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## CONSIDERATION OF MODELS AND MECHANISMS OF PUBLIC ADMINISTRATION OF PROCUREMENT OF GOODS, WORKS AND SERVICES IN CONSTRUCTION IN UKRAINE

**Abstract.** The article presents the questions of reviewing models and mechanisms of public administration in the procurement of goods, works and services in the field of construction. A comparative analysis of the types of public procurement mechanisms in construction, based on a set of features, has shown the superiority of a centralized type of mechanism that facilitates the introduction of efficient and flexible procurement methods, for example, the conclusion of framework agreements. The author's vision of the mechanism of state building purchases, in the form of a conceptual model and system differences, is proposed.

It is determined that a decentralized model of public procurement management involves the independent implementation by purchasers of procurement, that is, allows each customer to procure goods, works and services in the field of construction. The centralized model of public administration is characterized by the implementation of public procurement in order to provide the general needs of a

single body on public procurement, that is, customers commission the implementation of public procurement on their behalf, a centralized body. According to the combined model of management, public procurement in the construction industry takes place under contracts implemented under the centralized model, and the direct ordering and receipt of goods, works, or services takes place according to the rules of a decentralized model.

It is noted that according to the system-wide understanding of the mechanism of public administration in the procurement of goods, works and services in the field of construction, it represents a set of specialized management technologies (methods, techniques and tools) that ensure the organization of the process of public procurement of construction products by authorized agents. The direction of this process is determined by the need to implement the principles of validity and innovation, fair choice of the best bidding, prevention of corruption and ensuring the high efficiency of the implementation of public public procurement.

**Keywords:** mechanisms of public administration, public procurement, construction, public-private partnership.

## **РОЗГЛЯД МОДЕЛЕЙ ТА МЕХАНІЗМІВ ПУБЛІЧНОГО УПРАВЛІННЯ ЗАКУПІВЛЯМИ ТОВАРІВ, РОБІТ ТА ПОСЛУГ У СФЕРІ БУДІВНИЦТВА В УКРАЇНІ**

**Анотація.** Представлено питання розгляду моделей та механізмів державного управління закупівлями товарів, робіт та послуг у сфері будівництва. Здійснено порівняльний аналіз типів механізмів публічних закупівель у будівництві, за сукупністю ознак, що показав перевагу централізованого типу механізму, що сприяє запровадженню ефективних та гнучких методів закупівлі, наприклад, укладенню рамкових угод. Запропоновано авторське бачення механізму державних будівельних закупівель, у формі концептуальної моделі і системних відмінностей.

Визначено, що децентралізована модель управління публічними закупівлями передбачає самостійне здійснення замовниками закупівель, тобто надає змогу кожному замовнику здійснювати закупівлі товарів, робіт і послуг у сфері будівництва. Централізована модель державного управління характеризується здійсненням публічних закупівель з метою забезпечення загальних потреб єдиним органом з питань державних закупівель, тобто замовники доручають здійснення державних закупівель від їхнього імені централізованому органу. Згідно з комбінованою моделлю управління, публічні закупівлі у будівельній галузі відбуваються за контрактами, що реалізуються за централізованою моделлю, а безпосереднє замовлення та отримання товарів, робіт, чи послуг відбувається за правилами децентралізованої моделі.

Зазначено, що відповідно до загальносистемного розуміння механізму державного управління закупівлями товарів, робіт та послуг у сфері будівництва, він являє собою сукупність спеціалізованих управлінських технологій (методів, прийомів та інструментів), що забезпечують організацію проце-

су публічних закупівель будівельної продукції уповноваженими суб'єктами. Спрямованість зазначеного процесу визначається необхідністю реалізації принципів обґрунтованості та інноваційної спрямованості, справедливого вибору кращої конкурсної пропозиції, запобігання корупції та забезпечення високої ефективності реалізації державних публічних закупівель.

**Ключові слова:** механізми державного управління, державні закупівлі, будівництво, державно-приватне партнерство.

## **РАССМОТРЕНИЕ МОДЕЛЕЙ И МЕХАНИЗМОВ ПУБЛИЧНОГО УПРАВЛЕНИЯ ЗАКУПКИ ТОВАРОВ, РАБОТ И УСЛУГ В СФЕРЕ СТРОИТЕЛЬСТВА В УКРАИНЕ**

**Аннотация.** Представлены вопросы рассмотрения моделей и механизмов государственного управления закупками товаров, работ и услуг в сфере строительства. Проведен сравнительный анализ типов механизмов публичных закупок в строительстве, по совокупности признаков, что показал преимущество централизованного типа механизма, способствующего внедрению эффективных и гибких методов закупок, например, заключению рамочных соглашений. Предложено авторское видение механизма государственных строительных закупок, в форме концептуальной модели и системных различий.

Определено, что децентрализованная модель управления публичными закупками предусматривает самостоятельное осуществление заказчиками закупок, то есть дает возможность каждому заказчику осуществлять закупки товаров, работ и услуг в сфере строительства. Централизованная модель государственного управления характеризуется осуществлением публичных закупок с целью обеспечения общих потребностей единственным органом по вопросам государственных закупок, то есть заказчики поручают осуществление государственных закупок от их имени централизованному органу. Согласно комбинированной модели управления, публичные закупки в строительной отрасли происходят по контрактам, реализуются централизованной моделью, а непосредственный заказ и получение товаров, работ или услуг происходит по правилам децентрализованной модели.

Отмечено, что в соответствии с общесистемным пониманием механизма государственного управления закупками товаров, работ и услуг в сфере строительства, он представляет собой совокупность специализированных управленческих технологий (методов, приемов и инструментов), обеспечивающих организацию процесса публичных закупок строительной продукции уполномоченными субъектами. Направленность указанного процесса определяется необходимостью реализации принципов обоснованности и инновационной направленности, справедливого выбора лучшего конкурсного предложения, предотвращения коррупции и обеспечения высокой эффективности реализации государственных публичных закупок.

**Ключевые слова:** механизмы государственного управления, государственные закупки, строительство, государственно-частное партнерство.

**Statement of the problem.** In recent years, the main challenge that Ukraine's leaders are facing is the restoration and further socio-economic development of the destroyed economy of the country in certain regions. Government purchases constitute a significant portion of state spending directed by the state administration bodies and authorities to ensure public needs and private activities. That is why the consistency of rules and procedures for public procurement in the construction industry contribute to providing society with goods, works and services in the right quantity, of appropriate quality, in a timely manner and on acceptable contractual terms.

**Analysis of recent researches and publications.** The theoretical foundations of public procurement regulations and their effective organization are studied in the scientific works of such local and foreign researchers, as Ye. Aheshin, H. Verian, M. Gorbunov-Posadov, M. Gupta, V. Zubar, R. Kalakota, G. Kauffman, P. Klemperer, D. Knudsen, R. Meyerson, D. Nif, B. Panshyn, B. Peleg, I. Shoham, A. Yurasov, etc. However, the strategic connection between public procurement regulation and the general regulatory policy of the state has received less attention.

**The article goals.** The article examines the types of mechanisms of public procurement of construction and presents a comparative analysis of their main characteristics according to the criteria of system-wide principles.

**Presentation of the basic material.** Government or public procurement (government procurement, public procurement) is the procurement of goods,

works and services commissioned by the state to meet social needs [1–16]. In Ukraine, these two terms usually are used as synonyms. In states with a federal government structure, public procurement is sometimes understood as procurement activity only of the central government, but under public procurement procurement of all constituents public authorities is meant.

The law of Ukraine “On public procurement” dated 25.12.2015 № 922-VIII defines public procurement as “acquisition by the customer of goods, works and services in the manner prescribed by law” [10]. It is possible to distinguish three general stages of the process of public procurement: identification of needs, decision making on what goods, works or services must be purchased and when (procurement planning); the process of placing ads on the purchase of appropriate goods, works or services, the qualified of the provider (including the auction for competitive procedures) and the signing of the contract; the administering of the contract.

According to a system-wide understanding of the mechanism of state procurement of goods, works and services in the field of construction, it is a set of specialized management technologies (methods, techniques and tools), providing the organization of public procurement of construction products by authorized entities. The focus of this process is determined by the necessity of implementing the principles of reasonableness and innovative orientation, selection of the best proposals to prevent corruption and ensure high efficiency of implementation of the state of public procurement.

We have proposed the mechanism of public construction procurement in the form of conceptual models and systematic differences (Figure).

Therefore, the type of mechanism depends on whether the subject is dispersed and is represented by structural subdivisions of the ministries, departments and economic entities, state-owned, or represented by a centralized specialized body [5]. Fundamentally a combination of centralized and specialized implementations of the functions of government construction procurement is possible.

While considering the general investment-building sphere in Ukraine as a control object, we can distinguish 4 main types of management models for different economic subjects:

- model of the rational bureaucracy;
- model of the complex hierarchies;
- model of an enterprise group characterized by division of labor;
- enterprise model – illustration of the concept of interest groups.

However, in reality there are no examples of implementation of any particular management model. At the same time it is obvious that the dynamism of the modern economy requires a competitive model that would be transparent and consistent system with the performance, which is determined by the system effect.

The main idea of this approach to the functioning model of the investment and construction sphere in Ukraine is the recognition of three basic rules:

1. Regional investment-construction sector – an open complex system with stochastic nature;
2. System, its elements and subsystems are interrelated and interdepen-



**A model of the mechanism of public procurement of construction**

Source: own research of the author

dent from the unstable external economic environment;

3. The purpose of the control system of this type is to ensure its stability, reliability, and strengthen the adaptive qualities in the market.

Conceptual model of state regulation of innovative activity in the construction industry of Ukraine in

conditions of European integration is determined on the basis of three models that represent the following regularities:

– it was determined that in order to fit the whole set of principles of public procurement in construction, function and process content of the mechanism should cover the main stages of implementation of the state public order;

– functionality of public procurement in the construction industry is characterized by a logically related combination of planning, organization, coordination, promotion and control over execution of the state public order;

– the performance of the implementation processes as a part of the mechanism of public procurement is directly dependent on the used instruments.

Today the Law of Ukraine “On public procurement” dated December 25, 2015 № 922-VIII identifies three ways to organize procurement activities, including in the construction sector: 1) establishment of tender committees; 2) introduction of authorized persons to the stuff; 3) the transfer of the right on the conduct of procurement procedures to centralized purchasing organizations [12].

Thus, there are three working models of control according to which public procurement and supply of goods, works and services in the construction industry take place:

- decentralized model.
- centralized model.
- hybrid model, which is a combination of two basic models.

Decentralized management model of public procurement involves the implementation of procurements by

customers, that is, it allows each customer to carry out procurement of goods, works and services in the field of construction. The centralized model of public administration is characterized by the implementation of public procurement to ensure the overall needs of the unified authority for public procurement, which means that customers charge public procurement on their behalf to a centralized authority. According to the combined management model, public procurement in the construction industry occurs according to the contracts that are implemented with the centralized model, and direct ordering and receipt of goods, works and services takes place according to the rules of the decentralized model.

An important step of Ukraine towards European integration is the approval of the Strategy for reforming the public procurement system (“road map”) (hereinafter – the Strategy) and the approval of the Plan of measures on realization of this Strategy [11]. One of the areas of reform of public procurement is ensuring predictability and stability of the regulatory framework in this field on the basis of harmonization of national legislation with European Union rules, and the enforcement of procurement procedures in line with international standards. Another important step in improving procurement at public expense is the reform of the institutional structure. And it’s not just the elimination of duplicating functions of controlling bodies of the sphere of public procurement, but also procurement centralization (Table).

Comparative analysis of the types of mechanisms of public procurement in construction, according to a set of at-

**Comparative characteristics of the types of mechanisms of public construction procurement according to the criteria of system-wide principles**

<b>General system principles</b>	<b>Centralized specialized subject of the management of public procurement</b>	<b>Subject dispersed in affiliation</b>	<b>The subject of management of public procurement of the combined type</b>
Legality	Direct passage of available harmonised regulatory framework	The incompatibility of departmental rules. Compliance with general requirements	Difficulties of observance of the set of norms and regulations
Controllability	Compliance with the liability regime (including personal). The reservation mechanism and compensation	The difficulty of establishing boundaries of responsibility. Exclusively judicial dispute resolution	The heterogeneity of the norms of responsibility. The complexity of the control regime
Competitiveness	Analytical professional capacity of market research	The high scatter level of professionalism and competence of the state customer	The possibility of complex market research
Efficiency	The possibility of integrating accounting of the total final effect of the implementation of public procurement	Bureaucratic approach to the assessment of the effectiveness of state public procurement	The potential objective integrated assessment of the effectiveness of government public procurement
Being resilient to corruption	The presence of corruption risks (medium scale)	The presence of corruption risks (above the average of the scale)	The presence of corruption risks (above the average of the scale)

*Source:* own research of the author

tributes showed the advantage of the centralized mechanism type. In contemporary international practice the mechanism of centralized procurement is effectively used, because this model is characterized by reduction of total costs in the procurement system. Along with this, centralized procurement, in practice, contributes to the implementation of effective and flexible procurement practices, such as framework agreements. It is therefore not surprising that one of the objectives of the reform of the public procurement is the introduction of a mechanism of centralized procurement. However, the introduction of such a procurement

model should preserve the advantages of decentralized procurement mechanism that operates in this area nowadays.

Thus, the Strategy for reforming the public procurement system provides a transition from the decentralized model of implementation of public procurement in Ukraine, which is currently used, and provides the opportunity to consider the needs of local communities, end users of goods and services purchased, and to support local producers and to attract them to participate in public procurement, centralized procurement, which is characterized by a decrease in the overall costs of the

system and is effectively used in contemporary international practice [13].

According to the Action Plan to implement the Strategy, the Government planned by 2020 not only to create a centralized body to organize centralized purchasing, but also to make a mandatory fully functioning centralized procurement [11]. The objects of attention from the societies around the world are the issues of procurement of goods, works and services for public funds and monitoring their effective and efficient use. In this case, the buyer, that is, the state should be interested in maximum efficiency of the process. After all, a form of economic relations between the government and suppliers of goods, works and services has significant advantages for both parties. The public procurement market is large enough and the problems encountered on it, will affect the level of development of many spheres of social and economic life of society [6].

Among e-government services an important position is taken by electronic public procurement. Creation and complex support of the system of "Electronic government" will allow a wide use of information technology in the management of public procurement, will help to form a unified mechanism of interdepartmental coordination of procurement and implementation of projects of creation of state information systems and resources [1–4].

The mechanism of electronic public procurement in Ukraine is quite laborious and time-consuming process which needed a phased implementation, namely:

- coordination and definition at the legislative level, responsible for the for-

mation of information systems in the Internet;

- state support and support for accessibility of electronic information;

- creation of electronic registers of suppliers, contracts, unfair participants;

- integration of electronic information on public procurement in the common database;

- creation of a subsystem of electronic document management for the organization and implementation of public procurement.

The main advantages of the electronic system is saving the state time and money (buyers do not need to analyze all the vendors, they consider only the one that made the best offer), transparency, mobility, the ability to access the system from anywhere in the country without too much red tape. Today all purchases of the state (state companies, institutions and authorities) are conducted exclusively through electronic platform ProZorro. Operation procedure of the e-procurement system "ProZorro" involves several stages [14]:

- I. Submission on an electronic platform on the Internet of an ad of what the customer wants to buy, or what services are necessary;

- II. Conduct of electronic auctions;

- III. Determination by the customer of the winning bidder;

- IV. Conclusion of contract, delivery of goods, performance of works and services and payment.

The market of the open data, started by ProZorro, it is, in fact, the model of public-private partnership, which has already well proven in other European countries. The state here acts as the



data owner, configures access and work rules with them, determines the rules of participation in tenders and monitors the quality of services, and determines suppliers based on the results of the tenders [8–9]. Thus, Ukraine was able to save on startup technologies and now provides a highly competitive service for public companies and businesses.

The next step of the Government to implement the “road map” of the Strategy was approval on November 23, 2016 of the Implementation Order of the pilot project on organization of activities of a centralized purchasing organization [15]. The Ministry of Economic Development and trade of Ukraine has already determined the state institution “Professional purchasing” to be a legal entity responsible for performing the functions of a Centralized purchasing organization, namely responsible for the organization and conduct of procurement procedures and procurement framework agreements.

Experts now, summing up the first purchases under the centralized management model, report significant savings (estimated to 15 %) and a large enough competition (7 participants on each lot) [12]. These results of the first procurement under the framework of the pilot project activities of Central bodies give reason to hope for improving the efficiency of procurement management in construction and ensure the economic attractiveness for business in this area.

For government organizations in the construction industry benefits from the introduction of centralized public procurement system are in risk reduction, simplification of the proce-

dures of procurement and disposal of non-core functions. For business there are advantages too: the professionalization of the purchaser, the concentration of quantities of goods in one place, the possibility of long-term strategic relationship, considering the use of framework agreements [16]. So, as you can see, the reforms in public procurement are confidently implemented. I have hope that the procurement activities of the customers will get easier, and the purchases will be more efficient and economical.

**Conclusions.** In result of the conducted research the presence of three existing models of governance of public procurement in the construction industry was detected, as defined by the Law of Ukraine “On public procurement” dated December 25, 2015 № 922-VIII: decentralized, centralized and combined models. It was found that a combination of two systems is most prevalent, because the management of public procurement in the construction industry occurs based on contracts that are implemented with the centralized model, and direct ordering and receipt of goods, works or services takes place according to the rules of the decentralized model.

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