

## Efficiency and Effectiveness in Emergency Procurements

**Supervisors:** Dr [Miriam Mbah](#), Dr [Andrew Gilbert](#), The Open University Law School.

### **Project Description:**

Public procurement refers to the acquisition of goods, works and services by one or more contracting authority from one or more supplier chosen to meet the needs of a contracting authority. Public procurement represents 15-20 per cent of global GDP and an average of 12 per cent national GDP for each Organisation for Economic Co-operation and Development (OECD) country. Due to the significant amount spent in procuring goods, works or services annually, it is essential to regulate and review acquisitions of contracting authorities to maintain accountability and integrity in the use of public funds.

Although the procurement of goods, works and services by contracting authorities have been subjected to a great deal of attention from academics, the regulation (or the lack of regulation) of acquisitions during emergencies such as natural disasters, epidemics and pandemics have recently become topical due to the coronavirus (COVID 19) disease. Declared as a pandemic by the World Health Organisation on the 11<sup>th</sup> March 2020, COVID 19 has infected more than thirty-four million people across two hundred and thirty-five countries, areas or territories and has claimed the lives of over a million people globally. For countries such as the United States of America, United Kingdom (UK), Italy, India, France and Spain, the numbers of those infected and deceased are astonishing, with many more people infected and dying daily.

This unprecedented disease required a rapid response from governments, with one of the responses being the procurement of medical supplies for the protection of national health care institutions, workers and citizens. Medical supplies such as masks, gloves, aprons, face shields, ventilators and cleaning supplies are being procured at an unprecedented rate to ensure lives are protected. While the exact number of contracts awarded or value of the contracts is uncertain, the media has reported a series of shortages, poor procurements and corruptions in the procurement of goods specifically for the COVID 19 pandemic. It is argued that the issues identified by the media are simply a tip of the iceberg as procurements for COVID 19 lacks transparency due to other related matters such as the number of deaths, overburdened health care institutions and the enforcement of COVID 19 guidelines take centre stage. Due to the lack of transparency in this area, it is uncertain whether current procurement regulatory frameworks are adequate, and whether procedures or practices adopted by contracting authorities across the globe are efficient and effective for emergency procurements.

### **Project Aims**

The project aims to examine regulatory and practical measures adopted by the selected countries in dealing with emergency procurements and considers whether such measures are effective and efficient. This may lead to recommendations to the selected countries (which can be applied by other countries) on how to procure goods efficiently and effectively during emergencies.

The underlining objective is to encourage governments to adopt effective and efficient legal frameworks and practices when procuring goods and services during natural disasters, epidemics and pandemics. As the current pandemic is ongoing with no approved vaccine insight and the possibility of a national or global emergency arising in the future, this research will have a significant impact on procurement policies and practices around the world.

### **Possible Methodology**

The candidate may adopt an empirical, or/and doctrinal legal approach in carrying out the research. We are open to the use of other appropriate methodologies.

### **About the Supervisors:**

**Dr Miriam Mbah**'s research focuses on public procurement law and international law. Her research explores the international and national regulation of public procurement to ensure procurement processes are efficient and effective when procuring goods, works and services. Miriam's current research interest explores the issue of sustainable procurement by considering all three pillars of sustainable development (economic, social and environment) and how these can be promoted through public procurement. For example, Miriam's PhD thesis examined how the US and Australian federal governments addressed human trafficking in their public procurement frameworks.

**Dr Andrew Gilbert** has over seven years' experience of supervising PhD students, as both first and second supervisor, including supervising three students to completion. He is interested in the relationship between social and legal change, and he has examined this relationship in the area of family law and policy. Andrew's recent projects have included thinking about the transformative potential of legal education from a Bourdieusian perspective.

### **References:**

- Arrowsmith S, *The Law of Public and Utilities Procurement* (3rd edn, Sweet & Maxwell 2014). European Commission, 'Public Procurement'  
[https://ec.europa.eu/internal\\_market/scoreboard/performance\\_per\\_policy\\_area/public\\_procurement/index\\_en.htm](https://ec.europa.eu/internal_market/scoreboard/performance_per_policy_area/public_procurement/index_en.htm) accessed 2nd October 2020; OECD, Public Procurement <<http://www.oecd.org/> gov/ public -procurement/.
- Arrowsmith S, 'National and International Perspectives on the Regulation of Public Procurement: Harmony or Conflict?' in S Arrowsmith and A Davies (eds), *Public Procurement: Global Revolution* (Kluwer Law International 1998).
- Thai K, 'Public Procurement Re-examined' (2001) *Journal of Public Procurement* 1(1), 9-50; C Walker, 'Setting up a Public Procurement System: The Six Steps Method' in S

Arrowsmith and M Trybus (eds), Public Procurement the Continuing Revolution (Kluwer Law International 2003).

World Health Organization, 'Coronavirus disease (COVID-19) pandemic'  
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019> accessed 2<sup>nd</sup> October 2020.