Framework agreements have arisen in response to the well-documented high costs of public procurement procedures. The agreements have significant potential to improve procedural efficiency in public procurement, but they are complex to operate. Inadequate preparation and implementation can also frustrate their potential both to tackle waste, abuse and corruption and to enhance value for money. In this enlightening book, Gian Luigi Albano and Caroline Nicholas look at the key decisions required for designing and using framework agreements and address both legal and economic issues to give the reader a clear understanding of the planning, variables and flexibility needed for efficient implementation. This book will be of interest to policymakers, lawyers and public procurement practitioners who want to deepen their understanding of the legal and economic issues surrounding framework agreements.

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Gian Luigi Albano and Caroline Nicholas
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More information
THE LAW AND ECONOMICS OF FRAMEWORK AGREEMENTS

Designing Flexible Solutions for Public Procurement

GIAN LUIGI ALBANO
CAROLINE NICHOLAS
To Iole, Gaia, Viola and Alice

and

To Ben, Tom and Charles
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At a public procurement conference in Panama in 2012, the authors found themselves discussing some presentations on framework agreements as used in that region at some length. Our main conclusion was that the models of framework agreements presented were very far removed from those used in our own systems – in the European Union (EU) and as envisaged in the United Nations Commission on International Trade Law (UNCITRAL) Model Law respectively. The conversation started a journey that has, ultimately, led to this book. We were motivated by our experience to encourage more discussions across the world – we have found that there is much to be learned from those facing similar issues from outside our regions, whether that experience is positive or negative.

We would like to express our grateful thanks to all those who have assisted us in the preparation of this book. The list of colleagues and friends to whom we owe both a personal and an intellectual debt is so long that we will inevitably risk omission – but, to you all, you know who you are and we are immensely grateful.

From the economics side, the first and most deserved acknowledgement goes to Consip Ltd., a company that over the past fifteen years has become the pillar of the reform of the Italian public procurement system and remains a formidable laboratory for the design and implementation of innovative public procurement solutions.

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Economists are often considered as “intruders” – or, in the best cases, “new comers” – in the academic world of public procurement, which is traditionally (and for sensible reasons) populated by legal scholars, and lawyers generally are unable to speak ‘economics’ even without the formulae. We have met many colleagues from each other’s discipline in recent years that have assisted us in understanding our own and each other’s disciplines, but it would be hard to exaggerate the positive influence
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While we thank all mentioned above and others who have chosen to remain anonymous, the errors and omissions, of course, are all our own.