing the obligation to submit weekly reports on work within the Department for General Affairs of Republic Commission;



**AREA OF DOCUMENTS MANAGEMENT** is to a certain extent regulated by General Administrative Proceedings Law, Electronic Document Law, Regulation on Office Practice in State Administration, Guidelines for Office Practice in State Administration and Regulation on Electronic Office Practice in State Administration.

As registry and archive activities for Republic Commission are at the same time conducted by Registry Office of Republic State Administration and Registry office of Republic Commission, there is a need to arrange operations of employees working within this unit of Republic Commission with a separate legal document – rulebook.

For keeping record on case files, besides manually kept registry books Republic Commission also uses information system, which requires timely and precise entry of data.

***Results of conducted query of employees:***

- 74,54 % of examinees is familiar with the fact that there is regulation concerning receiving and classification of documents;

***Evaluation of risk exposure when it comes to corruption occurrence:*** • ***medium level;***

***Measures to prevent corruptive behavior:***

1. Adopting the Rulebook on Office Practice of Registry Office of Republic Commission that would in detail regulate the procedure of document management in the Service of Republic Commission from the moment document initiating the procedure is received till case file is archived;
2. After Rulebook is adopted, it is necessary to conduct training of employees of the Registry Office with Archives regarding new legal and technical procedures related to receiving and dispatching of mail, dealing with electronic documents, distribution of case files, delivery of case files to the Members of Republic Commission, archiving and other issues;
3. Improvement of information system of Republic Commission through development of new functionalities and providing of permanent, sustainable and precise entering of data;
4. Establishing record on case files distribution to the Members of Republic Commission from president and Deputy of President of Republic Commission;

**AREA OF PHYSICAL AND TECHNICAL SAFETY IS** not arranged by adequate regulations. The physical and technical security of premises of Republic Commission is entrusted to a company hired by Administration for Joint Services of Republic Bodies.

In order to prevent criminal offences against property of Republic Commission and its employees, visitors IDs are checked upon entering Republic Commission's premises and record is kept on them. Corridors are equipped with adequate video surveillance with recording.

Safety of information is partially arranged with internal acts of Republic Commission. Various mechanisms for efficient data protection are in use, such as usage of licensed antivirus software, regular backup of data relevant for Republic Commission, regulated right to access computer network through usage of passwords.

Republic Commission acts in accordance with the provisions of Law on Free Access to the Information of Public Importance and Law on Protection of Personal Data and submits regular annual report to Commissioner for Information of Public Importance and Personal Data Protection on activities it takes. Republic Commission regularly and within legally prescribed deadline acts upon submitted requests for access to the information of public importance and informs the party that submitted such request on information it possesses. There was no second instance proceeding before Commissioner for Information of Public Importance against the decisions of Republic Commission concerning acting upon submitted requests, as there were no complaints against process of deciding.

Republic Commission keeps evidence on personal data in accordance with the provisions of Personal Data Protection Law.

***Results of conducted query of employees:***

- 70,90% of examinees believes that physical and technical safety is adequate;

***Evaluation of risk exposure when it comes to corruption occurrence: • low level;***

***Measures to prevent corruptive behavior:***

1. Adopting Regulation on Physical and Technical Safety which would precisely explain safety procedures;
2. Adopting Regulation on Safety of Information;

**AREA OF ETHICS AND PERSONAL INTEGRITY** is in detail and precisely regulated by Civil Servants Law, Anti Corruption Agency Law, Law on Free Access to the Information of Public Importance and Law on Protection of Personal Data, Code of Civil Servants' Behavior, Code on Behavior of Employees of Republic Commission and Rulebook of Anti Corruption Agency on Protection of Person reporting Corruption. Normative framework for ethics and personal integrity clearly defines the term of gifts, ban for civil servants, members of staff and those hired by Republic Commission to receive gifts, as well as instruction on how to treat gifts.

Rules of Procedure of Republic Commission prescribes the principle of corruption prevention which means the obligation of the employees to inform President of Republic Commission in case there is a doubt of existence of any type of corruption in Republic Commission.

***Results of conducted query of employees:***

- 92,7 % of examinees stated that nobody asked them to exceed the limits of allowed;
- 80% of examinees stated that they would report any type of corruption if they learnt about it;

***Evaluation of risk exposure when it comes to corruption occurrence: • low level;***

***Measures to prevent corruptive behavior:***

1. Organizing the training of employees when it comes to anti corruption, aimed at raising the awareness of importance of corruption reporting and necessity to protect those that report corruption. The training should include criminal and legal aspects of fight against corruption;
2. Adoption of Rulebook – internal document prescribing the procedures of corruption reporting to the manager within Republic Commission and the procedures of protection of person that reported on corruption existence after the adoption of the law regulating protection of “whistleblowers”;

## II

### SPECIFIC AREAS

**ACTING ON CASE FILES THAT COME WITHIN THE SCOPE OF AUTHORITIES OF REPUBLIC COMMISSION** is clearly and precisely defined by Public Procurement Law and Rules of Procedure of Republic Commission, which prescribe process of distribution of cases done in such a way that at the end of a cycle all Members of Republic Commission have approximately same number of cases.

In order to provide equal work load of all the Members of Republic Commission and respect of the principle that a Member of Republic Commission who will get the case file is not known in advance (Panel Member – Rapporteur – appropriate execution of right for natural judge in Republic Commission), all newly received cases are first checked to establish urgency, type of procedure in question and complexity, and only then they get distributed amongst Members of Republic Commission in the order in which they were received and in alphabetical order of the surnames of Members of Republic Commission.

Rules of Procedure of Republic Commission precisely establish the ways in which Members of Republic Commission are to act in case there is conflict of interest and their exemption. It is also prescribed that President and Members of Republic Commission cannot act upon any case coming within the scope of authorities of Republic Commission if there are reasons casting doubt upon their impartiality or pointing towards possible conflict of interest.

The decisions of Republic Commission as independent and autonomous state institution are made within procedure prescribed by Public Procurement Law, are related to the subjects of public procurement procedures of great value and are published on both web page of Republic Commission and Public Procurement Portal.

#### ***Results of conducted query of employees:***

- 74,54% of examinees stated that their position in Republic Commission is not risky from the aspect of corruption, while 21,81% of examinees believes that their work position bears risk of corruption;

***Evaluation of risk exposure when it comes to corruption occurrence: • low level;***

#### ***Measures to prevent corruptive behavior:***

1. Organizing the training of employees when it comes to anti corruption, aimed at raising the awareness of importance of corruption reporting and necessity to protect those that report corruption. The training should include criminal and legal aspects of fight against corruption;

2. Improving system of searching for decisions of Republic Commission on its web page in accordance with the criterion of legal basis for decision making, aimed at increasing the transparency of the proceedings;

3. Improving information system of Republic Commission through introduction of new functional characteristics enabling review of electronic documents;

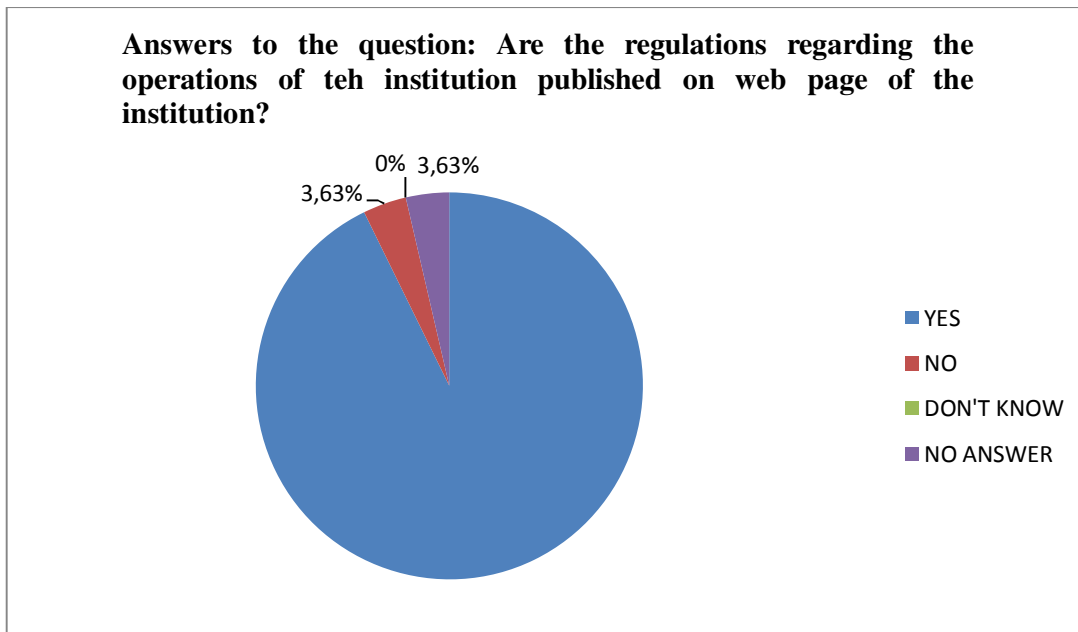
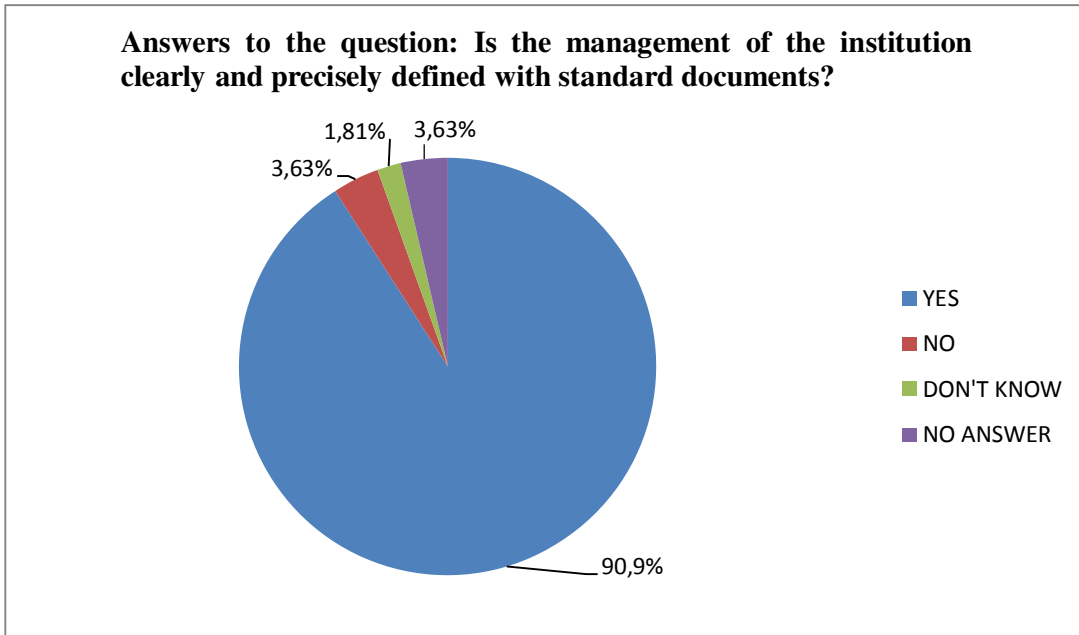
4. Establishing of unique list of participants in public procurement procedures (both bidders and contracting authorities) with valid emails (establishing of mailing list) that would be used with the aim to efficiently distribute principal legal positions of Republic Commission and other news of importance for conducting of public procurement procedures, so that the activities of Republic Commission are transparent and available to great number of interested parties.

PRESIDENT  
OF REPUBLIC COMMISSION

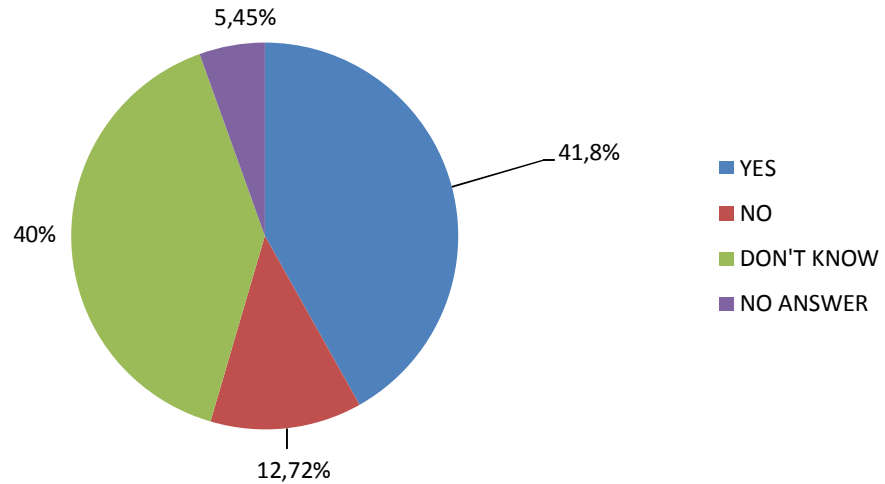
Sasa Varinac

## ADDENDUM

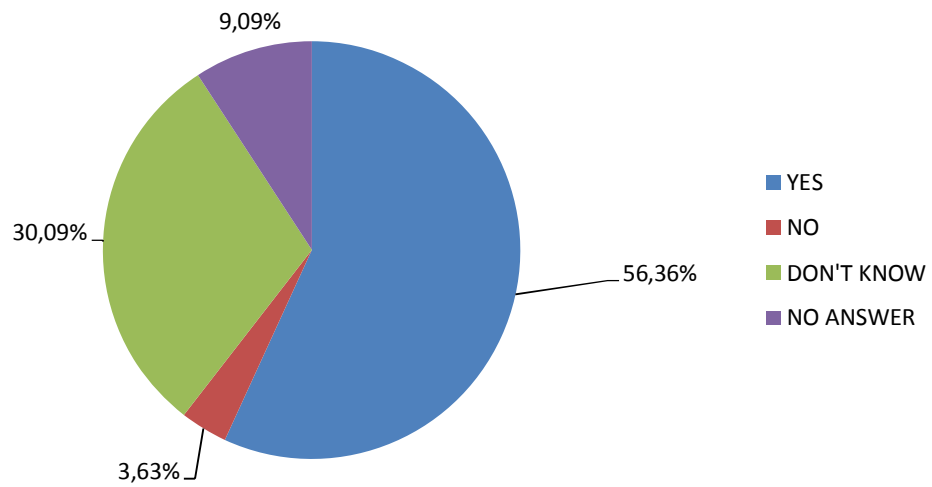
### CHART OF PERCENTAGE OF THE ANSWERS COLLECTED BY ANONYMOUS QUESTIONNAIRE



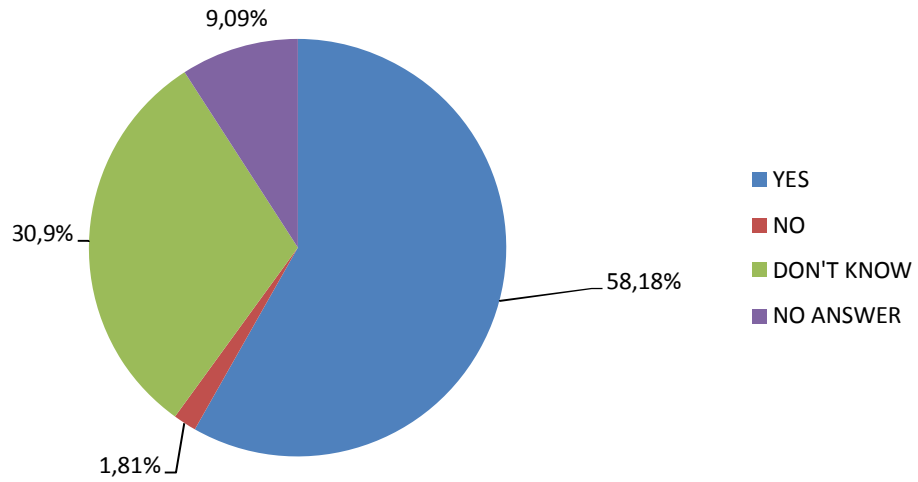
**Answers to the question: Are concluded business contracts available to the public?**



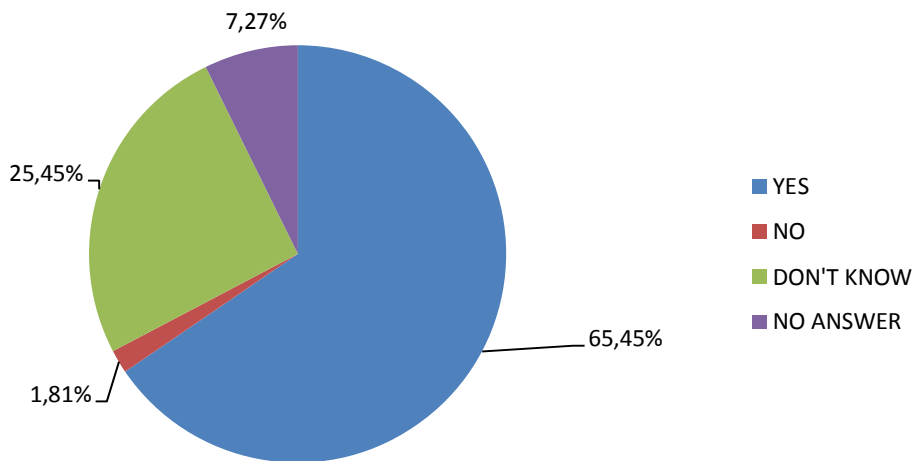
**Answers to the question: Are there regulations regarding conducting of the process of preparation of financial plan?**



**Answers to the question: Is financial plan being prepared based upon detailed analysis of the institution's needs?**

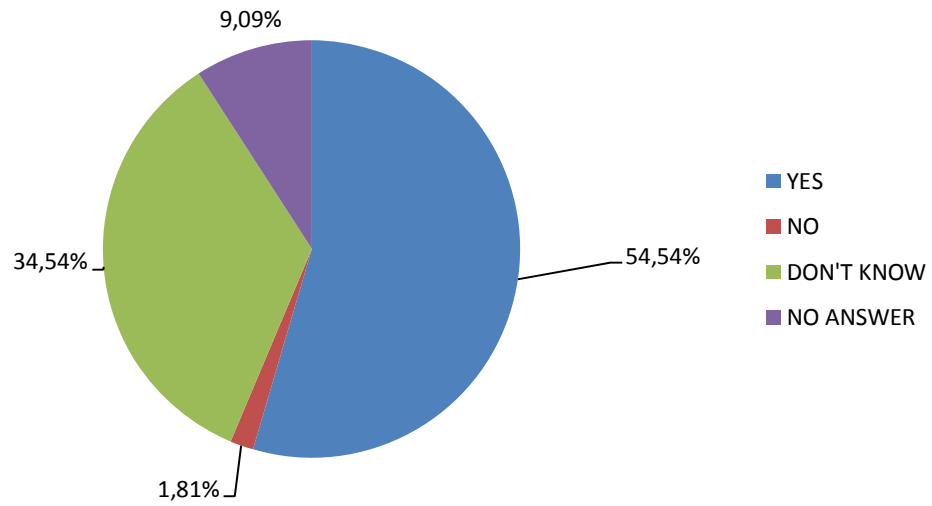


**Answers to the question: Are there regulations for conducting planning and execution of a budget?**

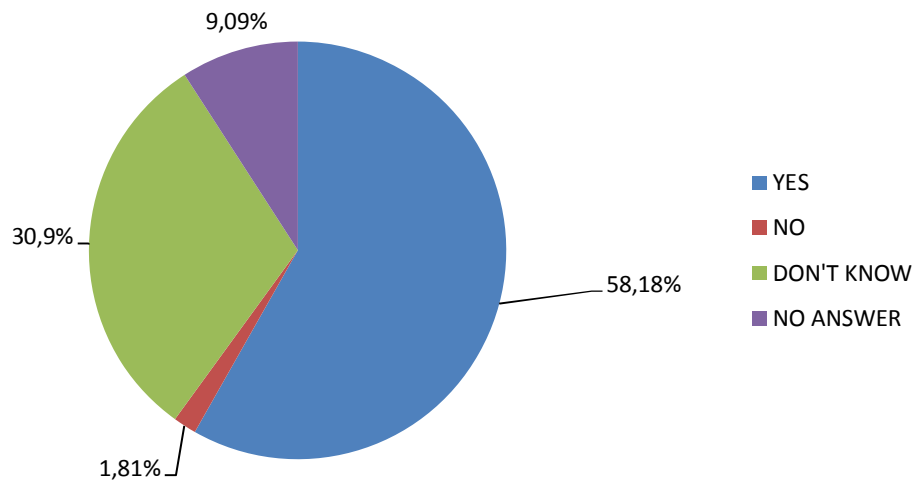




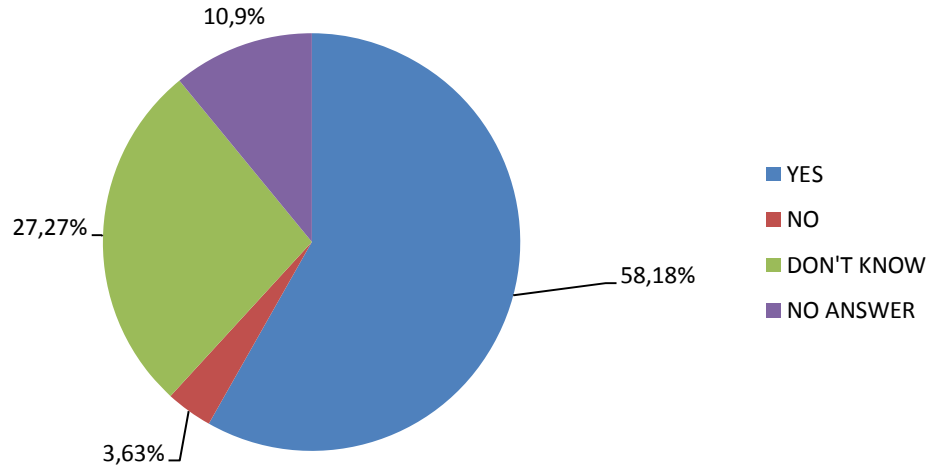
**Answers to the question: Do the employees conducting the mentioned activities possess enough knowledge for it?**



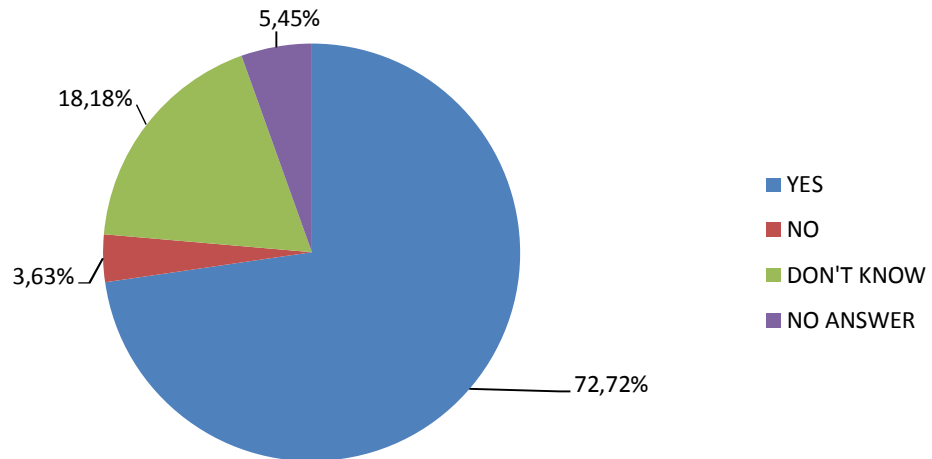
**Answers to the question: Is there control of spending of budget assets?**



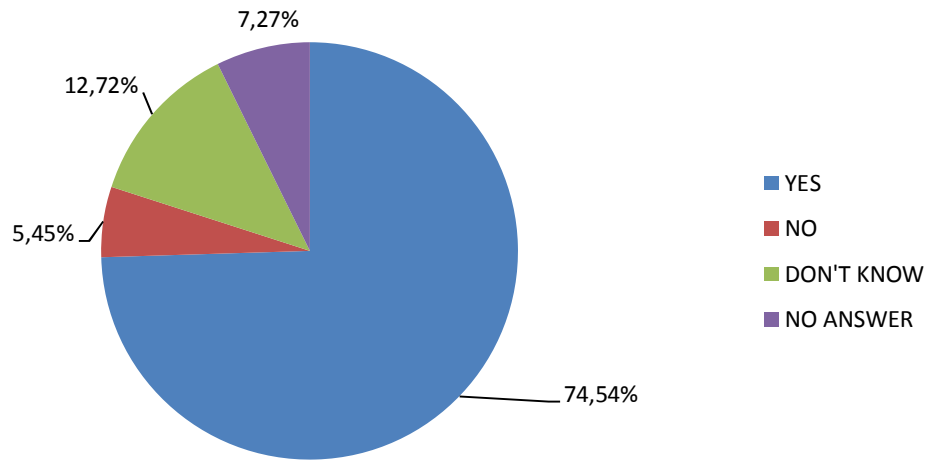
**Answers to the question: Is there control of designated spending of assets?**



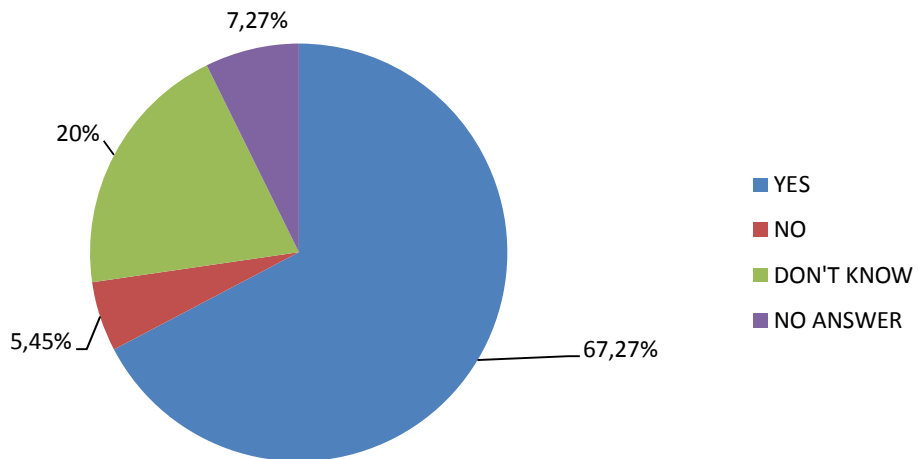
**Answers to the question: Are there regulations for preparation of annual procurement plan?**



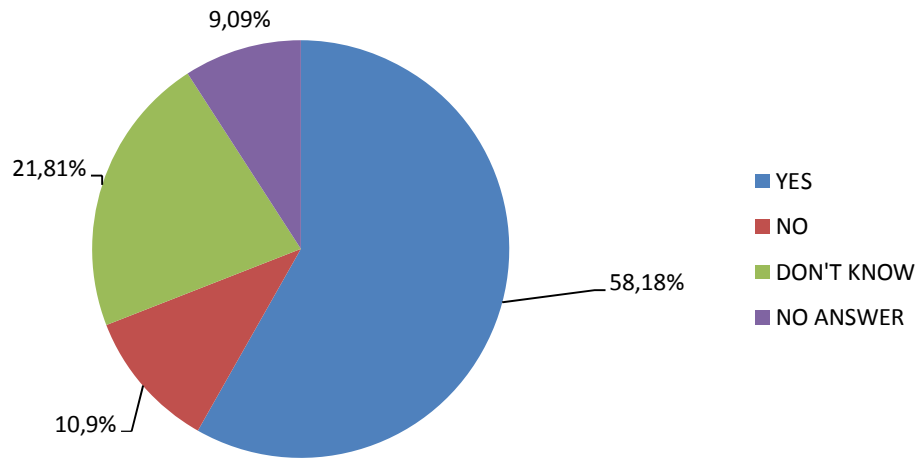
**Answers to the question: Are there regulations managing the process of receiving and classifying of documents?**



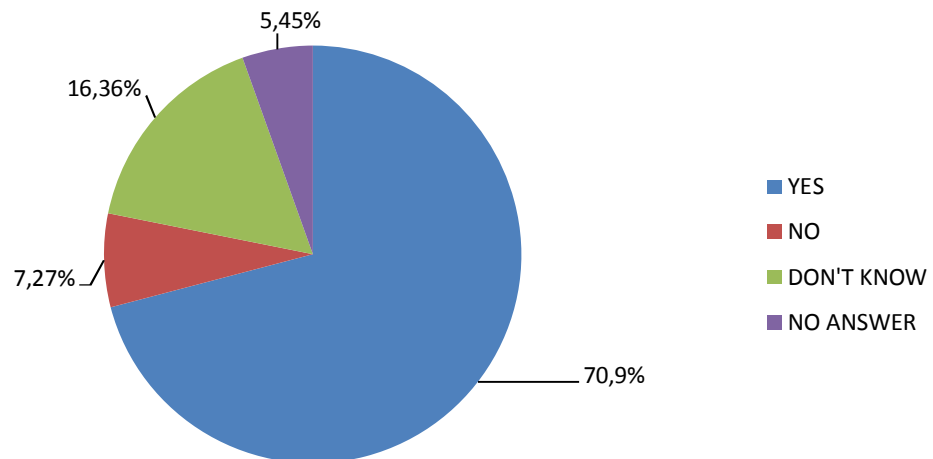
**Answers to the question: Are there regulations concerning HR management?**



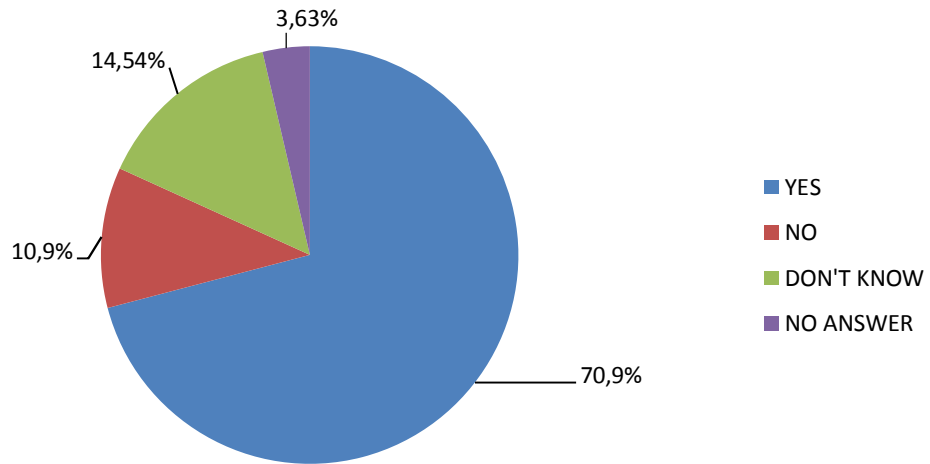
**Answers to the question: Is HR plan harmonized with the needs of the institution?**



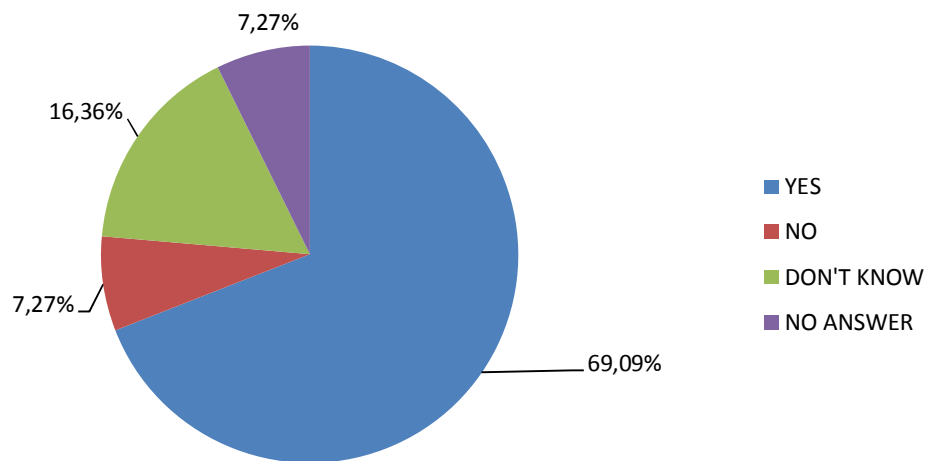
**Answers to the question: Are there regulations regarding process of employment?**



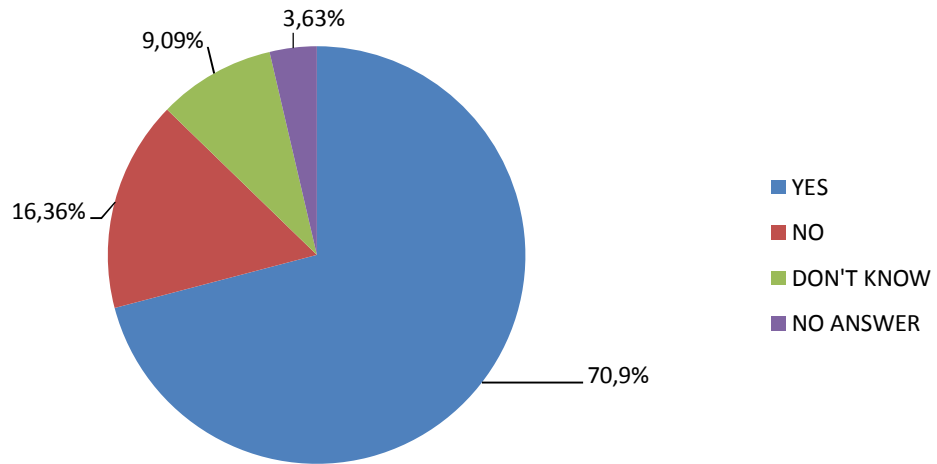
**Answers to the question: Are there regulations related to evaluation and promotion of employees?**



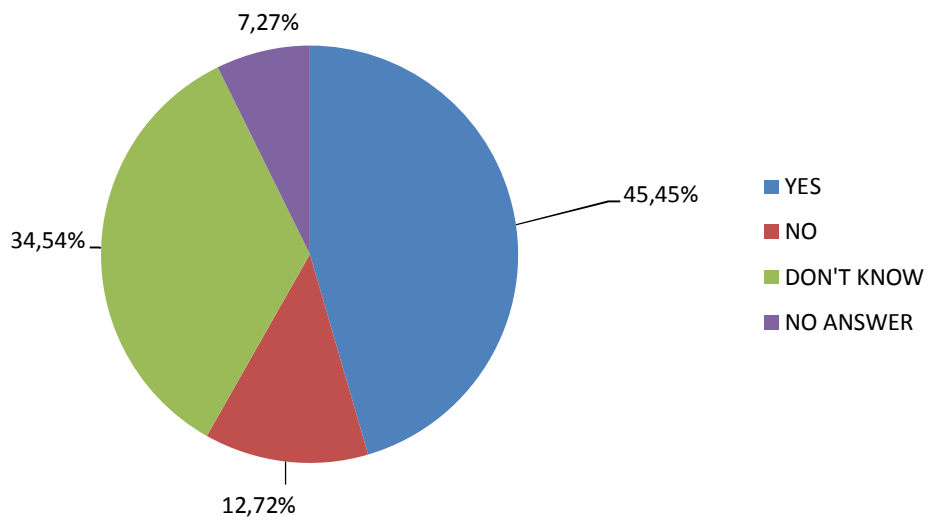
**Answers to the question: Is there a regulation in the field of physical and technical safety?**



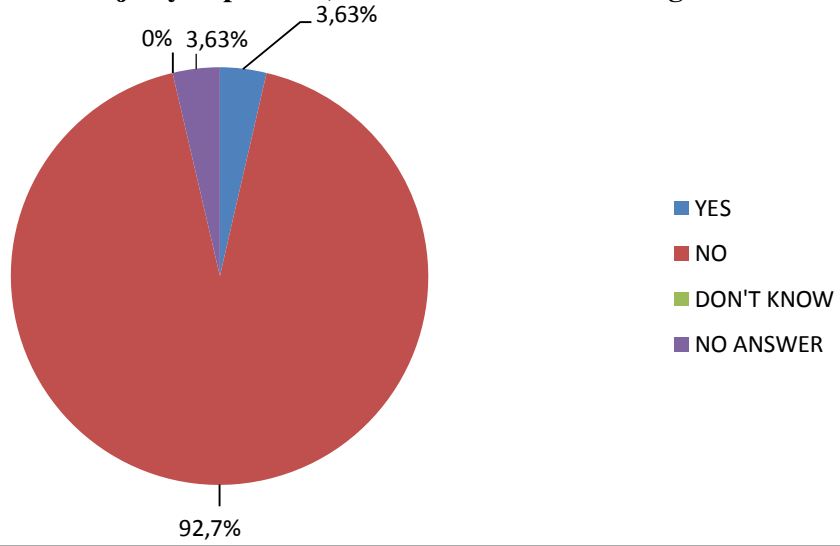
**Answers to the question: Is technical and physical supervision of the institution adequate (is the record kept on employees)?**



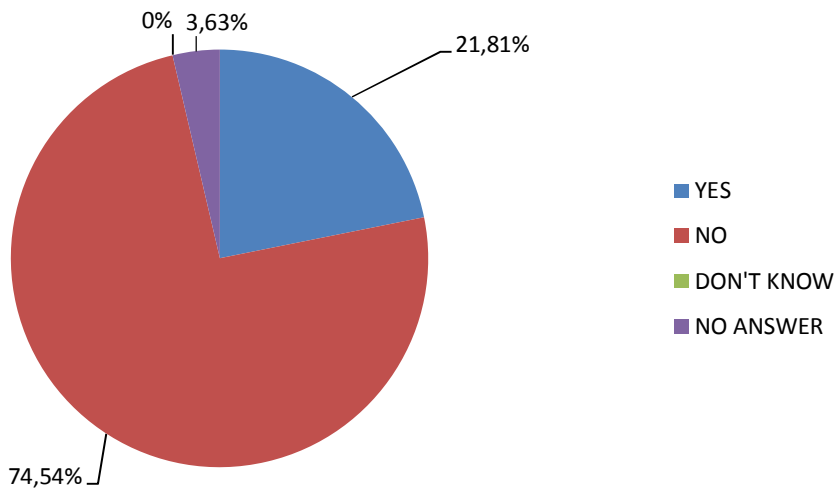
**Answers to the question: Is there a regulation concerning safety of information?**



**Answers to the question: Have you ever been asked to (in connection to the job you perform) exceed the limits of the legal?**



**Answers to the question: Do you believe your work position is risky from the corruption point of view?**



**Answers to the question: Would you report any type of corruption in your Institution if you learnt of it?**

