

The political economy of open contracting reforms in low- and middle-income countries

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Funding information

Transparency International Health Initiative

Abstract

Transparency reforms make government contracting more open and amenable to public scrutiny, helping to improve public spending efficiency. But they are also politically sensitive, complex and highly technical, which makes them especially difficult to implement if state capacity is weak. Our research on nine low- and middle-income countries in Africa and Asia systematically assesses progress in improving the legal framework for procurement transparency and implementing systems that allow open access to data, between 2008 and 2019. Through interviews with key informants, we explore the reasons for progress or its absence, finding that success relies on strong leadership commitment, broad coalitions of state and non-state actors, and sufficient technical capacity. Leadership commitment ensures that implementing bodies have the appropriate mandate and resources, while broad coalitions sustain commitment and harness external technical assistance. Both factors are best achieved by framing the reforms as a way of improving efficiency rather than fighting corruption.

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1 | INTRODUCTION

Governments are notoriously unwilling to open up their affairs to scrutiny. Yet one area of government activity – public procurement – has become much more transparent in the past 10 years, with governments all around the world implementing “open contracting” reforms at a surprising pace. The Open Contracting Partnership (OCP), an international civil society organization, found that more than 50 countries were pursuing open contracting reforms by 2022.¹ And the trend is not confined to high-income countries: World Bank data suggest, for example, that Bangladesh is more advanced than Sweden in the implementation of open contracting reforms. This is unexpected given that such reforms require commitment to public participation and horizontal accountability, characteristics usually associated with higher-income states (De Blasio & Selva, 2016; Meijer et al., 2012; Mulgan, 2014) and considerable technical capacity to gather, publish and analyze data. The trend therefore raises questions about what motivates such reforms and how these extensive commitments are implemented (Tavares et al., 2023) or whether they are just “cheap talk” masking an “implementation gap” (Pritchett et al., 2013).

The open contracting movement seeks to persuade governments to collect and publish extensive data about the process and outcomes of public procurement at the level of individual tenders (Naidoo et al., 2017). The data should include, for example, the procedure type used (competitive or closed), the period for which the call is advertised, and the number of bids received - indicators of openness and competitiveness. The data should be published through a portal that is accessible to the public, so that civil society can scrutinize how public money is allocated and thereby hold governments to account; and this is expected to deter officials from behaving corruptly (Clare et al., 2016). Transparency also benefits the private sector by improving access to information for bidders.

Our research sheds light on what motivates reforms in these difficult contexts and contributes to debates on how to overcome transparency reform implementation gaps in developing countries (Andrews et al., 2017; Bertelli et al., 2020; Cruz & Keefer, 2015; Recascino Wise, 2002; Renteria, 2023). Our research question is: Under what conditions are government contracting transparency reforms successfully implemented in low- and middle-income countries with generally weak transparency frameworks?

The article analyses the progress and drivers of open contracting reforms in nine LMICs - three countries in Asia (Bangladesh, Indonesia and Nepal) and six in sub-Saharan Africa (Kenya, Nigeria, South Africa, Tanzania, Uganda and Zambia) - using a three-stage research design. First, the legal framework was analyzed to assess the level of *de jure* commitment to open contracting. Second, the *de facto* availability and quality of contracting data was tested by using algorithms to scrape data from public websites and assess quality against a set of criteria. Thus, we gain a picture of the state of open contracting reforms in the selected countries, both on paper and in practice, and track how they have developed over time. This gives us our dependent variable: the maturity and quality of open contracting reforms. The third stage of research investigates the reasons behind variation in reform progress. Prior research on open government reforms suggests that two broad explanatory factors are relevant to success, political will and state capacity. Drawing on broader literature on organizational performance and effectiveness, we deconstruct these concepts into sub-variables as well as exploring how the different elements interact and may mutually reinforce one another. Qualitative data was collected through interviews with 120 key informants, to explore the drivers of reform and patterns of progress.

Our key finding is that political will - in the form of leadership commitment and broad coalitions - can help to overcome the potential constraint of weak state capacity. Leadership

commitment ensures that key implementing bodies have the appropriate mandate and resources, while broad coalitions exert continued pressure to sustain implementation as well as facilitating access to external technical assistance which overcomes the lack of local data infrastructure and skills. Moreover, both factors are best achieved by framing open contracting reforms as a way of improving efficiency rather than fighting corruption. The cases exhibit variation in our dependent variable, the maturity of reform; and span a diversity of cultural and historical contexts as well as different quality institutions. Thus, while this is a qualitative study of a small number of cases, we can cautiously claim that the findings are generalizable to similar countries.

2 | TRANSPARENCY REFORMS IN GOVERNMENT CONTRACTING

While calls for transparency in the 1990s and 2000s largely put the onus on society to request information from governments through “right to information” laws, recently expectations have grown that governments should proactively publish ‘open data’ about their activities. To qualify as “open”, data must not just be made freely available but also published in machine readable formats, allowing analysis using algorithms and re-use. For governments, delivering on transparency commitments has therefore become increasingly onerous, potentially threatening (particularly to corrupt individuals), and requires much more investment in IT infrastructure and technical skills.

Contracting is a cross-cutting government function of high complexity and value, which underpins public service provision and public investment programs. It involves a vast set of interactions between buyers (public organizations) and suppliers (usually private-sector companies). It is also legally, financially and technically complex, and often involves high stakes (e.g., errors or corruption in a construction contract can lead to infrastructure collapse and loss of life). The process tends to be highly regulated in theory, with most countries having public procurement laws that prescribe competitive tendering processes according to highly structured procedures. Yet most such laws also foresee reasons for exceptions to open competition, have different rules for specific sectors, and sometimes also envisage using procurement as a tool for achieving other goals related to equality, diversity and sustainable development.

Government contracting is vulnerable to corruption in many ways (Dávid-Barrett & Fazekas, 2019; Rose-Ackerman & Palifka, 2016; Søreide, 2002; Ware et al., 2007). Buyers may manipulate administrative processes, from needs assessment to tender evaluation, to favor particular suppliers, usually in exchange for personal kickbacks or party donations or direct benefit to their own companies (Barsukova & Denisova-Schmidt, 2021; Hamilton, 2010; Jancsics & Jávor, 2012). Suppliers may provide incentives (bribes) to corrupt public officials to rig the process, or collude among themselves in cartels (Hudon & Garzón, 2016).

Transparency and oversight are key to reducing the risk of corruption in public procurement (Bauhr et al., 2020). Wide and open publication of tenders typically increases the number of bids, for example, and improves scrutiny and accountability (Fazekas & Blum, 2021). However, opening up data about the contracting process involves grappling with technical and legal challenges as well as political risk. For example, central government needs the authority to compel public contracting authorities to collect data about their tendering processes and submit it to a central unit in a standardized manner, and must monitor compliance. The government needs to invest in building a user-friendly portal where data from multiple sources can be integrated and published, and react to feedback from users. Such platforms vary in sophistication,

but in the best cases allow civil society, suppliers, and other stakeholders to access fine-grained information about how government contracting is conducted. In some instances, digital platforms even enable real-time auctions to take place, leading to highly competitive tendering that pushes down prices (Nizhnikau, 2020). Building and operating a functional platform requires significant political will and state capacity. Given the many actors involved, and the threat that transparency poses to some of them, open contracting reforms often encounter bureaucratic inertia or outright opposition.

2.1 | Political will for open contracting reforms

Political will, while commonly cited as the explanation for the success or failure of reforms, is difficult to define. Scholars have noted that it is often approximated as persistent and sustained commitment in the face of opposition from groups whose interests are threatened by a reform; as such it may be particularly difficult to achieve for policies that target corruption or organized crime (Marquette, 2022). Another approach is to explain the presence or absence of political will in terms of the incentives and constraints facing political leaders, which themselves derive from the design of institutions and the existence (or absence) of a strong social contract with the population (Persson & Sjöstedt, 2012). This resonates with literature on organizational effectiveness which finds that the “enabling environment” is key (Lusthaus et al., 2002), and that effectiveness depends on three mutually reinforcing factors: political support, problem-solving capacity and an effective mandate (Guardiancich & Molina, 2022). In the sphere of transparency reforms specifically, research suggests that they benefit from voter support (Pereira et al., 2023), which might be seen as increasing political will, and from being part of a wider ecosystem of transparency policies and institutions (Kreimer, 2018). Public commitments, such as a government pledge to join the Open Government Partnership (OGP) – a transparency initiative with a remit far beyond procurement – can be an indication of political will. But equally important is behind-the-scenes persuasion and advocacy, including the strategic use of opportunities to push for change.

Research on open data in Canada, the United States and the United Kingdom has found that economic development and innovation often motivate reform in this policy area more than accountability concerns (Clarke & Margetts, 2014). In Europe, regulatory convergence with the European Union’s transparency agenda has also been a key driver, an agenda which is again motivated more by boosting economic growth than enhancing civic participation and accountability (De Blasio & Selva, 2016). But there has been relatively little research about how open government reforms are initiated, maintained and implemented in LMICs (Twizeyimana & Andersson, 2019). Tavares et al. (2023) study data from 175 countries to assess how the decision to join the OGP is influenced by diffusion mechanisms, but call for more research on how countries with different regime types design and implement specific policies under this banner, including open contracting reforms. Hunja (2003) finds that there is little willingness in LMICs to devote scarce government resources to implementing technical reforms. Other research finds that governments’ international commitments to openness are often more symbolic than substantive (David-Barrett & Okamura, 2016; Gillies, 2010; Kelley & Simmons, 2015).

We contend that three sets of drivers can help to create political will for open contracting in LMICs: societal pressure, internal government power dynamics, and conditionality from international organizations.

In the case of societal pressure, civil society campaigns build popular demand for accountability over public spending, typically aimed at reducing corruption and expressed through protest movements (Nizhnikau, 2020). There may also be advocacy from business associations seeking greater openness and fairer access to contracts. Such campaigns are sometimes prompted by corruption scandals creating demand for reform or are linked to a change of regime.

Within government, the imperative to cut costs and make spending more efficient can be a key motivation to reform government contracting (which often accounts for 30%–50% of public spending in LMICs). Thus, a finance minister wishing to improve fiscal performance may champion reform. Alternatively, central government may drive transparency reforms as a way of seeking greater control over local government and reining in fiscal laxity (Pegnato, 2003).

Finally, international financial institutions, clubs and donors make public financial management reforms a requirement for aid and loan disbursements (Trybus, 2006; Williams-Elegbe, 2013). Both the World Bank and the International Monetary Fund often explicitly recommend the introduction of e-government and e-procurement tools to improve budget and spending transparency. And “clubs” such as the OGP and Extractive Industries Transparency Initiative create reputational incentives for governments to commit to and implement transparency reforms.

2.2 | State capacity for open contracting reforms

State capacity is the technical and administrative capacity of the bureaucracy to implement public policy. It is widely accepted to be critical to long-term development (Besley & Persson, 2011), although its nature and role is contested (Cingolani, 2018). Yet in LMICs, public administration often struggles even to provide basic public services, let alone initiate and implement complex reforms (Batley, 2004; Krasner & Risse, 2014).

The key dimensions of state capacity needed for open contracting reforms include investment in data infrastructure, coordination of information and communications technology systems across government, and careful design of public interfaces to ensure that systems are truly accessible to target user groups (Bonina & Eaton, 2020; Matheus et al., 2020). In most LMICs, open contracting reform starts from a low base: procurement officers do not receive professional training, or there is high turnover among those that do (Basheka, 2021; Dorosamy, 2021). The quality of government data also tends to be poor, with systems still often paper-based or, where digital, using different nomenclatures for the same units or suffering from missing data (Bertelli et al., 2020).

2.3 | Theoretical expectations

Having reviewed the literature, we hypothesize that progress on government contracting transparency will be greater in countries with higher pressure from society, government reformers and/or international institutions, and in countries with greater state capacity in terms of data infrastructure, skills, coordination across government, and ability to invest. Through our case studies, we gather evidence about these aspects of political will and state capacity, and to investigate how they interact or complement each other to advance open contracting reforms.

3 | DATA AND METHODS

We selected our cases according to two preconditions: countries that had undertaken at least some transparency reforms to public procurement; and had at least some civil society activity in this sphere. Reform progress was assessed by, first, collecting and analyzing the main laws governing public contracting in each case study country and, second, scraping data from the publicly available datasets and checking their quality. We analyzed whether government contracting data was (i) open by law, meaning that a country has laws requiring the publication of public procurement data under permissive terms of use and with minimal restrictions, and (ii) open in practice, meaning that data is published in electronic formats that are machine readable and non-proprietary, so that anyone can access and re-use the data using commonly available software unencumbered by password or firewall restrictions. Whereas most research on open government relies on surveys of experts or bureaucrats (Ozor & Nyambane, 2020), our methodology is more objective and brings us closer to the experience of the citizen user.

To track how the *de jure* legal framework governing public procurement information changed over time in the nine countries, we coded each country's relevant laws from 2008 to 2019. The coding followed the full EuroPAM methodology established by the EU-funded DIGIWHIST project for countries in Europe (<http://europam.eu/>), comprising 64 variables, and was augmented with three aspects of transparency in line with the global Transparent Public Procurement Rating coding template (<https://www.tpp-rating.org/>), namely: (i) reporting thresholds, that is, the contract value at which disclosure is required (lower thresholds imply greater transparency); (ii) the publishing format and record-keeping methods, for example, whether electronic publication of tender documents is mandatory; and (iii) the scope of publication content, for example, whether or not the final beneficial owners of the winning bidder were named. For the full list of criteria, see Appendix A. Aspects of the legal framework were coded by allocating a score between 0 and 1, with 0 indicating that the legal provision was absent, 0.5 partial existence, and 1 that the provision existed in full. For each year, the overall legal comprehensiveness score was calculated by averaging scores over all questions. Years were coded separately unless there was no new public procurement law or amendment, in which case the same score was assigned as the previous year.

The *de facto* implementation was assessed for the period 2012–2019, to establish whether electronic data were publicly accessible and usable. Data scoring was based on the methodology of Cingolani et al. (2015). It traced two key dimensions of public procurement datasets as published on a central website(s): the scope, that is, the value of published contracts as a proportion of the total value of public procurement spending in the country, by year; and the quality, that is, the extent of data availability relative to a standardized list of variables as recommended for comprehensive procurement corruption risk analytics by Mendes and Fazekas (2017) (see Appendix B). Data quality was expressed as the percentage of non-missing records for each variable and averaged for each country-year (this approach traces whether formally acceptable information exists in each cell of the database, rather than its validity). The *de facto* data implementation score was obtained by multiplying the scores for data scope and quality to reflect the trade-off between scope and quality.

The third stage of our research used qualitative methods to assess the drivers of reform through process tracing aimed at linking the outcomes of reform to the main actors, their interests and capacity to influence (Beach & Pedersen, 2012; Collier, 2011). Our desk research analyzed relevant government documents, including laws from 2008 to 2019, government circulars, annual procurement reports, descriptions of institutions, and relevant policy reports and

TABLE 1 Number of interviews per country.

Country	No. Of interviews
Bangladesh	7
Kenya	17
Indonesia	10
Nepal	9
Nigeria	11
South Africa	12
Tanzania	19
Uganda	21
Zambia	7

academic literature. We extracted key insights on the broader political economy context, actors, powers and capacities, as well as institutional goals and motivations. Interviews were conducted with 120 key informants (see Table 1) to elicit explanations for the reform trajectory and progress. The interview data was triangulated and verified with multiple sources. To assess political will, we looked for evidence of leadership commitment to reform, whether commitment was sustained in the face of opposition from vested interests and whether time was invested in building coalitions. To gauge state capacity, we assessed whether adequate financial and ICT resources were provided to support implementation, whether implementing agencies had appropriate skills, and evidence of coordination with partners. Given the COVID-19 pandemic, almost all interviews took place online; they were recorded and the data analyzed according to a theoretically informed coding frame.

4 | RESULTS

4.1 | De jure reform: Legal frameworks

Figure 1 shows that most countries started with very low levels of de jure requirements for open contracting in 2008² and all made considerable progress by the end of 2019. In most cases, legal reform occurred in stages. The overall trajectory for all countries was upwards and, with the exception of short periods of slippage (e.g., in Kenya in 2013–2014, in Indonesia in 2018–2019), consistent progress was made toward more transparency.

4.2 | De facto reform: Data publication

Figure 2 shows that scores for the quality of data published are quite low and progress was much more varied. Bangladesh and Indonesia performed best, and in both cases, this reflects the fact that e-procurement systems were made mandatory and e-procurement adoption continuously facilitated. Some countries became less transparent at times, with a data portal being discontinued or becoming temporarily unavailable in all cases except Kenya.

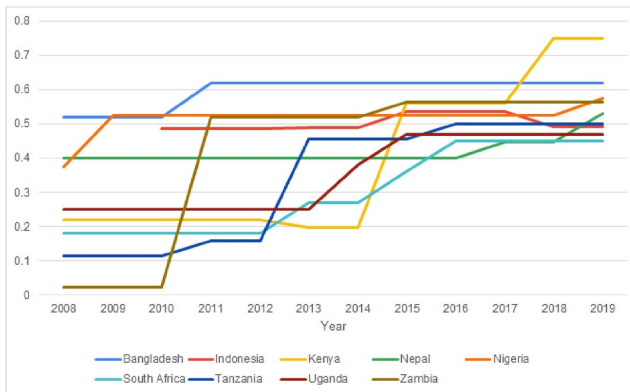


FIGURE 1 Legal codification of transparency in government contracting, by country, 2008–2019. *Source:* The authors, based on own data collection.

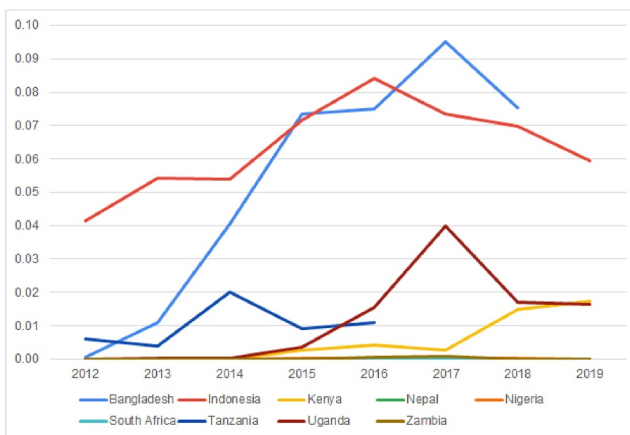


FIGURE 2 De facto data publication scores (quality and scope combined), by country, 2012–2019. *Source:* The authors, based on own data collection.

In all countries, there was a lag between legal reform and implementation (see Table 2). Nepal, Nigeria, South Africa, Tanzania, and Zambia saw a major implementation gap, scoring high in terms of their legal frameworks, albeit progressing with different speeds, but performing poorly in terms of the quality and scope of data published.

Tanzania is categorized as an unsuccessful reformer with declining data publication and uncertainty about future data publication following a change in portal. For the period 2012–2017, the PPRA Journal and Tender Portal was used for scraping available procurement data, but this was replaced by the e-Procurement Portal TANePS. At the time of research, TANePS only published a limited number of contracts publicly, did not release bulk data downloads and required registration to access full data.

In Kenya and Uganda, implementation relied heavily on assistance from civil society partners – in Kenya, particularly the OCP and, in Uganda, the Africa Freedom of Information Center (AFIC). They could not proceed without commitment from the state procurement authorities, and this was somewhat erratic, reflecting constraints in financial and human

TABLE 2 Summary of country reform progress as of 2019.

Country	Legal reform	Data publication	Overall assessment
Bangladesh	Extensive	Extensive	Successful reformer
Indonesia	Moderate	Extensive	Successful reformer
Kenya	Extensive	Moderate	Promising reformer
Nepal	Moderate	Limited	Unsuccessful reformer
Nigeria	Moderate	Limited	Unsuccessful reformer
South Africa	Moderate	Limited	Unsuccessful reformer
Tanzania	Moderate	Limited	Unsuccessful reformer
Uganda	Moderate	Moderate	Promising reformer
Zambia	Moderate	Limited	Unsuccessful reformer

resources. Indeed, Uganda's implementation sometimes progressed well despite it lagging behind some of its peers in terms of legal framework, again reflecting the partnership with AFIC which maintained progress in periods of weak support or leadership from the government. In Kenya, a prolonged absence of leadership at the Public Procurement Regulatory Authority stalled implementation.

Bangladesh was the most consistent high performer on both legal framework and implementation. This reflected political commitment to the e-procurement system as well as resources, with investment in IT infrastructure also supported by technical assistance from the World Bank. However, note that neither Uganda nor Bangladesh is known for having a broader commitment to freedoms or government transparency. Hence the theoretical expectation that a wider supportive ecosystem in this regard might be partly responsible for success in open contracting is not met.

Indonesia also benefited from the introduction of an e-procurement system, largely driven by top-level interest in improving government efficiency through digitalization. In addition, the government made commitments through the OGP which were successfully leveraged by local civil society groups to maintain pressure for reform, and the technically competent public procurement agency (LKPP) played a significant role in designing and rolling out the system.

4.3 | Political will as a driver of reform

We found relatively little evidence of popular demand or electoral pressure for accountability, anti-corruption or transparency other than in Bangladesh. Here, high political will to tackle procurement reform was motivated by widespread societal discontent with the extent to which government contracting was infiltrated by organized crime groups, with procurement officials and bidders often subject to violent threats and even killings. This helped to put pressure on the leadership to rid the procurement system of collusive practices by organized crime.

In addition, individual scandals sometimes created windows of opportunity for reform. In Uganda, for example, the *Katosi* road construction scam in 2014 prompted public demands for more accountability in government contracting. According to one international expert based in the country, "the effect it had on the president was visible, he demanded accountability, called

for investigations into the beneficiaries of the bogus company involved in the scandal.” The Katosi scandal also led to a number of changes in the power dynamics among external and internal actors. Internally, the Ministry of Finance (MoF) gained considerable power from being assigned to deal with the scandal, while the Prime Minister’s office lost authority because it was implicated. This enabled the MoF to push reforms which otherwise might have been difficult. Moreover, some donors halted their funding to Uganda, creating fiscal pressure and requiring the country to rely more on its own resources while also creating an incentive to signal that it was undertaking reform. Overall, the scandal created a window of opportunity, weakening vested interests that might normally have blocked reform and increasing the power of reformers.

There was little evidence of pressure from the private sector to increase the openness of contracting, which may reflect the weaknesses of private sector in the countries studied. Given the central role of the state in the economy, winning government business is often critical for company survival, but this puts companies in a dependent position, making them more likely to accept the informal rules of the game than become strong advocates for change. One member of an international business-focused NGO underlined how the experiences of companies in Kenya vary,

“The private sector doesn’t speak with one voice. While some benefit from corrupt tenders, others are excluded, but those usually lack organized lobby groups. So instead of standing up for cleaner procurement, companies try to get into the game through backdoors. They think it’s the only way.”

Perceived corruption can deter companies from entering the government contracting market altogether, as one employee of an SME in Uganda described,

“most of the companies do not even consider putting forward bids for public tenders as they assume they will be unsuccessful if they are not personally connected” [to the public authority launching a tender].”

An NGO working with companies in Uganda provided a similar assessment,

“they [companies] don’t respond [to calls for tenders] because they think that it’s already decided who will win based on experience with collusion and corruption, this lack of trust inhibits competition.”

This is consistent with what Williams-Elegbe (2018: 31), in her research on government contracting in Africa, refers to as a “culture of silence in relation to public sector malfeasance”. Where companies are aggrieved at being corruptly excluded from the procurement process, they tend at best to use legal procedures to make formal complaints, rather than organising as advocates for reform.

We find that the way that a proposed reform is framed is important. Where open contracting was pitched as a way of improving efficiency and economic competition, this made it more palatable than where it was described as an anti-corruption tool. The latter framing might alert vested interests to the threat that reform poses to them and therefore lead to blocking. An efficiency framing is less threatening, and also turns reforms into a way of saving money, helping to attract broader support particularly from powerful sponsors such as finance ministries. In

Nepal, for years the Public Procurement Monitoring Office (PPMO) thought of electronic procurement as a digital business process, but failed to use it as a tool for analytics. Following an intervention by Youth Initiative to develop a pilot portal, the PPMO was able to win support from the MoF to develop the Public Procurement Transparency Initiative Portal (PIIP), highlighting that it was a means to improve efficiency. It is also harder for opponents of open contracting to gain momentum if it is evident that a reform delivers clear efficiency gains. In Bangladesh, reformers consistently provide evidence of how much money e-procurement has saved, making it difficult to campaign to reverse them.

Most of the governments that demonstrated good progress in pursuing transparency reforms emphasized the potential financial savings, and this resonated particularly well in contexts that faced fiscal pressures from being highly indebted and lacking sufficient revenues. Kenya, for example, embarked on a large-scale public financial management reform in 2017–2018, which helped to put e-procurement and open contracting on the political agenda and generate political will. PP reforms were subsequently driven by concerns to make savings in public spending, recognizing that large amounts of funds were lost through inefficient and obscure contracting. These losses were regarded as a potential threat to the president's legacy, meaning that the National Treasury became interested in improving efficiency and motivated to provide substantial technical support to PEs. As one local NGO representative told us,

“the president is publicly frustrated by corruption, he knows that the country is bankrupt and he knows how much is lost because of corruption. He ordered Treasury to contain these losses.”

The reforms involved significant investment in systems to publish high-quality data, albeit mainly in support of bidding rather than accountability.

In some cases, central governments saw procurement reform – particularly the introduction of a centralized contracting system or the standardization of data reporting – as a way of increasing their oversight and control over local or sectoral bodies. This was sometimes linked to budgetary pressures, with central government portraying local authorities as profligate and seeking to rein in their spending. In Bangladesh, one locally based representative of an international organisation commented:

“The government was quite keen to increase control over local bodies, also because they wanted to stop [local procurement] officials from wasting resources.”

One consequence was that transparency was implemented asymmetrically, with central government officials relatively untouched by increased oversight.

Where political systems are decentralized, it is not straightforward for central governments to use procurement reform to exert control. In highly decentralized Indonesia, the rollout of a standardized electronic procurement system posed challenges. Anticipating that some provinces would resist using a centralized system, the LKPP decided that each office should have its own system; government contracting data therefore resides in more than 600 procuring entities, making it very fragmented. A benefit of decentralised systems, on the other hand, is that individual local government units can lead the way on transparency reform. In Kenya, the political leader of Makueni county decided to drive forward open contracting reforms. While this seems to have been somewhat circumstantial (the governor became aware of the potential of

open contracting reforms because his son worked in IT), successful implementation in Makueni provided an evidence base that civil society groups used to advocate for reform elsewhere.

In terms of international sources of pressure, the 2016 London Anti-Corruption summit elicited public commitments to open contracting from some governments, including Nigeria and Kenya. Prior research has suggested that such commitments can provide important leverage for reformist actors in internal battles (David-Barrett & Okamura, 2016). However, after the summit, momentum was largely lost. Nigeria achieved little in the following years while Tanzania withdrew from the OGP in 2017, in line with research suggesting that OGP influence was weakened by lax enforcement and the absence of sanctions for non-compliance (Tavares et al., 2023). This is consistent with Cingolani's finding that while international pressure from organisations such as the OGP can be an important catalyst for reform, it does not improve the *survival* chances of platforms (Cingolani, 2021). We found that government commitments to the OGP were used mainly by local CSOs to hold governments to account and call them out for implementation failures. A local NGO activist in Nigeria summed this up,

“After [Nigerian President] Buhari made this public commitment to OGP in London [Anti-Corruption Summit 2016] we had high hopes that something was really going to change. But then we saw how BPP was dawdling and all the talk seemed to come to nothing... but at least we could point to the OGP commitments and the gap between them and reality, so OGP was useful and strengthened our position.”

International CSOs such as the OCP played an important advocacy role in two ways: first, by convincing governments of the benefits of open contracting systems; second, by seizing political windows of opportunity to provide capacity building and technical support – sometimes in cooperation with OGP—when the government showed appetite for reform.

Overall, we found scant evidence that international donors and lenders were influential in building national-level political will to reform procurement. Although the World Bank is a key resource supporting reform, including financial support for introducing new data infrastructure and technical assistance in introducing e-procurement tools, it is demand-driven, requiring governments to first decide to pursue reform and then request assistance. In some cases, it also helps to produce an evidence base but, by all accounts its political leverage was weak, even in smaller countries such as Nepal where the Bank's extensive funds might have been expected to be more influential.

For the *sustainability* of reform, “tone at the top”, or demonstrated commitment from senior leaders, proved critical to reform efforts in Bangladesh, Indonesia and Kenya, convincing other actors to keep pursuing it even when confronted with obstacles. Conversely, where high-level commitment to transparency was lacking, implementing agencies tended to hold back. This created a collective action problem whereby mid-level actors lacked incentives to pursue reform because their superiors did not credibly signal commitment. In Kenya, the absence of leadership in the PPRA meant not only that no leader pushed reform, but also that more junior staff were reluctant to act until they knew whether the incoming leader would continue support. It also meant that local CSOs lacked an interlocutor for their advocacy efforts. In Uganda, by contrast, clear support from President Museveni helped motivate the PPDA and de-fused the potential risk of collaborating with AFIC, a data-specialist CSO whose technical support was critical. In South Africa, with frequent changes in the leadership of the Office of the Chief Procurement Officer (OCPO), reform lost momentum, but the organization's lack of a statutory footing meant

it was already weak. Similarly, in Nepal, frequent changes in the leadership of the PPMO weakened the organization and made it harder to engage with transparency reform.

The type of political regime is also relevant. In more authoritarian environments, imprecise legal formulations which left considerable ambiguity over disclosure rules had a chilling effect on reform, since officials feared retribution or punishment if they unwittingly breached rules. In Tanzania, President John Magufuli was elected in 2015 on an anti-corruption platform and upon taking office began a radical “war on corruption” which included portraying government officials as predatory and publicly reprimanding many senior officials (Paget, 2021). One respondent in Tanzania summarized the chilling effect:

“there is fear among government officials to do something wrong and lose their job, therefore they are generally hesitant to provide information beyond the procurement plan. This is true for agencies at national and local level.”

The same respondent took the view that:

“local governments are being cautious to procure at all, because they’re afraid to do it wrong.”

Such an atmosphere may have long-term effects that are difficult to overcome. This also relates to the importance of having a broader accountability ecosystem. In Nepal, the lack of a pre-existing institutional culture of openness meant that embarking on an open contracting project was perceived to be a very unusual and potentially risky endeavor, requiring a dedicated and open-minded leader to take it forward.

4.4 | The role of state capacity in reform outcomes

Some of the most successful implementers benefited from coordination among partners with different resources and skill sets. In Uganda, the PPDA was tasked with leading reform. While it was a relatively high-capacity and professional organisation, it was also very open to receiving technical assistance on digitalization from civil society. AFIC, having built trust with both the population and the PPDA through long years of local contract monitoring work, offered technical support to the agency that helped it to fulfill its own mandate. In Bangladesh, while state capacity was not very high, the government’s political will to introduce procurement reform enabled it to unlock technical assistance and financial resources from the World Bank that compensated for this deficit and allowed it to roll out reform relatively quickly.

Elsewhere, capacity constraints hindered progress in several ways. First, in all countries studied, public bodies had very poor data management practices and few had designated staff. Procurement systems were often paper-based and records of procurement transactions were in many cases inaccurate, incomplete or entirely absent. This created anomalies - for example, in Nepal, an e-procurement system including a transparency portal was introduced, but many procuring agencies at sub-national level lacked access even to computers, hence lacked capacity to collect data for the portal. A similar situation pertained in Zambia: an online system had been introduced but there was insufficient capacity to use it meaningfully. Such weaknesses make it difficult to interpret data omissions: they could result from manipulation or deliberate concealment but equally might reflect lack of capacity (Bertelli et al., 2020; Wallace, 2014).

Second, many government procurement officers lacked knowledge and training in procurement. While some countries required procurement officials to receive specialist training or regularly update their professional skills, other countries did not. In South Africa, the National Treasury was responsible for modernizing the government contracting system. Despite processing 1 million contracts annually, as of 2016 there were only 68 employees of whom very few had received formal education in procurement or related fields such as supply chain management or logistics; only a tiny proportion were members of public procurement professional bodies, such as the Chartered Institute of Procurement and Supply.

Third, ICT skills among civil servants within data-owning agencies were typically poor, which hindered data publication even where broader infrastructure was in place. In all countries, public officials were reportedly resistant to learning new data management systems, and IT experts often built systems without much awareness of user needs. These problems were compounded by perceptions among data owners - and users (including in civil society) - that dealing with data was complicated and onerous. As one informant in Uganda described it,

“At the moment it’s more that PPDA is trying to force them [procurement officers] to do something they don’t see the sense of, and that costs them time and money and is sometimes complicated. Some don’t even have a computer or stable Internet access, they need to be trained how to fill in the data system... sometimes there is one procurement officer for one district who is overworked, PDUs are understaffed and overworked, so data entry is assigned to interns or whoever is available, it’s not part of someone’s job description.”

In some cases, international CSOs assisted with building data literacy and confidence, as in Kenya where Hivos partnered with national media to generate stories about government contracting; or Nepal, where civic tech company Young Innovations and OCP organized a hackathon with university students.

5 | CONCLUSION

Our research provides insights into how reformers in low- and middle-income contexts achieve progress in a difficult area of public policy that requires considerable state commitment and resources and where reform poses a threat to those who profit from corruption. We find that, against the odds, some countries make considerable progress – as in Bangladesh and Indonesia, Uganda and to some extent Kenya. Success largely reflects the presence of broad coalitions with shared interests in the goal of open contracting reforms and the ability to coordinate among themselves, rather than one source of pressure – societal, governmental or international – being dominant. This aligns with recent research on Freedom of Information implementation as a multi-actor process involving collaboration between internal and external stakeholders (Heimstädt & Dobusch, 2018). Coalitions are valuable because they ensure that commitment is sustained over time, even if the enthusiasm of one actor or organization intermittently fails, and have the flexibility to adapt to variations in the external environment.

However, coalitions do not necessarily coalesce around commitment to preventing corruption or prioritizing transparency as an end in itself. Rather, we find that open contracting reforms are more likely to succeed if pitched as a way of improving efficiency and competition. As a way of saving money, open contracting reforms have better chances of winning broad

support in low-resource and even authoritarian contexts, often winning the sponsorship of the powerful finance ministry. Indeed, arguing *against* efficiency gains in low-resource contexts can be politically risky. Equally, we speculate that open contracting may fare better if framed as a way of developing the economy and supporting local businesses, although we found few government officials or civil society actors in our case-study countries discussing government contracting in this light (in contrast with the discourse in Latin America and Europe).

Weak state capacity is a major constraint on open contracting reforms in several countries, but strong political will - manifested as leadership commitment and broad coalitions - can help by ensuring that key implementing organizations have the mandate and resources, or harnessing external support in the form of investment and technical assistance from external actors such as the World Bank, OCP, Hivos, AFIC and local Transparency International chapters. In some cases, *technical* progress can be made in periods when political will is weak, to prepare for a future window of political opportunity. In Uganda, the PPDA and its civil society partner AFIC were so engaged in the development of the data infrastructure that they were able to continue their work and drive forward the process even when political will wavered, although the political leadership was never obstructive. This may be the case in Zambia, too, where piloting of e-procurement, which was seen as part of digitalization rather than a transparency agenda, helped familiarize public officials with relevant IT systems, building capacity to allow for faster take-up in the future.

While controlling corruption may not be a key local motivation, open contracting reforms are likely to bring major benefits in this regard because they automate many aspects of procurement, reducing transaction costs and removing opportunities for the discretionary exercise of power. This suggests that, as rapid technological developments keep improving access to e-government and the quality of procurement data portals, further improvements in accountability in low- and middle-income countries may be achievable without requiring major new investments of political capital.

ACKNOWLEDGMENTS

The authors would like to thank Tom Wright, Sean Darby and Alice Foggitt for their helpful feedback on the research, as well as all of the interviewees for sharing their time and valuable insights. This work was supported by the Transparency International Health Initiative.

CONFLICT OF INTEREST STATEMENT

The authors have no conflicts of interest to declare.

DATA AVAILABILITY STATEMENT

The analysis of the procurement data systems is based on public websites of procurement data.

ENDNOTES

¹ See The Case for Open Contracting, retrieved from: <https://www.open-contracting.org/worldwide/?lang=es%20-%20/>. Further, for an overview of open contracting in European countries, see: <https://opentender.eu/download> and for an example of global data availability as collected by the private sector, see: <https://spendnetwork.com/data/the-countries-we-have-data-for/>.

² Even the three countries which achieved a higher legal codification of transparency score (Bangladesh, Nigeria and Nepal) in 2008 had much lower scores in prior years, 2006–2007, implying that their relatively low starting positions were only 1–2 years ahead of the other countries.

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How to cite this article: Adam, I., Dávid-Barrett, E., & Fazekas, M. (2024). The political economy of open contracting reforms in low- and middle-income countries. *Governance*, 1–20. <https://doi.org/10.1111/gove.12897>

APPENDIX A

Legal framework coding template

We selected criteria from the EUROPAM template that relate specifically to the legal requirements of transparency of public procurement, as listed below.

EUROPAM number	Description
2	Threshold - lowest PP
3	What are the minimum application thresholds for an open, competitive procurement method? (Product type GOODS)
4	What are the minimum application thresholds for an open, competitive procurement method? (Product type WORKS)
5	What are the minimum application thresholds for an open, competitive procurement method? (Product type SERVICES)
14	Publishing and record keeping
15	Does the law stipulate that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants?

(Continued)

15a	Does the law establish a single official point of access (i.e. one central online portal) for all procedures and information related to public procurement? Is there a requirement that the following tender documents must published in full?
15b	- Pre-tender information (e.g. annual procurement plans)
16a	- Call for tenders
16b	- Modification or cancellation in call for tenders
16c	- Announcement of awarded contracts
16d	- Contract details
16e	- Information on contract implementation
16f	Are these documents to be published online at a central place?
17	Is it mandatory to keep all of these records? -Public notices of bidding opportunities, -Bidding documents and addenda, -Bid opening records, -Bid evaluation reports, -Formal appeals by bidders and outcomes, -Final signed contract documents and addenda and amendments, -Claims and dispute resolutions, -Final payments, -Disbursement data (as required by the country's financial management system)
18	Are contracts awarded within a framework agreement published?
20	Is it mandatory to publish information on subcontractors (ie names) in some cases?
31	Is scoring criteria published?
35	Are scoring results publicly available?
39	Does the law specify the location for publicizing open calls for tenders?
40	Does the law specify the location for publicizing restricted calls for tenders?
41	Does the law specify the location for publicizing negotiated calls for tenders?
58	Is disclosure of final, beneficial owners required for placing a bid?
63	Is there a requirement to publicly release arbitration court decisions ?

APPENDIX B

List of variables used to assess data quality

Name of variable (as displayed in dataset)	Description
award_contractPeriod_startDate	Contract start date
award_contractPeriod.endDate	Contract end date
bidder_address	Supplier address
bidder_country	Supplier country
bidder_id	Supplier ID

(Continues)

(Continued)

bidder_name	Full supplier name
Buyer_country	Buyer's location - country
Buyer_city	Buyer's location - city
Buyer_address_streetAddress	Buyer's location - address
Buyer_id	Buyer ID
Buyer_name	Buyer name
Buyer_type	Agency type
ca_contract_value	Contract value
contract_value_currency	Currency of contract value
cft_url	Link to the award notice
exp_compl_date	Expected completion date
tender_year	Year
nr_tendinv_ltmrfq	Number of bidders invited for limited tendering/request for quotation
tend_modif	Number of tender substituted/modified
tender_awarddecisiondate	Award decision date
tender_awardPeriod_endDate	Award decision period end date
tender_awardPeriod_startDate	Award decision period start date
tender_publications_firstcallfortenderdate	Call for tender publication date
tender_publications_lastcallfortenderdate	Call for tender publication end date
tender_biddeadline	Bidding deadline
tender_contractsignaturedate	Contract signature date
tender_documents.dateModified.date	Contract modification date
tender_estimatedDurationInDays	Estimated contract duration
tender.value.currency	Currency of tender value
tender.eligibilityCriteria	Eligibility criteria text
tender_estimatedprice	Total estimated value of all lots
tender_finalprice	Total value of all lots
tender_id	Tender ID
tender_proceduretype	Procurement method
tender_recordedbidscount	Number of bids
Tender/procurementMethodDetails	Details on the procurement method
tender_selectionmethod	Tender selection method
tender_status	Tender status
tender_supplytype	Procurement category (services, goods, works)
tender_title	Tender title