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DIRECTIONS OF IMPROVING THE PUBLIC PROCUREMENT SYSTEM IN THE RUSSIAN FEDERATION

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Problems and development issues of the state of the procurement system in the Russian Federation are analyzed in the paper. The state (municipal) order as a competitive method for the determination of the contractor (supplier) is considered in order to formulate its optimal characteristics and competition (bidding) as the best method to select the contractor (supplier). The methods of increasing economic interest of private organizations in public services provision are examined. The differentiation of public services prices as a tool of increasing economic interest is researched in two aspects: differentiation of prices on public services based on standards and division of public service rates by groups of agents (suppliers). The barriers hindering the access of non-governmental organizations to public service markets are identified. Also the analysis of normative regulation of the public procurement system and its disadvantages, statistical data, problems encountered by the participants is done. The actions of customers and suppliers are considered to identify the presence of weak points in the legislation. The costs incurred by customers including mandatory staff training, preparation of extracts from USRLE, certificate of origin ST-1 form, obtaining digital signatures, postage are analyzed. The ROS and UIS systems and their new options useful for participants are compared. The method of assessment of contracts for monetary and non-monetary criteria is proposed. International practice of state procurement is investigated; the public procurement system of the Russian Federation is evaluated by objective indicators, the main directions limiting access of foreign companies to the public procurement market are identified. The combined analysis included a comparison of the public procurement systems of the Russian Federation and countries of the Organization for Economic Cooperation and Development (OECD) as a group of countries with the highest incomes per capita.

Keywords: public procurement system; state regulation; public procurement; international experience; competitive procedures; barriers; public services; state (municipal) order; evaluation

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НАПРАВЛЕНИЯ СОВЕРШЕНСТВОВАНИЯ СИСТЕМЫ ГОСУДАРСТВЕННЫХ ЗАКУПОК В РОССИЙСКОЙ ФЕДЕРАЦИИ

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Анализируются проблемы и развитие системы государственных закупок. Рассматриваются государственный (муниципальный) заказ на предмет выработки его оптимальных характеристик как конкурентного способа определения исполнителя (поставщика), а также конкурс как наиболее оптимальный способ определения исполнителя (поставщика). Изучены методы повышения экономической заинтересо-

ванности негосударственных организаций в оказании госуслуг. Исследована дифференциация цен госуслуг как инструмента повышения данной заинтересованности по двум направлениям: разграничение цен госуслуг на основе стандартов и разделение цен госуслуг по группам исполнителей (поставщиков). Выявлены барьеры, препятствующие выходу негосударственных организаций на рынок госуслуг. Также проведен анализ нормативного регулирования системы государственного заказа и недостатков этой системы, статистических данных, проблем, с которыми сталкиваются участники. Рассмотрены действия заказчиков и поставщиков на предмет наличия узких мест в законодательстве. Проанализированы издержки заказчиков: обязательное обучение сотрудников, получение выписок из ЕГРЮЛ, сертификат о происхождении товаров формы СТ-1, получение электронной подписи, почтовые отправления. Проводится сравнительный анализ систем ЕИС и ООС на предмет новых функций, облегчающих процесс закупок для его участников. Предложен способ оценки заказов по стоимостным и нестоимостным критериям, изучен мировой опыт госзакупок, проведена оценка системы госзакупок Российской Федерации по объективным показателям, определены инструменты, ограничивающие доступ иностранных компаний на рынок госзакупок. Проведено сравнение систем государственных закупок Российской Федерации и стран Организации экономического сотрудничества и развития (ОЭСР) как группы стран с самыми высокими доходами на душу населения.

Ключевые слова: система государственных закупок; государственное регулирование; международный опыт; конкурсная процедура; барьеры; государственные услуги; государственный (муниципальный) заказ; оценка

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Introduction. Public procurement is the most important tool of state regulation contributing to the creation of competitive environment, effective expenditure of budgetary funds, provision of high quality products to consumers. The problems of the public procurement system in Russia are studied in various scientific articles, especially by such authors as Bastrykin, Kradinov, Pershin, Tasalov, Usenkova, Fedorov, Habaev, Yastrebova and others. Issues comparison of international experience of public procurement devoted articles of Belova, Konosco, Alekseeva and Jaworski. Noting the importance of the obtained results, obviously, improving the public procurement system is an unexplored and relevant topic for the study.

Public procurement constitutes a significant proportion of the gross domestic product (GDP) in the vast majority of countries. In OECD countries this indicator varies in the range of 10–15 %, in developing countries it can reach 25 %, and in transition economies – 30 %, and even more [5]. Legislative framework of the public procurement system in Russia is aimed at introduction of new forms of state (municipal) social services, ensuring involvement of non-governmental organizations in provision of

specified services, as well as at the endowment of highest executive bodies of state authorities (local governments) with the right to choose independently the form of services provision focusing on consumer needs and development of the region's economic potential [9].

Contemporary international law on state procurement is based on the Model Law of the United Nations Commission on international trade law (UNCITRAL), which contains 57 clauses that are grouped into 6 chapters: general provisions; methods of procurement and their conditions for use; bidding procedures; the procurement method; the procedures used for procurements through alternative methods; appeal/claims [6].

As international experience shows, the most efficient form of organizing large-scale procurement of goods and services is conducting open competitions (tenders). Application of the remaining two directions – auction and request for quotations – will not be effective due to the fact that the only criterion for selection of suppliers (contractors, performers) is the monetary one, while for public legal entities in public services the priority is service accessibility and quality. Analysis of the Russian Federation

legislation concerning the contract system in procurement has allowed to ascertain the presence of tools for protection of customer interests, the use of which is justified and is within the framework of the state order.

The aim of this research is to analyze the Russian system of public procurement on the subject of its advantages and disadvantages and propose directions of improving it.

Public procurement: existing problems and directions of their solution. The analysis of procurement helped to develop the most optimal characteristics of the state (municipal) order as a competitive method for the contractor (supplier) selection. These include:

- method and requirements of the contractor (supplier) selection;
- the method of determination of public services cost;
- approaches to competitive procedures evaluation;
- tools to mitigate risks of failure or improper execution of state (municipal) order by the service provider (supplier).

In our opinion, the best method to select the contractor (supplier) is competition (bidding). It allows comprehensive evaluation of potential suppliers (executors), in particular, evaluation of applications of competitive procedures participants by monetary and non-monetary criteria. In addition, the possibility of using different competition types allows to take into consideration the specifics of certain public services provision [7].

One of the key barriers hindering the access of non-governmental organizations to the public services market, in our opinion, is the lack of economic interest from these organizations. This negative aspect can be overcome through determination of economically justified cost of public services.

In the current situation economic interest of organizations in public services provision can be promoted by expanding the list of expenses included in services cost. It is important for customers to analyze best practices in this parameter calculation. This experience should include the normative-per capita funding in higher education [12].

One of the directions of increasing this interest is differentiation of public service prices according to their quality in two aspects:

- differentiation of public service prices based on standards. A differentiated standard means

tiered pricing of public services. In this case there is a need to define outcome indicators of public service delivery, which allows to compare their different quality levels;

- division of public service rates by groups of agents (suppliers). In this case, it is necessary to divide executors (suppliers) into several groups depending on public services quality.

It is necessary to ensure free access to tender announcements and documentation for potential participants. They should contain information that enables stakeholders to make management decisions about participation in the competition [9].

The following aspects should be identified in the supplier selection and evaluation:

- whether the consumer is satisfied with the quality of services and material resources to be provided;
- whether the required supply scope, delivery terms, price and service level, new products development for expanding the range of goods that bring profit to the enterprise is ensured;
- whether the complex of measures on pricing and material resources distribution is effective.

Long-term relationships with suppliers play an important role and ensure great results. Such relationships lead to increased sales and increased company profits. Relying on a long-term relationship with a suppliers, a firm should take into consideration their financial status, product quality, technical capabilities, etc. [23].

In developing approaches to this process, a potential list of evaluation criteria is to be identified first.

Two methods are applicable to the state (municipal) order:

- evaluation by cost and non-monetary criteria;
- assessment only by non-monetary criteria.

The right to choose a particular method, in our opinion, should be secured for the customer. It is also necessary to impose certain restrictions at the legislative level, which may constitute:

- the list of services in respect of which only non-monetary criteria can be applied;
- a threshold for contract price reduction. For example, the initial maximum contract price can be reduced by a participant by no more than 10 %. This approach is more optimal for state (municipal) order than the one specified by the Federal law of 05.04.2013 N 44-FZ On Anti-dumping Measures during the Competition/tender [14];

- threshold value for the importance factor of the cost criterion. For example, it should not exceed 0.15.

If the bidder evaluation applies both monetary and non-monetary criteria, the customer should determine:

- reduction threshold of the contract price;
- the importance factor of the cost criterion;
- the cost criterion scoring;
- non-monetary evaluation criteria of the application;
- the importance factor of non-monetary evaluation criteria;
- performance of non-monetary evaluation criteria;
- significance coefficients of these indicators;
- score values of non-monetary criteria.

When determining the list of non-monetary criteria for tender applications, it should be kept in mind that it is necessary to create equal competitive conditions for public organizations having experience of public services and non-governmental ones without such experience. In this regard, it is appropriate to apply the following non-monetary criteria in the framework of the state (municipal) order:

- availability of labor resources;
- qualification of managers and key specialists for public services provision;
- provision of material and technical resources.

These criteria can be supplemented, for example, by an indicator characterizing the necessary logistical resources. The evaluation should be based on the depreciation ratio, which should be related not to the whole organization but to groups of basic assets.

This approach will allow to more accurately assess the condition of the material and technological resources of the procurement participant.

Possible significant social and economic consequences of failure or improper execution of the contractor (supplier) obligations require the development of tools to reduce the risks of such situations occurrence. Reimbursement methods are the most time-consuming aspects of risk mitigation, but they are also the most effective ones. The method consists in regular design, development and evaluation of the future state of the enterprise and its external environment, which requires special analysis and accuracy, ensuring its application efficiency [23].

The performed analysis concerning the fulfillment of obligations in state (municipal) contracts indicated the need to use the same tools for state (municipal) orders. Besides, other means to prevent negative consequences of non-fulfillment or improper fulfillment of commitments by the contractor (supplier) also include:

- the customer's right to unilateral contract termination in case of improper provision of public services;
- the possibility of applying the simplified procedure of selecting a new contractor (supplier) in case of unilateral contract termination. For example, the possibility of signing a contract with the participant taking the second place in the competition; substantial penalties against the contractor (supplier) in case of violation of essential contract terms;
- in certain cases listing agents (suppliers) in the register of unfair contractors (or suppliers) [9].

The analysis of normative regulation of the public procurement system. In Russian Federation, the formation of the basic institutions of the contract system was completed by 90 % in 2015 including: procurement justification and planning, regulation, information management and monitoring, personnel training in procurement sphere. It is advisable to identify what is currently missing from the regulatory system. For this purpose we consider the actions of customers and suppliers to identify the presence of weak points in the legislation. Let us start with customer behavior analysis.

In 2014, 2 781 706 announcements for a total amount of about of 6.02 trillion RUB were placed. In 2015, customers placed more than 3 million announcements worth about 6.6 trillion rubles on the official website. By the end of 2015, the total volume of announcements exceeded the same indicator of 2014 by 9.6 %.

It should be noted that according to statistics, the total number of closed tenders and auctions placed in the public domain significantly increased in 2015 [8]. Such procedures allow to contract on a competitive basis an unlimited range of parties that have a license for admission to work with information constituting state secrets.

In value terms the volume of these procedures compared to last year's data has increased by more than 5 times. Previously, such

transactions were conducted entirely behind closed doors with participation of a limited number of persons to whom customers used to send written invitations.

The predominant method of supplier selection in 2015 was an *electronic auction/bidding*, which accounts for 56.6 % of the total number of announcements available on the official website.

The average price of a contract in 2015 amounted to 1.64 million RUB, in 2014 – 1.98 million RUB. Customers were advised to sign several short-term contracts instead of long-term contracts in order to reduce their risk of contract default by suppliers in volatile markets.

In 2015, 495079 contracts worth more than 1.15 trillion RUB were terminated, exceeding the corresponding figures of 2014 by 34 % and 31 % respectively. In 2014, 370,664 contracts for about 876.9 billion rubles were terminated. Contract termination was mainly performed by agreement of the parties (98 % of the total number of terminated contracts), the bulk proportion being contracts for provision of utility services, communication services, electricity supply, that were terminated due to incomplete volumes of the contracted services.

The increase in the total volume of the contracts terminated by customer's decision by the end of 2015 amounted to 31 %. This means that about 11,000 purchases worth 198 billion rubles can be considered ineffective, which is 3.7 % of the procurement volume.

The obtained data indicate positive dynamics of monetary savings in 2015, the total savings amounting to more than 321 billion rubles, which is about 7 % of the total procurement.

Also in 2014, 683,047 offers were placed in the amount of 476.6 billion rubles, the average contract price with small businesses (SB) and socially oriented nonprofit organizations (SO NPO) in 2014 was 558.7 thousand rubles.

In 2015 SMB, SO NPO hosted 869,590 bids with total value of about 637,5 billion rubles, which is 27 % and 34 %, respectively, higher than the indicators for 2014. The average price of the contracts signed with SB and NPO, at the end of 2015 remained at the 2014 level and amounted to 557,000 rubles.

The contract system has become an effective mechanism to support SB. So, small businesses received more than 490 billion rubles only as

direct contracts payment, which is 41 % higher than in 2014.

According to preliminary estimates, the set 15 % quota of purchases from small businesses including subcontracting agreements was fully executed. In 2015, the average number of applications from procurement participants per one supplier selection procedure among SMB, SO NPO was 3.1, which exceeds the same indicator of the previous year (2 applications) by 1.5 times .

The volume of contracts signed with a single supplier grew by 4 % at the end of 2015 and amounted to 1141,6 billion rubles.

The increased procurement volume from a single supplier was mainly due to procurement growth:

- utilities and services of natural monopolies related to growth rates;
- by separate decisions;
- institutions and enterprises of the penal system.

«*The single application index*» is an indicator calculated as the relative value of one procurement participation application to the total number of purchases during the reported period.

By the end of 2015, there was a noticeable decrease in the volume of purchases from a single supplier calculated on the basis of failed procedures data. In the first quarter of 2015, there was a significant increase of such purchases (up to 25 % in April 2015). Since June 2015, the value of the single application index was relatively low, amounting to 5 % in December of 2015, which is almost 3 times less than in December of 2014.

Let us consider supplier behavior statistics. The average number of submitted applications for procurement participation increased from 2.5 in 2014 to 3 applications at the end of 2015.

The most competitive method of supplier selection is a two-stage competition, for which on average 5.95 bids were filed in 2015, the least competitive one is request for proposals, for which an average of 1.27 applications was filed in 2015.

Procurements worth less than 10 million rubles account for the maximum number of bidders. The lowest procurement demand is the contracts with the maximum starting price (MSPC) over 500 million rubles.

Let us consider the *costs incurred by the customers*.

Mandatory staff training

Procurement activities involved about 900,000 customer employees. Every year about one third of all procurement staff are to be trained. With an average training course cost of 15,000 rubles, the annual expenses amount to about 4.5 billion rubles.

The implementation of the professionalism principle inherent to the contract system and the legal requirement of mandatory customer staff training led to the emergence of a «grey market» of documents certifying professional development.

The problem can be solved by regular customer staff assessment performed on the basis of regional certified universities or, alternatively, certification required only for those professionals who have the right to make key purchasing decisions.

Preparation of extracts from USRLE

In 2015, approximately 2.5 billion rubles were spent to receive extracts from the Unified State Register of Legal Entities (USRLE).

Integration of UIS to register will completely eliminate such expenses because customers will be able to obtain the necessary information about the participant's procurement activities in an automatic mode.

Certificate of origin ST-1 form

Confirmation of the country of origin is a certificate of origin issued by an authorized body (organization) of a member state of the Eurasian Economic Union in ST-1 form.

About 250,000 contracts are based on procurement results with the application of national procurement procedures. Given that in 2015, the average number of bidders in 1 procedure was 3 participants with the certificate price of about 2,000 rubles, the total document acquisition expenses in the reported year amounted to about 1 billion rubles.

Obtaining digital signatures

In 2015, procurement participants spent at least 1.5 billion rubles on DSs. These expenses can be eliminated by providing, for example, the possibility to use a single digital signature on all electronic trading platforms.

Postage

In 2015, in accordance with Russian post tariffs procurement, participants spent about 1 billion rubles for postage of participation applications.

Thus, only the listed examples of expenses in aggregate amounted to more than 10 billion rubles per year. However, the transition to modern e-procurement technology will drastically reduce transaction costs [8].

Comparative analysis of ROS and UIS.

Significant changes have recently occurred in the field of public procurement in Russia. Thus, since 1 January 2016 the unified information system in procurement (UIS) was introduced, this was accompanied by decommissioning the official website of the Russian Federation for posting information about placing of orders for goods deliveries, works performance and services rendering on the Internet (ROS). Since the UIS was built on the basis of ROS, it has retained the same domain address in the Internet: zakupki.gov.ru.

UIS introduction has significantly simplified the work of all those who by the nature of their professional activities are engaged in procurement.

New options were added:

- automatic monitoring to limit posting the protocols of the first and second stages of public procurement discussion before the end of this discussion stage;
- automatic generation of Protocol violations on the basis of automated monitoring and display Protocol in ROS UIS;
- receiving and processing complaints;
- search for complaints and the results of their consideration;
- transmission of claim information and unscheduled inspections of departmental facilities;
- design of new types of unplanned and planned monitoring activities and testing results;
- recording of inspection results and report on new types of unplanned and planned monitoring activities (audit, inspection);
- advanced part search details;
- auto detect user location and user location data when searching for procurement information;
- posting draft procurement plans and draft changes to the procurement plan
- automatic generation of notifications in the personal account of JSC «Federal Corporation for development of small and medium enterprises» (hereinafter – the Corporation) on the location of the project procurement plan and the approved procurement plan for conformity assessment [18]

The Federal Law No.44 «On the contract system in the sphere of procurement of goods, works, services for state and municipal needs» is one of the most recently amended laws. Let us consider the changes in this Law from the beginning of 2017:¹

- in UIS the complete correspondence of the information placed in the system and all documentation relating to the state contract is monitored. For example, the compliance of the terms of the state contract with the information about it placed in the register of contracts;
- the importance of scheduled plans increases (a ban on purchases not included in these schedules is introduced);
- the name of the subject of public procurement must be taken from a special catalog (in cases specified by the law);
- the identification code of the e-procurement, introduced from 2016, now must be placed in all documents of the state contract;
- typical conditions of state contracts for procurement from small businesses and socially-oriented non-profit organizations (SONKO) are introduced.

The world experience of public procurement. In order to better understand the prospects of development of the contracting system in Russia let us consider the features of public procurement systems in various countries. In 2016, a study «Comparative analysis of public procurement in 2016» covering 77 countries was conducted, which includes information concerning public procurement systems accessibility, barriers reduction, transparency and efficiency improvement in this sector [10].

For a comprehensive analysis of objective and subjective indicators, a combined investigation was carried out, which represents an average score by the sum of subjective indicators and fair value of an objective indicator. A fair objective indicator assessment is a measurable parameter that is aimed at averaging the objective value by assigning a score from 20 to 100 depending on duration of the complaint consideration.

¹ Federalnyj zakon nomer 44 (FZ ot 05.04.2013, redakciya ot 22 Fevralya, 2017) «O kontraktnoj sisteme v sfere zakupok tovarov, rabot, uslug dlja obespechenija gosudarstvennyh i municipal'nyh nuzhd». URL: http://www.consultant.ru/document/cons_doc_LAW_144624/

The combined analysis included a comparison of the public procurement systems of the Russian Federation and countries of the Organization for Economic Cooperation and Development (OECD) as a group of countries with the highest incomes per capita.

The results of the analysis show that the contract system in Russia corresponds to the highest international standards.

Let us consider the evaluation of the public procurement system of the Russian Federation according to *subjective indicators*.

Research methods include analysis of normative-legal regulation and practice of participation in public procurement of entities by the following indicators:

- accessibility of the public procurement system, including:
 - preparation of the application: availability of information about upcoming and current opportunities to participate in the procurement process, clarity and understanding of the regulatory framework;
 - application submission and evaluation: ensuring a fair and transparent process of proposal preparation, understanding the bid evaluation mechanism, bids opening and evaluation;
 - contract award and execution: assessment of contract transparency after the supplier (contractor, executor) selection; notification of the losing party about the customer decision to award a contract with the winner;
 - a monitoring and claim mechanism;
 - implementation of the monitoring and claim mechanism.

The public procurement system of the Russian Federation has received a high expert assessment, with the highest score (81 points or more) rating in terms of «submission and evaluation of claims», «claims to the monitoring body».

The experts evaluated as «good» (score of 61 and more) such indicators as «award and execution of contract, «requisitions preparation», implementation of a monitoring and claim mechanism».

The rating of the public procurement system of the Russian Federation based on *objective indicators* should also be considered.

The results of the study also include the assessment of the terms of the complaint of the supplier (contractor, performer) about the actions (inaction) of the customer. In this case,

the terms established by the law on public procurement, as well as the actual terms of complaint consideration by the supervisory body are taken into account.

The study shows that Russian Federation has one of the most effective claim consideration systems in the field of public procurement. It should be noted that there is no available information concerning claim consideration terms for some OECD member countries (such as Sweden, France, Australia, Canada, the Netherlands).

The study of the Russian public procurement system can lead to the following conclusions.

Among the positive conclusions, the following should be noted:

- in Russia, there are no legal fees for claim consideration paid to the supervisory body, while in many countries, such fees can reach up to 37 % of the contract value;
- the contract system of the Russian Federation was awarded the highest points for all aspects and is on equal ground with such countries as the USA, the UK, Korea and Singapore;
- contract system legislation of the Russian Federation provides the necessary mechanisms for adequate security, transparency and efficiency of the procurement process and the necessary accountability measures.

As a limitation, it should be noted that Russia currently does not implement a mechanism for granting the participants of procurement activities the rights to inform about the known collusion and other violations in procurement procedures. Such a mechanism has already been implemented in Chile, Malaysia, Mongolia, Nigeria and Peru. The necessary measures to protect reporting agents operate in most countries. Only in 11 out of the surveyed 77 countries, there are no protective mechanisms. Protective measures do not exist in Azerbaijan, the Democratic Republic of the Congo, Côte d'Ivoire, Egypt, Kyrgyz Republic, Lebanon, Myanmar, Nicaragua, the Philippines, Thailand and Togo.

Thus, as a result of this study, the following directions of improving the public procurement system in Russia are suggested:

1. It is necessary to increase the economic interest of organizations in the provision of public services by expanding the list of expenses included in the cost of services. One of the directions of increasing this interest is differentiation of public services prices according

to their quality in two aspects: differentiation of public services prices based on standards and division of public services rates by groups of performers (suppliers).

2. For potential participants it is necessary to ensure free access to tender announcements and documentation for potential participants.

3. When assessing and choosing a supplier, a potential list of evaluation criteria must first be identified. Two methods are applicable to the state (municipal) order: evaluation by cost and non-monetary criteria and assessment only by non-monetary criteria.

4. Tools to reduce risks such as reimbursement methods should be developed.

5. Besides, other means to prevent negative consequences of non-fulfillment or improper fulfillment of commitments by the contractor (supplier).

6. The costs incurred by customers should also be taken into account and reduced whenever possible: mandatory staff training, preparation of extracts from USRLE (integration of UIS to register will completely eliminate such expenses), certificates, obtaining digital signatures, postage and others.

7. Improving the UIS (Unified information system). Currently, according to part 23 of article 34 of the Federal Law No. 44, information about subcontractors and co-executors of large contracts is provided to the customer, but is not disclosed publicly. This provision of the law is applied to contracts with an initial (maximum) price more than 1 billion rubles in order to meet federal needs and 100 million rubles to meet the needs of the subjects of the Russian Federation and municipal needs (Government Decree No. 775 of September 4, 2013)² It is necessary to lower the price threshold of contracts in order to disclose information on subcontractors and co-executors. The obligation to place information about the subcontractor's involvement of executors of the contract in the unified information system

² Postanovlenie Pravitel'stva RF ot 04.09.2013 g. No. 775 (red. ot 27.03.2014) «Ob ustanovlenii razmera nachal'noj (maksimal'noj) ceny kontrakta pri osushhestvlenii zakupki tovara, raboty, uslugi, pri prevyshenii kotoroj v kontrakte ustanavlivaetsja objazannost' postavshhika (podrjadchika, ispolnitelja) predostavljat' zakazchiku dopolnitel'nuju informaciju». DOI=<http://base.garant.ru/70447332/>

should be provided. This mechanism will ensure the spread of public control to the sphere of relations between contractors (general contractors) on state and municipal contracts with subcontractors, co-executors, and will make public the facts of attracting unscrupulous agents. A number of corruption schemes can be implemented through intermediary relations. The most effective tool for identifying and combating corruption is the disclosure of information for public control. It is necessary to provide for the disclosure of information about the supervisory's decisions on the coordination or disagreement of the conclusion of contracts with a single supplier (contractor, executor) in order to increase the transparency of procurement and openness and transparency of the control departments.³

8. In addition, a major common problem in the modern practice of public procurement is the «human factor» that breeds corruption and dishonesty. This implies not just occasional bribing of officials, but the merger of government and business, in which selection lobbying plays an increasingly important role along with fair competitive methods of suppliers. A well-designed regulatory framework and competent administration of procurement can provide the solution to the problem. Thus, the lobby may become only one of the selection factors operating in «other things being equal» circumstances, when the procurement system should focus on the basic principles established in foreign procurement practices:

- transparency — openness and accessibility of procurement information;
- accountability and due process — strict adherence to the procurement procedures with state and public monitoring;
- open and effective competition — non-discrimination;
- fairness — equal opportunities for all participants of the procurement process.

9. One of the solutions to the issues in the sphere of legal regulation of procurement information support can be digitization of public procurement based on digital passports of goods

³ Proekt Federal'nogo zakona «O vnesenii izmenenij v Federal'nyj zakon "O kontraktnoj sisteme v sfere zakupok tovarov, rabot, uslug dlja obespechenija gosudarstvennyh i municipal'nyh nuzhd». URL: <http://economy.gov.ru/minec/about/structure/depfks/20160704>

in the GS1 system and electronic document management as a tool of direct assistance to enterprises in export-import activities [13].

10. As for limiting access of foreign companies to the public procurement market, there are three main directions. Firstly, the state may impose a ban on purchase of goods and services from foreign suppliers. Secondly, a state may require foreign producers to use a certain number of local components in their products. Thirdly, the state can pursue a policy of price preferences [19]. In this case, the state sets the allowable difference between the prices of foreign companies and national ones. Only if the price differences exceed the prescribed rate, the government buys foreign products.

The analysis of public procurement systems of some developing countries such China, South Africa, Brazil and Mexico has shown that methods to support domestic producers through public procurement by means of discrimination against foreign companies are widely used in these countries [16].

In the year following Russia's accession to the WTO, work to develop support for domestic producers through public procurement was intensified. In particular, there have been proposals to limit purchases of foreign medicines and medical equipment, certain goods, if their equivalents are produced in Russia. For example, a Draft Resolution of the Russian Federation Government «On Banning Admission of Certain Goods Types in Order Placement for State and Municipal Needs» was developed, in particular, it concerns import of automotive industry products (cars, trucks, buses, trolleybuses, special vehicles).⁴

In conclusion, it should be noted that the public procurement system should simultaneously meet two types of criteria: requirements for state contracts management and economic policy goals [21]. For the reason that the simultaneous compliance with the requirements for these two types is often simply impossible (for example, promotion of competition and support of small and medium business), the development of a

⁴ Proekt Postanovlenija Pravitel'stva RF «Ob ustanovlenii zapreta na dopusk otdel'nyh vidov tovarov pri razmeshhenii zakazov na postavki dlja gosudarstvennyh i municipal'nyh nuzhd». URL: <http://www.consultant.ru/law/hotdocs/28573.html>

balanced policy of public procurement acquires particular importance.

The following directions for further research can be identified: a deeper analysis of the

normative regulation of public procurement, and the analysis and modeling of working overseas schemes of public procurement in the conditions of the Russian market.

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