

INTEGRITY PACTS – CIVIL CONTROL MECHANISM FOR SAFEGUARDING EU FUNDS

Narrative report from civil society monitors: July – December 2020

In 2015, Transparency International began a project called “Integrity Pacts – Civil Control Mechanism for Safeguarding EU Funds” that brings together a coalition of government, private sector, civil society and citizens to make sure that 18 major public contracts in 11 EU countries are clean contracts: designed and implemented to the highest possible standards of transparency, accountability and efficiency, according to the public interest. We are doing this using a tool we call the Integrity Pact in collaboration with 15 local civil society organisations¹ and funded by the European Commission. Here are the reports from the civil society organisations for the period July-December 2020.

Executive summary	2
Status of monitored projects	3
ActionAid Italy	4
Amapola, Italy	6
Romanian Academic Society	8
Stefan Batory Foundation, Poland	10
TI Bulgaria	12
TI Greece	14
TI Hungary.....	17
TI Italy.....	19
TI Lithuania.....	21
TI Portugal.....	23
TI Romania and Institute for Public Policy	25
TI Slovenia	27

¹ The monitoring partners Transparency International Czech Republic and Transparency International Latvia have concluded their monitoring activities. To learn more about their involvement in the project, refer to the previous narrative reports.

Executive summary

In the last six months, the project made significant progress towards meeting its objectives. As of end of December 2020, out of the 18 Integrity Pacts being implemented, 2 were successfully accomplished – the technical assistances in Czechia and in Italy, while the monitoring of the tramway construction in Riga was terminated. Two other Integrity Pacts are very close to its completion – the energy renovation of hospitals in Slovenia and the railway modernisation in Poland. Most of the remaining monitored project are in their implementation stage. Finally, the two Integrity Pacts in a less advanced stage progressed in the current reporting period: the tender for the e-catalogue project in Romania was published and one of the local development contracts in Sicily was signed.

After the COVID-19 pandemic's initial shock – which halted or slowed down contracting projects and its corresponding monitoring – activities have resumed progressively. These provide references regarding the contracting authorities' capacities to operate digitally and generate, store, and share electronic records and data relevant for monitoring purposes. The independent monitors have adapted to new channels and formats of communication, although the stakeholders' engagement, including affected communities, has slowed down due to social distancing measures.

This reporting period was characterised by very intensive political negotiations in Brussels around the new Multi-annual Financial Framework, Next Generation EU Recovery Package, and EU action plans against the COVID-19 epidemic. This debate was a good opportunity for the project to intensify advocacy at the EU-level. In October, an open letter co-signed by 27 CSOs in Europe and addressed to the EU institutions, presented recommendations and solutions on how to safeguard the new generation of EU funds from fraud and corruption. In parallel, by offering country-specific analysis and collections of lessons learned, the project contributed to the ongoing talks between DG REGIO and Member States around the inclusion of civic monitoring in their ESIF operational programmes.

In November, the partnership met online for the annual partners' event to take stock on the year, but most importantly to focus on the key milestones in the final leg of the project. TI-S presented and discussed the high-level plan on the learning & knowledge products, which comprises a variety of deliverables – from strategic briefs and policy papers to an Integrity Pacts game. In addition, the meeting was useful to sharpen other important project deliverables, such as advocacy activities at the national and EU level, plans around the final conference, and the more formal contractual obligations.

Throughout this reporting period, the results of the Integrity Pacts were disseminated to a wide audience through national, regional, and global events. The independent monitors are utilising different channels to engage with their key stakeholders during the COVID-19 pandemics - through online events, webinars, or smaller in-person meetings. At the EU-level, the project held a [session](#) on civic monitoring at the online European Week of Regions and Cities. In December, TI-S facilitated a [workshop](#) at the bi-annual International Anti-Corruption Conference focused on the importance of clean contracting and Integrity Pacts in the COVID-19 recovery phase. This very timely discussion was well-received by the audience.

Finally, as a response to the ongoing pandemic, project partners agreed with DG REGIO on a set of activities focused on public procurement during COVID-19. The package includes documenting COVID-related contracts, revising EU funds during COVID-19, and analysing emergency procurement, among others. These new activities intend to support the clean contracting area of work through the experience and know-how gathered in the project and at the same time to support governments in establishing transparent and accountable procurement processes during a very challenging time.

Status of monitored projects

Status of monitored projects as of 31 December 2020

TI Czech Republic	TI Italy / ESF	TI Slovenia ²	SBF Poland ³	TI Portugal ⁴	TI Italy / Cagliari rail	TI Lithuania ⁵	ActionAid ⁶	TI Greece
Completed				Implementation				
TI Bulgaria	TI Hungary / Reservoir	TI Romania / Library	TI Romania / Cadastre	RAS	TI Hungary / M6 ⁷	Amapola	TI Romania / E-Catalogue	TI Latvia ⁸
Implementation					Contract signature		Tender published	Terminated

At this stage of the project, most of the monitored projects are at the implementation stage, which, depending on the scale of the project, may take several years to conclude (such as the case for the M6 highway in Hungary or the cadastre project in Romania), a timeline that was known since the project's onset. Independent monitors in this procurement stage are continuing technical checks, but at the same time observing any significant delay that might interfere with the project's timeline.

Significant progress was made in a number of IPs. In Romania, for example, the tender for "The Integrated System for School Management" (the e-catalogue) was published in December 2020 after receiving revisions from the independent monitor. According to plans, the independent monitor should follow the pre-tender and tender stage in the framework of the Integrity Pacts EU project. In Sicily, the tender for the provision of a biomass platform monitored by Amapola was signed after the independent monitor signaled to the CA significant integrity and transparency violations from the initially awarded bidder. The contracting authority decided to definitively exclude the company for infringement of the IP as it did not consider the justifications presented by the company for the exclusion to be sufficient. Finally, the works in the 2nd monitored hospital in Slovenia are now concluded and the independent monitor is observing the ex-post evaluation of the energy renovation.

Allowing maximum transparency and information sharing on the monitoring activities remains a high-level priority for the IP monitors. In the current reporting period, several monitoring reports were made publicly available, including the IPs in Poland, Bulgaria (2 reports), and Greece (2 reports). Detailed information on each monitored project can be found in the following sections of this report. The current number of monitored projects that would be concluded by the end of 2021 is 11, which is a high value that will allow us to observe the IP tool across the whole procurement cycle.

² Project implementation completed, TI-Slovenia currently monitoring the project's ex-post evaluation.

³ The construction works are concluded, but ongoing negotiations between the contracting authority and the contractor over the payment of unfinished subway works might extend the coverage of the Integrity Pact.

⁴ The first tender (renovation of the monastery door and shop - MA02) is concluded. The second tender (conservation and restoration of the west and north facades - MA01) is under contract implementation.

⁵ 3 out of 6 tenders monitored by TI-LT are concluded.

⁶ 1 of the 4 tenders monitored by ActionAid is concluded.

⁷ The first tender (design of the M6 motorway) is concluded. For the second tender (construction works) the contract has been signed in December 2020.

⁸ The construction of the tramway in Riga was terminated in May 2019 due to bad governance and unacceptably high corruption risks, made evident by the exposure of a corruption case involving Riga traffic for procurements taking place between 2013 and 2016.

Monitoring activities

Intervention in the Archaeological Park

The 1st contract for works was finished since over a year. As required by the Italian Code of Public Procurements (L. 50/2016, art. 102), the execution phase ended with the certification of regular execution signed on the 18th of December 2019 by the Responsible of the Procedure (Giancarlo del Sole) and the Work Manager (Adele Bonofiglio).

The 2nd contract for services (multimedia, reliefs, etc.) isn't in the awarding phase yet: the procedure has slowed down after the Covid pandemic, because the execution projects of the services, originally approved on 2016, had to be reviewed on the basis of the latest technological standard.

Intervention in the National Museum

The 1st contract for works is waiting for the final testing by the appointed Testing Committee to be finished definitely.

The 2nd lot for services and supplies (multimedia, informative panels, a larger exhibition, etc.) was awarded on the 17th of March 2020. The contract was signed and officially registered on the 7th of August 2020, but the works haven't started yet. The procedure has slowed down after the Covid pandemic, as explained below.

Activities to communicate and promote Integrity Pacts

The Facebook posts, newsletter and webinars of the third and fourth quarter are listed in 2.4 (dissemination and communication).

The project website page that collect the monitoring reports has been updated: an infographic on the contract already executed and the periodic check on the compliance with the IP clauses were published.

The paper "Citizen participation in Cultural Heritage management: The Integrity Pact pilot program" is available on line⁹. This paper aims to describe the experience of Integrity Pact pilot project in Sybaris in light of fact that the Convention by the Council of Europe on the value of the Cultural Heritage for the society - better known as Faro Convention - has recently been ratified by Italy government. It defines some commitments taken by the countries members for the strengthening of the tie between the Cultural Heritage and the communities the heritage was born in or hosted by, with the focus not on its ideal or innate value, but on its value as a social, politic and economic resource. The concept of community of heritage the Convention introduces actually broadens the management of the Cultural Heritage to all the people living in a territory and determining its own meaning and value. So, it may allow a new process of definition of the cultural policies towards a sustainable development, which requires to adopt some tools of participative management and new models of governance.

The IP 2.0, that includes the monitoring agreement with an Independent Supervisor, may become a useful participatory tool for the application of the Faro Convention, focusing on the monitoring of the investments on Cultural Heritage. With this approach, the participants should be involved in all the phases of the cycle of management of the Cultural Heritage, including definition, planning, realization, monitoring and evaluation of the related policies and programs. The largest transparency possible is necessary to reach this goal, since the participation can actually happen only if all the people engaged are able to access updated and correct sources of information.

Social accountability work (working with affected communities)

The in-presence event of the Civic Monitoring School didn't take place because of the pandemic restrictions.

In order to have a tool for apply gamification strategy during the training-session about public procurements' procedure in the first quarter of the year ActionAid drafted a regulation for a serious game about the awarding phase of public procurement processes. They discussed the draft with a game board creator, Guido Bertorelli: he created a beta-version of the game. During the third quarter ActionAid tested this beta version, together with the other Italian partners, Amapola and Transparency

⁹ http://archeostoriejpa.eu/2019_4b/

Italy, and with Transparency Secretariat. During the last quarter of the year they defined a list of suggestions and changes to modify the regulation and to simplify the game rules, getting stronger educational elements. ActionAid would have tested it during the in-presence event of Civic monitoring school and the EU week for Regions and Cities, but it could not happen because of the pandemic restrictions. Now they are finalizing the final version of the regulation.

ActionAid have carried out a participative assessment of the informative posters recently placed in the archaeological park and funded by the monitored interventions.

Advocacy

ActionAid met ANAC in February 2020. They were interested in promoting institutional guidelines to set-up an Integrity Pact involving a CSO as the Independent supervisor. Covid-19 has blocked any further evolution. In the meanwhile, ANAC changed its board and now there are new members. ActionAid are contacting the new board to see if they are willing to proceed with the work.

On the 14th of October ActionAid has signed the letter to EU leader promoted by Transparency International network to ask additional measures to protect the 2021-2027 Multiannual Financial Framework and Next Generation EU recovery funds from corruption and fraud, to increase the amount and quality of public contracting data as well participatory control mechanism¹⁰.

ActionAid have been in touch with the new director of the Sybaris' Museum and Park, Filippo Demma, to engage him in the Integrity Pact project: a first meet to present the result of the participative assessment of the informative posters mentioned below will be schedule in the first quarter of 2021.

¹⁰ <https://images.transparencycdn.org/images/Joint-civil-society-letter-to-EU-leaders-Measures-to-protect-2021-2027-MFF-and-NGEU-14-October-2020.pdf>

Amapola, Italy

Monitoring activities

In the last six months, monitoring activities have certainly played the main role for the developments on the procedures related to the energy efficiency of public lighting and the construction of biomass platforms.

1. Public lighting efficiency (AIMA17 B): At the beginning of July, Amapola received and shared with the contracting authority the legal opinion about the choice to join a CONSIP¹¹ agreement for the efficiency of public lighting, instead of a procurement procedure, for the selection of the ESCo that will deal with the work.

The opinion highlights two main issues:

- The need to ensure compatibility between the work to be carried out by the Contracting Authority with the Structural Funds and the technical specifications of the CONSIP tender;
- The possibility that the company awarded by CONSIP does not intend to sign the IP because it was not foreseen during the tender.

The contracting authority acknowledged the content of the opinion. On the first point, compatibility issues will be addressed during the negotiations. Regarding the second point, it confirmed its willingness to make the signing of the IP a *conditio sine qua non* at the conclusion of the contract. At this stage, the CONSIP procedure is still at the stage of evaluation/awarding of lots.

2. Procedure for working drawings and works management for the construction of biomass platforms (AIMA 19 project). During the provisional awarding phase, the contracting authority found that the Technical Director had a criminal record and pending charges for environmental offences when verifying the declarations of the first-ranked company. After requesting clarification from the company (which justified itself by saying that the offences did not prevent it from taking part in the tender), it also announced that the Technical Director had been changed. With regards to this, it emerged that:

- The Director previously indicated in the tender documents is involved in an investigation for corruption in healthcare contracts in Palermo which has resulted in his disqualification from holding public office for one year;
- The new Director is the wife of the previous Director, a partner in the same family company;
- The company did not communicate either the precedents or the ongoing investigation, as required by law and the IP;
- The change of Director was not communicated and only when asked for clarification by the contracting authority did the company indicate the change of Technical Director.

Amapola, with the support of a legal advisor, sent a report to the CA finding significant integrity and transparency violations. The contracting authority decided to definitively exclude the company for infringement of the IP as it did not consider the justifications presented by the company for the exclusion to be sufficient.

The company appealed to the regional administrative court (TAR) requesting the annulment of the exclusion decision. Amapola decided to take legal action with the Contracting Authority and so did the second ranked company. The court rejected the company's appeal, confirming the validity of the IP. The violation of integrity caused by the company's behaviour was considered a legitimate reason for the exclusion of the competitor. On 30 December, the contracting authority, having carried out the

¹¹ During the monitoring mission in February, the contracting authority informed Amapola of its intention to adhere to a CONSIP (public company managed by the Ministry of Finance) convention for the implementation of the efficiency measures, in order to streamline the procedure and quicken the timescale.

CONSIP launched a tender at national level for the energy efficiency of public lighting, dividing the territory into lots. Once the company is adjudicated for the lot corresponding to the Madonie area, the Union of Municipalities will open negotiations to draw up the convention agreement with the successful bidder but without participating in its selection, as CONSIP is responsible for the tender procedure. This intention of the Contracting Authority has opened some issues concerning the monitoring of the tendering phase and the signing of the Integrity Pact by the adjudicating company. Therefore, Amapola has requested an opinion from a legal expert in contracts and administrative law to understand how to act and what scenarios may be faced.

necessary checks and found that there were no other impediments, awarded the contract to the second-ranked company.

This is an important result for the monitoring activity, as without Amapola's presence, which provided for an enhanced integrity obligation in the IP and followed the whole procedure step by step, this result would not have been achieved.

In December, the update of the monitoring report for all energy procedures was closed, including detailed updates on the other procedures: AIMA 17 A (energy efficiency of buildings) still in the planning phase, and AIMA 18 (energy efficiency of sports facilities and hospitals), still in a preliminary planning phase and due to start in the coming months.

Smart School (AIMA 01 and 03) These are two projects concerning digital innovation in schools, which have been at a standstill for about a year due to the failure of the Sicilian Region to issue a funding decree, which led the same contracting authority to send reminder and warning letters. Amapola carefully monitored this phase, and once again noted the strong inefficiency of the managing authority. At the end of December, it closed the updating of the monitoring report.

Activities to communicate and promote Integrity Pacts

In July, the project website, which is shared with the Italian partners, was completely renewed and put online. It is a site that updates much more quickly, created with a view to dissemination and storytelling of the Italian experience *in itinere* and the dissemination of the results at the end of the project.

Amapola also collaborated with ActionAid and the Transparency International Secretariat in the realisation of the project's board game, through game tests and some contributions to the rules and contents of the game itself.

On 1 October, Amapola participated as a speaker, recounting its experience of IP experimentation, in a session dedicated to civic monitoring of the "Scuola Common" a training course organised by Libera and Gruppo Abele in Turin.

Social accountability

In September, Amapola met with the teachers at the middle school in Castellana Sicula to reschedule the civic monitoring workshop (already planned in the spring and cancelled because of the pandemic). The school's teaching board approved the workshop, including it in the civic education curriculum. The new workshop is designed to be carried out both in presence and at a distance and will be implemented in February-May 2021 and aimed at first and second-year middle school classes.

Advocacy

Amapola signed and shared through its network the open letter to the European institutions asking for transparency and control of funds for the new programming.

At regional level, Amapola supported the Contracting Authority in participating in the public consultation for the New Regional Anti-Corruption Plan, as an opportunity to carry out the initiative to overcome the "Dalla Chiesa Legality Protocol". This is an instrument introduced in the procurement procedures in Sicily for the prevention of criminal infiltration in the early 2000s.

Although its values are still valid and up to date, its contents have now been fully transposed by the legislation currently in force. In order to contribute to the streamlining and optimisation of the tender documents, it has been proposed to merge the "Dalla Chiesa" and the IP into a single tool for the prevention of criminal infiltration and corruption in procurement procedures: the "Dalla Chiesa IP". At the end of January 2021, it will be possible to verify whether and how the proposal has been implemented by the Region.

As for the activities related to the Covid-19 pandemic, Amapola, together with the other Italian partners, worked on the planning of a deliverable focused on the recent amendments to the Procurement Code focused on streamlining procedures, of which it is necessary to understand the consequences in terms of risks to the integrity of procurement. In addition, Amapola contacted a member of the Piedmont Regional Council to understand how the health emergency has affected the allocation of structural funds in Piedmont.

Romanian Academic Society

Monitoring Activities

All three of the framework contracts monitored were signed over the reporting period (FWC 1 in July, FWC 2 in August and FWC 3 in September). After receiving a point of view from ANAP regarding the training sessions in FWC 2, the CA decided against organising these online, in order to avoid the risk of possible financial corrections in the future. Given the prospect of relaxed pandemic measures, the CA opted to organise the courses according to initial specifications. The training sessions within the first subsequent contract were held in October.

For the first subsequent contract of FWC 3, an addendum was signed in October, narrowing down some of the events, decreasing the total value of the contract and extending the implementation period. In November, RAS received evaluation documents pertaining to FWC 3 again, after the first batch had been unusable as a result of poor scanning. RAS' experts were thus able to analyse the procurement process and come up with assessments. Although no evidence of ill intent was found, the process did suffer issues that could have been avoided had monitors been involved in real time. The independent monitors noticed certain compromises that they considered unacceptable and claimed that the outcome of the tender might have been different had proper procedure been followed.

Regarding FWC 1, the contractor of the first subsequent contract required amendments to the methodology for implementation of the second stage, which officially started on November 9th. In preparation for this, the CA provided the contractor with a dataset of all beneficiaries of OPAC financed contracts.

In October, RAS began an effort to monitor public procurement that was carried out during the state of emergency declared in the first half of the year. In total, 301 FOIA requests were sent to central and local authorities, hospitals receiving Covid patients and state-owned companies. Answers were gradually collected throughout November and December. Institutions that had not replied or confirmed reception of the requests were sent reminders. RAS, TI RO and IPP were actively involved in contacting public authorities by email and telephone to ensure FOIA requests were being handled. Some institutions replied with haste whereas others could not be reached by any official channels.

In November, the RAS team started work on the curricula for the training on transparency and integrity in public procurement. Both the CA and the economic contractors requested that the trainings be postponed for the early part of 2021 as a result of the period being chaotic in the aftermath of elections and the Covid-19 pandemic.

In December, RAS together with TI RO and IPP launched the procurement procedure to find a suitable provider for the quantitative analysis of public procurement during the state of emergency. RAS' focus is on finding out how procurement in that interval differed from procurement carried out before the state of emergency and after, as well as on how procurement that was covered by an integrity pact compared to procurement that was not. The winning bid was that of the Government Transparency Institute from Hungary.

Activities to communicate and promote Integrity Pacts

In October, three press releases were published regarding each training session held as part of the first subsequent contract of FWC 2. The scope and beneficiaries were mentioned, as well as the fact that the project is being monitored within an Integrity Pact.

Within each training session the project manager of the IP project had a 10 minutes session to present the IP mechanism, financiers, parties involved at European and Romanian level, differences between the IP mechanism and other types of monitoring public procurement procedures, advantages of the IP etc. All participants received presentation brochures.

Over the reporting period, six articles making explicit reference to the IP project, goals or activities were published on the Clean Romania platform.

Advocacy

In December, the IP project and mechanism was mentioned in talks with the Ministry of Justice regarding the new National Anticorruption Strategy, with an eye on continuing and expanding

cooperation. RAS also raised the issue of how IPs could be financed through domestic sustainable mechanisms over the next few years.

Also in December, RAS, IPP, and TI Romania, along with TI-S took part in a meeting with DG Regio, regarding how to finance IP in the future. Several mechanisms and ideas were discussed, and a concrete plan of action was settled, including targeted advocacy campaigns focusing on concrete projects. Work began on a draft advocacy document, to be sent in the early part of 2021.

Stefan Batory Foundation, Poland

Monitoring activities

Intense Monitoring in the Last Leg

The upgrade of the railway line between Częstochowa and Zawiercie was supposed to be completed in 2020 for the reasons reported here below under point “b)”. During the final phase of this public project that included work acceptance, a process potentially most vulnerable to irregularities, the civil society observer intensified its monitoring activity. It did so in response to concerns raised by the local community members.

a) Reported Irregularities

A local journalist reported illegal emergency works performed by the Contractor on a privately-owned lot in Myszków to the Foundation last September. The works apparently involved the replacement of an old cable and were allegedly performed without the relevant permits and caused damage to the local greenery. In response, talks were held with the Contractor and the Contracting Authority and letters were exchanged to clarify all aspects of the reported incident. The journalist was informed about the nature of the Integrity Pact, the role played by the Foundation and its position on the matter which had been brought to its attention. The incident was thoroughly covered by local papers *Gazeta Myszkowska* and *Kurier Zawierciański* in an article first published in print and later posted on both websites. The case turned ambivalent with a number of facts indicating that publicity was designed to force the Contractor to pay damages to a person who had bought the lot after the works were completed. On the other hand, the Contractor's and the Contracting Authority's response to the situation left much to be desired. Neither had informed the Foundation about the problem. Furthermore, it was revealed the administrative permits had not been obtained on time so the Contractor had no right to move in to the lot. The Foundation received an anonymous report to its whistle-blower box at paktuczciwosci.pl in December stating a conflict between the tender dossier and the actual works completed to date on the Myszków level crossing. SBF have shared the report with the contract parties and are waiting for feedback.

b) Issues with the Subway and Contract Extension

The contract has so far been mostly affected by the problematic construction of a subway at the Poraj station. The construction was scheduled to commence in 2018. The railway user then requested that the subway should be replaced by an originally proposed ground crossing. The subway was meant to improve passenger safety and ensure accessibility for people with disabilities and cyclists. PKP PLK S.A. Management did not approve the commencement of works because there was no financing available to cover the cost of the subway of PLN 15 million negotiated with the Contractor. Nonetheless, the Contract did commence works before PKP PLK S.A. Management had communicated its position. The Contractor claimed that the price and the early start date for works had been agreed with the PKP PLK S.A. contract team and the Contract Engineer. This was in fact reflected in the correspondence between the parties. Consequently, PKP PLK S.A. terminated the project management team for breaching the mandate.

However, over 80 per cent of the said works had been completed and this had an impact on the final acceptance and the co-financing agreement. The issue was raised by the Foundation at the quarterly meeting on 17 November and then during bilateral discussions with PKP PLK S.A. Management and the Ministry. In a letter of 2 December, ZUE S.A. Contract Director reported an irregularity to the Foundation described as failure to draft an annex to the contract with the Contractor that would give a go-ahead to the request for ancillary works. With no available access to platforms in Poraj, the final acceptance had not been completed by the planned deadline of 29 December 2020. Passengers could only use a temporary ground crossing. The dispute between the Contractor and the Contracting Authority over the payment for unfinished subway works is currently handled by a negotiation team appointed by PKP PLK S.A. The Foundation has been invited by the company to attend the negotiations as an observer. The Ministry of Funds and Regional Policy responded firmly to the problem reported by the Foundation. It stopped the certification and co-financing of the PKP PLK S.A. project. Meanwhile, Director of the Department of Infrastructure Programmes asked the Foundation to investigate that matter and presents its findings.

According to the Integrity Pact, the project will no longer be monitored after the handover certificate has been issued. This has not happened to day. However, should a need arise to extend the Integrity Pact

to allow for the negotiations over the subway in Poraj, PKP PLK S.A. has made it clear it would be ready to sign an annex to the Integrity Pact. The Ministry expressed its intention to extend the Pact as well.

c) Other Activities

SBF have continued to ask PKP PLK S.A. about other regularly monitored aspects of the project. The Foundation has sent letters to the new PKP PLK S.A. Contract Director in December raising the issue of late payments, penalties for the Contractor, the last project phase, acoustic screens as well as administrative decisions and building permits. SBF have remotely attended contract board meetings. Following an unfavourable ruling in the first instance court regarding the alleged inaction on the part of PKP PLK S.A. (failure to share an editable version of the acoustic model with the Contractor under access to public information legislation), the Contractor appealed to the Supreme Administrative Court. On 5 November, the Batory Foundation filed an *amicus curiae* opinion to the court suggesting that the model should in fact be disclosed under law. The opinion was added to the case file and a date of the hearing will be communicated in due course.

The Foundation has completed its monitoring report for the tender phase. The report has been reviewed by PKP PLK S.A. and the Ministry multiple times and their comments have largely been incorporated. A dissenting opinion of PKP PLK is also included. The report has been published both in [Polish](#) and [English](#) and it includes infographics explaining SBF's key findings and recommendations.

Activities to communicate and promote Integrity Pacts

The Foundation has conducted two webinars with Q&A on facebook.com and youtube.com. [The event](#) on 15 July focused on public contracts during the Covid-19 pandemic with the President of the Public Procurement Office. [The webinar](#) on 26 October explored the boundaries of openness in public procurement and access to public information practices. Both webinars were attended by legal professionals, civil society activists and public procurement advisors. This first webinar was preceded by the Foundation's blog on fraud prevention in public procurement during the pandemic in light of international policies. The pilot Integrity Pact is also promoted through a series of podcasts entitled *pACT RIGHT. A Podcast About Integrity*. The [first episode](#) released on 24 September discusses the origins of the project in Poland and civil society observer's accomplishments to date. The December episode explores the curtailment of the right to access public information in public procurement.

Advocacy

The Foundation has commenced talks with the Department of Infrastructure Programmes at the Ministry of Funds and Regional Policy that has made steps to ensure that integrity pacts are applied by the beneficiaries of the Infrastructure and Environment Operational Programme in the new EU financial perspective. The Ministry has drafted, shared and discussed with the Foundation documents regarding the recruitment of monitoring organisations. The Foundation and DG Regio have begun talks about engaging with other EU funds managing institutions in Poland to promote integrity pacts.

TI Bulgaria

Monitoring activities

Like in the previous period, the work during the tenth reporting period of the activities of the Integrity Pacts Initiative were marked by the COVID-19 crisis. However, this has not been the only challenge: in the context of a number of political scandals and the ensuing protests against the Government in the course of more than four months, public attention has been divided between the controversial measures those in power instituted to handle the health crisis and their efforts to survive in power. In this situation, broader systemic problems such as public procurement are no longer on the agenda of the general public and they stay under the radar which significantly hampers the process of achieving essential change.

Back to the tighter framework of the initiative, TI-BG's team was once again faced with the situation of "comings and goings" in relation to the communication with the Contracting Authority while monitoring the construction of Zheleznița Tunnel. On the one hand, the Independent Observer was provided with full and adequate assistance during on-site visits and meetings with construction workers. On the other hand, in the context of remote work both of the TI-Bulgaria team and of the administration, the complete absence of flexibility of the Road Infrastructure Agency (RIA) to provide data stored in their premises has become apparent. The issue with access to information has also become evident in the communication with the Ministry of Regional Development (superior for RIA) – as of the end of December, TI-BG have been pursuing a lawsuit against the MRDPW for the failure to provide in full information requested under the Access to Public Information Act.

TI-BG's team had to expand and update the content of the Monitoring Report which was begun as early as the beginning of 2020 for several times. In a dialogue with the RIA management team for the Zheleznița Tunnel Project, TI-BG decided to split the monitoring report in two parts, each covering individual aspects of monitoring. Despite the challenges, they have managed to complete the verification procedure and to [publish the two Monitoring Reports](#) in Bulgarian. TI-BG will publish the main findings and conclusions in English in the beginning of 2021.

During the reporting period, the Independent Observer carried out three on-site visits – in July, October, and November. In the same period, TI-BG's team members took part in a total of six regular monthly progress meetings which are held with the Contracting Authority, the Contractor, and the Construction Supervisor for the respective section. Three of the meetings took place on the territory of the construction sites while the December meetings were held online due to the restrictions imposed by the authorities in relation to COVID-19. As is tradition, after every meeting TI-BG posted up-to-date information about the progress of construction work presented by the respective Contractor on the project website [Monitoring](#) section, as well as photos with brief comments on [Tunnel.Report](#).

As of the end of December 2020, the main concern remains the observance of the deadlines set out in the contracts for the public procurement. This is the time to note that, in August, RIA concluded annexes with each Contractor providing for an extension of the deadlines by 60 days. While for the most complex lot, which has the longest completion deadline respectively, this resulted in the implementation "getting ahead" of the work schedule¹², for the bridge facilities north of the tunnel (Lot 1) even this extension, according to TI-BG's team, is quite insufficient for the work to be completed on time.

As TI-BG have noted in an [overview](#) a year after the start of construction, approximately 2/3 of the overall deadline for this section saw the completion of a little over 1/3 of the construction work, respectively in the remaining 1/3 of the deadline, the Contractor will have to complete 2/3 of the construction and assembly works envisaged. In addition to this delay, the intensifying landslide processes on the boundary between Lot 1 of the public procurement under TI-BG's monitoring and the road section to the north (assigned in another procurement) pose additional obstacles and will delay construction for an indefinite time. Concern is caused mainly by the fact that, as of the end of the December 2020, there was still no project solution to handle the landslide or a specific plan to perform the construction and assembly works in Lot 1. The detailed observations will be covered in the next interim monitoring report which TI-BG plan to publish in the spring of 2021.

¹² As per information from the Contractor as of October 2020.

Activities to communicate and promote Integrity Pacts

Within the ongoing activities to popularise the Integrity Pacts instrument and involve the public in the monitoring, TI-BG continued the campaign in social media. The [video](#) of the Transparency International Secretariat made an addition to TI-BG's own series of posts with "thought provoking questions" about Zheleznitsa Tunnel and the appeals to share observations, concerns, and questions via [Tunnel.Report](#).

In November, TI-BG organised [training for the media](#) in Blagoevgrad Region.¹³ Keynote speakers were renowned Bulgarian investigative journalists while the event itself prompted the interest of local reporters not only personally (as trainees) but also as an interesting event to be covered in the media. This proved a good opportunity to popularise the project among the local communities despite the epidemic situation in the country. In the following weeks, the epidemic situation deteriorated, and the authorities imposed yet another round of restrictions which limited the possibilities for travel. Still, TI-BG believe that the coverage of the event has had an effect which will grow ever more palpable. Their ambition is to encourage not only the media but also "ordinary" citizens to benefit from the opportunities and tools accorded by modern technology and the regulatory framework for pro-active search of information, critical thinking, and exercise of public pressure to ensure greater transparency in the use of national and EU funds.

A tool of this sort is the special platform created for the project [Tunnel.Report](#). Via the platform TI-BG received a number of questions in relation to safety and environmental protection in the course of the construction work. The responses obtained from RIA are published on the portal so anyone can read them.

Advocacy

In the summer of 2020, the Public Procurement Agency held a public survey about the latest amendments to the Public Procurement Act. Transparency International Association joined the discussion with [several recommendations](#) one of which – concerning the provisions defining substantial amendments to the procurement contracts – was accepted and is already in force. The issue which the solution targets was identified in the course of the monitoring of Zheleznitsa Tunnel.

¹³ *The district area of construction of Zheleznitsa Tunnel.*

TI Greece

Monitoring activities

TI-GR continued the monitoring activities covering the period after the beginning of construction works (17/3/2020). In July 2020 the 2nd Monitoring Report (MR) was published based on the review of official documents and on-site visits to the offices of the CA. The main findings of the 2nd MR were included in the Narrative Report for the reporting period JAN-JUL 2020.

In November 2020 the 3rd Monitoring Report was published based on the review of official documents and on-site visits to the offices of the CA. The report covers a time period of 5 ½ months up to August 31st 2020.

The main findings from this monitoring period fall under two (2) thematic areas:

- a. Progress of works and its effect on the timetable for project implementation.
- b. Pre-approvals and payments to the Contractor

Timetable for the project implementation// Progress, obstacles and delays

The report highlighted that although 17.5 out of the 30 months foreseen in the contract have passed, no stormwater pipelines have been constructed or placed for any of the Networks S1 and S2 in both Municipalities aiming to provide flood protection. By the end of August 2020, the Contractor carried out exploratory excavations, and proceeded to relocate 450 m. of existing sewer pipes, out of 1,480 m.in total, that is expected to be relocated in a specific street {Subnetwork for S2} -which corresponds to about only 30% of the execution of the specific task. In the rest of the sub-network of S2, additional utilities networks (gas pipelines, etc.) have been identified as obstructing the route of the flood protection pipelines but their relocation must be done in coordination with the respective actors

In the Independent Monitor's (IM) view, the complete settlement of the pending relocation of all utilities networks is crucial for the smooth progress of the project. There is a high possibility for delays in construction works, as the relocations may require additional actions (i.e. need for complementary studies, approval of additional finance, etc.), which could lead to the suspension of works for an unknown period of time.

The implementation of the road plan in areas within the Municipality of Nikaia - Ag. Ioannis Rentis, is still pending. This delay puts at serious risk both the compliance with the contractual deadline for the completion of the project as well as the implementation of the project itself, as mentioned in a previous report by the Independent Monitor (March 2020). This is a very serious issue, as in case the necessary procedures for the expropriation of properties are not previously completed the construction works cannot start in specific areas. The site of the above roads is very crucial for the implementation of the project, as it is located very close to the proposed outlet location of Network S1 to the recipient – which is where flood protection projects start from. Therefore, the construction of the whole Network S1 cannot begin unless the issue is resolved immediately. The Municipality of Nikaia-Aghios Ioannis Rentis, who is responsible for the implementation of the road plan, submitted an estimated time frame of 10-12 months, for the completion of the relevant procedures; implying as a result another significant project delay. In addition, the Municipality set as a prerequisite that the procedures will be fully financed by the Operational Program "Attiki 2014-2020", i.e. by European resources. In this regard, communications commenced between the Municipality of Nikaia - Aghios Ioannis Rentis and the Contracting and Managing Authority respectively - focused on the submission of the required documentation for the funding request to move forward - that spread for a number of months.

It should be pointed out that even if the expropriation activities are funded by the European resources, a long, multi-level process should be followed; this process includes the preparation of a relevant technical study by the Municipality of Nikaia - Aghios Ioannis - Rentis, the drafting of the tender documents, the final process for the accession to the NSRF, the conduction of the public contest, the handling of potential objections, and finally the execution and completion of this sub-project. Evidently, the required time for the completion of all the above actions, will far exceed the current contractual deadline set for 28/9/2021.

Therefore, it becomes clear that there are serious delays and risks for the full completion of a significant part of the project. At the same time, this issue highlights the importance and undeniable need for putting in place effective coordinating and monitoring mechanisms that concern other –than the already

involved actors; and that is because even if they are not directly engaged in the execution of the public contract, as main parties of it, they interfere in the procedure since their actions stand often as a precondition for the execution of the contract and thus may impede, jeopardize or cancel - even partially - its implementation. This prevents essentially the delivery of an integrated project or the provision of goods and services that would meet a significant need or improve the quality of life for the citizens.

On August 12, 2020, the Contractor submitted a special declaration for the cessation of all the works of the project to Attica Region (Contracting Authority), under the justification that a number of problems had been identified as regards to: a. utilities networks and inability of communication with the responsible services for their transfer, b. archaeological works that slowed down the progress of the project and c. non- completion of the expropriation activities of areas in the Municipality of Nikaia - Agios Ioannis Rentis. The special declaration was not accepted by Attica Region.

The Contractor filed an objection with the Minister of Transport and Networks requesting the annulment of the rejection decision. The objection was discussed in 3 different meetings (final on 22/12/2020). The Public Works Council issued a rejective opinion regarding the Contractor's objection by majority. The issuance of the relevant ministerial decision is expected. In addition, the Contractor on 6/11/2020 filed a notice for compensation for actual loss. Since August 12, 2020 the works of the project remain halted.

Pre-approvals and payments to the Contractor

During the reporting period the CA approved a payment of € 89,928.37 concerning the relocation of a section of approximately 450m of sewer culverts with their respective manholes on Thessaloniki Street. Until August 2020 a total of € 470.980,37 has been paid to the contractor.

RESPONSE TO THE INDEPENDENT MONITOR'S REQUESTS

The communication between the Independent Monitor (IM) and the Contracting Authority (Attica Region) for the needs of the 3rd Monitoring Report (MR), ran smoothly remaining in practice unprohibited by the special conditions created by the COVID-19 pandemic.

It should be noted that the Contractor did not respond to information requests addressed by the IM, either for the previous (2nd) or the latest Report (3rd). However, the Contractor reached out to the IM after the final draft of the 3rd MR and displayed a willingness for cooperation by providing information/documentation. In addition to this, the Contractor also invoked the IM's reports during the proceedings before the Public Works Council.

As a result of the COVID-19 pandemic outbreak several restrictions remained active nationwide (i.e. educational institutions of all levels suspended operation for a 2-month period, community gathering spaces and public spaces [i.e. theatres, cinemas etc] remain closed, conferences/meetings/seminars/trainings not allowed). "Work from home" is strongly recommended by official authorities and many private companies suspended their operation by order of the government. Public sector agencies applied rules for social distancing for staff, many of which were on special leave, and work rotation. Government also re-imposed significant restrictions on all non-essential transport and movement across the country.

Activities to communicate and promote Integrity Pacts

During the reporting period (JUL-DEC2020) the IP was promoted to relevant stakeholders through:

- a) Circulation of 2 newsletters dedicated to the 2nd and 3rd MR and European updates to interested stakeholders (July and November 2020)
- b) Opinion article by the Chair of TI-Greece published on the Greek service of the international news aggregator and blog platform "Huffington Post Greece"; the article highlighted the importance of clean contracting for MFF '21-'27 & recovery funds (October 2020)
- c) Press Statement on the official observations and proposals submitted-as part of the IP advocacy work- to the public consultation for the new public procurement draft law. (December 2020).
- d) Social Media activity (fb, twitter, LinkedIn)

Throughout the reporting period the project website (www.integritypact.gr) was following the project's progress (3,715 page views during the reporting period).

Social accountability work (working with affected communities)

Due to the COVID-19 pandemic, presentations/meetings with affected communities, youth audiences (university + high school students) and other stakeholders have been postponed for the next reporting period (examine the possibility to organize them online depending on the situation).

Advocacy

a) TI Greece co-signed a Joint Statement of 27 CSOs to European leaders (Summit Meeting) on MFF '21-'27 & recovery funds-importance of clean contracting. The Joint Statement was also addressed to the State Secretary to the Prime Minister.

b) Participation at the public consultation regarding the Draft Law on the reform and modernization of the institutional framework of public procurement, as well as the amendment of the existing legislative framework. In a total of 192 articles, TI-GR's remarks focused on those that address issues of transparency and accountability, having a significant impact on the cost, time and quality of works, goods or services offered to the citizen through the execution of a public contract. The remarks and recommendations that were also communicated to the competent Minister of Development & Investment, concern the direct assignments, the unusually low bids, the publication of data only for contracts with an estimated value higher than 2,500 euros, and the conditions for exclusion of a candidate contractor from process of concluding a contract for particularly important crimes, such as bribery and money laundering. The positioning of TI-GR was also widely publicized through a press statement and the chapter's official social media channels.

TI Hungary

Monitoring activities

M6 Motorway project

Between July and December 2020 TI-HU continued monitoring the second public procurement procedure, which is for the actual works, and which started in December 2019. They examined the bids, the notices for supplementary information and clarification, and all other documents produced in this phase of the public procurement procedure. TI-HU did a background check on the bidders, and since one of the bidders was a mixed consortium of Hungarian, Czech and Slovak companies, TI-HU turned to the Slovak and Czech TI chapters to get background information on the companies in question. As it turned out the Czech mother companies raised serious concerns due to certain on-going corruption-related court cases. TI-HU participated in the Selection Committee meetings; and made comments and inquires on the bids. They focused mainly on the offered budgets; and discovered serious anomalies. The Contracting Authority was cooperative during monitoring, they provided all necessary information and document, and considered and discussed the concerns TI-HU raised. The public procurement procedure was closed on 21 December 2020 by signing the contract between the CA and the winning bidder.

Flood reservoir project

In July 2020 TI-HU travelled to the Tisza-Túr region with their engineer expert to perform an on-the-spot check on the construction site of the flood reservoir. First, they examined the documentation with the representatives of the Contractor and the CA, then they could check the information they got from the documents against the reality. Up until the point of the on-the-spot check the execution of the contract went according to the contractual obligations.

Activities to communicate and promote Integrity Pacts

While TI-HU visited the construction site for the on-the-spot check in July, they also recorded the visit itself and talked to local stakeholders about their opinion on the project. TI-HU got very valuable insight into how this project affects the life of the locals. They also recorded the opinions of the CA and the local project manager, how integrity pact helps their work. On 1 September 2020 TI-HU published the video that they are very proud of:

<https://www.facebook.com/TransparencyInternationalMagyarország/posts/10158370889610792>

They reached around 6.000 people with the video and got several positive comments under the Facebook post.

Social accountability work (working with affected communities)

Flood reservoir project

As explained above during the course of the on-the-spot check, TI-HU met local stakeholders: mayors, the local head of the protected nature park, the local project manager etc., and talked to them about the flood reservoir. They summed up their findings in the video linked above.

Advocacy

The project manager gave presentations on the corruption risks related to public procurement and on integrity pact as a tool to tackle the problems: at the Law Faculty of Eötvös Loránd University; and to civil servants of a Capital District.

TI-HU also presented the integrity pact tool to potential interested parties, which resulted to a new integrity pact for monitoring the renovation of the Chain Bridge. The renovation of the Chain Bridge, being the symbol of Budapest, is a long-awaited landmark project with a significant political and media attention. The value of the project amounts to ca. EUR 68 million. Lessons learnt from the M6 and flood reservoir project greatly help TI-HU's monitoring activity: they gathered deep knowledge of the construction sector in Hungary and got to know the market operators, their practices etc.

TI-HU prepared a paper as contribution to the Partnership Agreement 2021-2027 for the Prime Minister's Office, in which they suggested to systemic use of integrity pacts in high-risk projects finances from EU funds.

TI-HU also started to work on several complementary, “side” project within the framework of the integrity pact project: updating, and potentially further developing their existing red flags tool; setting up a database on the public procurement procedures related to COVID-19; launching FOI requests on COVID-19-related procurement; preparing a series of video on public procurement and the use of EU funds.

Monitoring activities

Delays on Integrated Public Procurement Report

The report is on the impact of structural delays of the integrated public procurements at national level, by interviewing and collecting contributions through national stakeholders. This will be released by February 2021.

Photographic Report. This photo reporting is linked to the implementation of a socio-urban study on the construction of the extension works of the Cagliari light rail (Repubblica-Matteotti section) in order to produce a photo-narrative publication of the project and the local community.

The research investigates the social dimension linked to the urban change in Cagliari in relation to the evolution and innovation of the urban tramway system, with particular interest in the urban development impact on citizenship. The storytelling will have a strong visual importance, of a photographic type, because TI-IT would like to find in the mixture of research-study and images a synthesis that also lends itself well to the active involvement of citizens in civic monitoring with a bottom-up approach. This is ongoing and will be released by February 2021.

Experts monitoring activities

Executive planning

ARST in June and July sent to the contractor ATI Consorzio Integra (ATI = Temporary Association of Companies) two tranches of requested changes to comply with gaps found in the delivery at the beginning of June of the latest version executive design, with a very substantial documentation composed of 12 technical attachments.

The material received by the ATI, or the required revisions, has been forwarded to the third-party executive design verification company Rina Check in Genoa at the beginning of September.

Between August, September and October, the Contractor solved out the findings and critical issues (many) communicated by the Contract Authority as well as agreements have been reached with respect to the cost revisions required by the Contractor and subject to reviews and negotiations.

An evidence that the issues between the CA and the Contractor have been resolved, on October 21 the time schedule of the next activities October 2020 - February 2021 has been provided, which should lead to the start of the construction site opening works on February 27, 2021.

In November, the third party Rina Check of Genoa, in charge of co-examining the executive design of the contractor, expressed a negative opinion on formal aspects. ARST (MA) decided to approve executive design by listing changes with which to rectify and resolve the formal inaccuracies detected by the third-party examiner.

New Actions

At the beginning of November, it has been the retirement of the ARST Project Engineer Manager Ernesto Porcu, a long-standing collaborator of recent years with the monitoring staff. The Engineer Marco Demuro became new head of the procedure in the design and execution phase to replace Ernesto Porcu. Engineer Barbara Testa became the new construction manager to replace Marco Demuro.

New Economic Framework

On November 16, the new Economic Framework of the project has been reformulated and sent to the Sardinia Region for the authorization, after which it had to be approved by the executive management and treasury of ARST itself to decide on the effectiveness of the use of the funds.

Here are the summary items. The Preliminary Project of 07.04.2016 cost an Eu + Region of Sardinia financing item for a total of 22,500,000 euros, this amount was reported in the signing of the contract of 22.05.2018 with the Contractor (Consorzio Integra) winner of the tender, after variants requested by the Decision-making Services Conference of 27 July 2018, the further changes are quantified on 12.06.2019 at 3,263,000 euros.

Due to the effects of the requirements of the entities and the changes made to the executive project and the negotiations with the Contractor, the excess amount is quantified in 5,000,000 euros. Therefore the final amount reached. Thanks to regional and municipal funding it is 27,500,000 euros.

Services Conference in a nutshell

The new revised and corrected executive design is brought to the attention of a last reduced Small Services Conference (still 30 entities) whose main interlocutor is the Municipality of Cagliari, it is called the excerpted Services Conference. It takes place on 10 December 2020 and mainly concerns the problem of the flooding of an area of the city that will be affected by the passage of the light rail and its solution by means of a "pipeline system" for the disposal of excess water by means of lamination tank and pump system. The Conference is resolved with other minor prescriptions that can be absorbed in the coming months.

Preparation of the construction site

As evidence of the fact that TI-IT are on the home straight for the start of the works, the requests and assignments by the Municipality of Cagliari of temporary construction sites by the executors of the works begin. The first areas are assigned on 23.12.2020 for a period of 836 days which is estimated to be the time necessary for the completion of the works. In high areas there are delays and unavailability, TI-IT monitor at the beginning of 2021 that this last obstacle does not generate delays now that everything else is ready.

Activities to communicate and promote Integrity Pacts

EWRC Civic Mapathon. TI-IT have taken part to the EWRC (European Week of Regions and Cities) that has virtually brought together local and national authorities, with representatives of the European Union, civil society, academia and the private sector to promote citizen participation in cohesion policy and share best practices. This year's EWRC was divided into three weeks, each focused on a different theme: 1) Empowering Citizens, 2) Cohesion and Cooperation, 3) Green Europe. TI-IT have proposed a Participatory Lab into the third strand so that they have launched an online webinar on Civic Monitoring in an IP project. This showcased an operational civic tech tool useful for explaining the realization of a public work to citizens: from the state of the art during the design, up to the collection of existing data and of those foreseen by the project, going to the opening phase of the construction sites and the citizens use. A participatory method that allowed TI-IT to activate the communities in telling the stories of the territory in which they live and of which they are actively interested. This has been a virtual civic walk that simulates an action of civic monitoring on the field, searching for elements of the territory useful for the story. Participants will be provided with the bases and technological fundamentals of collaborative geographic mapping on OpenStreetMap and the explication of a Mapping Party: an event during which enthusiasts and / or simple onlookers gather in a specific place to "map" it.

IPs Milan Conference: On 9 December 2020 TI-IT have done an online event that was held on the adoption of important and innovative changes to their Integrity Pact. The amendments adopted by the Municipality of Milan concern the strengthening of the whistleblowing tool, the management of conflicts of interest, the fight against recruitment and work that do not comply with guaranteed rights. Transparency International Italia has been present at the event to illustrate the experience of the Integrity Pacts with the pilot project Integrity Pacts: Civil Control Mechanisms for safeguarding EU funds. The focus of the intervention will be civic monitoring, with the actions implemented in recent years.

Social accountability work (working with affected communities)

Intervention in Cagliari's University on Urban Engineering Course

TI-IT have done a short lecture on the Italian Procurement Code and roles on construction site works of future engineers, by mentioning the importance of the civic monitoring and the potentialities of Integrity Pacts and the example of the European Project.

Advocacy

Any advocacy intervention has been at present suspended due to Covid-19 restrictions on round tables and meetings with government representatives.

TI Lithuania

Monitoring activities

During the months of July – December 2020 TI Lithuania continued its routine monitoring activities of the projects and engaged the legal experts to review procurement documents. To mention a few noteworthy developments in this field – disputes arose regarding one of the projects (Construction works of the renovation of the left bank of the Neris river in Vilnius - bicycle and pedestrian paths, with preparation of the work project) between the bidders and CA due to decisions taken during the evaluation of the bids. Currently the future of this project is under discussion as the CA awaits the court decision.

In addition, in August the archaeological finds have been discovered during the reconstruction works (project “Construction works of the right riverbank of Neris, set up of bicycle and pedestrian paths, with preparation of the work project”). TI Lithuania has been monitoring the process in order to understand the implications of this discovery for the timeframe and budget of the project.

Finally, TI Lithuania has continued its work with the representatives from the Corruption and Misdemeanour Prevention Division at the Vilnius City Municipality on improvements of the anti-corruption programme implementation plan, including better regulation of the internal reporting channel in place, and discussed further cooperation in 2021 (e.g. conducting trainings to CA employees, reviewing the corruption risk management mechanisms in place, etc.).

Advocacy

TI Lithuania has also engaged in public advocacy activities, advocating for better risk management in public procurement. For example, TI Lithuania’s team members attended 2 international events as speakers (webinars organized by the World Bank and OCP). Please find more information about the events [here](#) and [here](#). The sessions covered the topic of the importance of disclosing public procurement data and risk management, which is a part of the integrity pact model.

Last but not least, TI Lithuania engaged with various stakeholders in the field, such as the biggest contracting authorities, the biggest hospitals, the Lithuanian Public Procurement Office, the Special Investigation Service, and the National Audit Office. The activities have led to further discussions on the openness of public procurement and the need for more data. For example, the PPO has been continuously updating the COVID-19 related procurement data in an open data format on its [portal](#).

During the first wave of COVID-19 pandemic governments were forced to make rapid decisions to prevent the spread of the virus. Often such preventive measures were taken bypassing the usual procedures and checks and balances on public spending. In fact, the pandemic has only highlighted the already existing challenges and corruption-related risks in public procurement. Therefore, TI Lithuania has been actively advocating for open data on procurements related to Covid-19. At the end of June 2020, the Public Procurement Office opened data of COVID-19 procurement (for the period from January to May 2020) and published an analysis about the protective equipment and disinfectants bought (the analysis contained a total of 1241 contracts) also thanking TI Lithuania for the inspiration. Please find the report and data [here](#).

With the initiative co-financed by the Open Contracting Partnership and the Integrity Pacts project, TI Lithuania aimed to better understand the extent of public procurement and allocation of resources during the COVID-19 pandemic and as such increase the level of transparency in healthcare sector spending and advance the conversation regarding the use and the release of better-quality open data. As a result of this initiative, a 10% increase in COVID-19 public procurement transparency in Lithuania was noted, due to contracts additionally provided to TI Lithuania.

TI Lithuania sent FOIA request to 10 largest contracting authorities and 5 main COVID-19 patient hospitals for (1) all COVID-19 related procurements between January-May 2020 that were not published by the PPO, (2) status of all COVID-19 related procurement, (3) distribution of COVID-19 related equipment received between January-May 2020, (4) support received between January-May 2020 to combat COVID-19. All 12 contracting authorities answered to FOIA requests, some of them providing only partial information. Main findings of the initiative:

- 136 additional public procurement contracts worth EUR 7.98 million were submitted by the contractors that had not been previously disclosed by the PPO. At least 8 out of 10 of these contracts were of small value;
- Most hospitals and institutions bought protective equipment and disinfectant fluids (34%), medical equipment (22%), as well as medicines and pharmaceutical products (13%);
- At least 5 hospitals that disclosed such information, received at least 2 million euros in donations related to COVID-19 support. Some donors identified in the data also participated in public procurements as suppliers at the same hospitals;

Based on these findings, TI Lithuania provided recommendations for the stakeholders in the field to: (1) declare all COVID-19 related public procurement contracts and support received in a publicly available open data format; (2) declare the state of completion of the contracts; (3) create a publicly available database of reliable suppliers for COVID-19 related contracts (along with open beneficial ownership registry). Please find a press release, study and visual infographics [here](#).

This initiative supported TI Lithuania's data-driven advocacy efforts for more transparency around COVID-19 procurement. The Public Procurement Office updated the Central Public Procurement Information System (CVP IS) by including new information fields. For example, procuring entities are now recommended to publish actual contract implementation data and the actual amount, they must also attribute the procurement to the COVID-19 procurement if applicable, there is also an option to export contracts data in csv format (more: <https://bit.ly/3t0YWPk>). In addition, TI Lithuania presented the research results and recommendations to the Anticorruption Commission in the Parliament of Lithuania. As a result, the members of the Parliament committed to carry out parliamentary oversight of transparency and effectiveness of COVID-19 procurement (More information (in Lithuanian): <https://bit.ly/39jMgeA>).

TI Portugal

Monitoring activities and Social accountability work (working with affected communities)

On the monitoring plan, the formal approval for starting the construction work designed for MA01-Conservation of the west and north façades came in June 2020, and in early July TI-PT organized a meeting at the Monastery to welcome the new contractor to the IP project, like the one organized for MA02 when this work started in 2019. The meeting also corresponded to contract award and IP signature by the Construction Company responsible for MA01.

In September, the Experts were finally able to conclude the monitoring activities related to MA02-Monastery door and shop renovation, after a technical visit to the Monastery on September, the 10th.

The preliminary monitoring reports concerning the conclusion of MA02-Monastery door and shop renovation and the bidding process of MA01-Conservation of the west and north façade were then sent to the CA for comments. For internal reasons, DGPC only shared their input on January 2021 (although the responsible department sent the reply for the Deputy Director's approval by November, the 4th), and therefore TI-PT are unable to fill in the monitoring logs during the current reporting procedure.

TI-PT hope to be able to publish and to disseminate the monitoring reports no later than the first week of March 2021. The plan is to aggregate all the monitoring info related to MA02 in a solo document in both Portuguese and English for increased outreach.

Social accountability work (working with affected communities)

Project implementation during the second half of 2020 was also affected by the COVID-19 crisis. As said in the last reporting period, the country was lockdown since March 2020 (the [State Emergency was first declared on the 19th of March](#) and successively renewed until the end of the year. Preventive measures to contain the virus are still in force by today, blocking all public events and any gatherings with more than 10 people.

For this reason, TI-PT were unable to organize on site monitoring guided tours between July-December 2020, and according to the coronavirus evolution in January 2021, the closest work with the affected communities from the village of Alcobaça will only be possible again during the 2Q 2021.

To overcome this obstacle, TI-PT are now preparing online guided tours, but for that the IP team needs to be able to travel to Alcobaça, something that is not currently allowed due to the new lockdown imposed by the government to contain the virus.

Advocacy and Activities to communicate and promote Integrity Pacts

Between July-December 2020 TI-PT continued to develop the communication and engagement plan designed to cope with the COVID-19 crisis.

The clean contracting campaign and the public procurement dashboard (Transparencia Hotspot) were on to actively monitor the new set of emergency procurement rules and the contracts published on the Portuguese Public Procurement Portal, as well as to provide information and recommendations based on the IP best practices. During these months we:

- shared notes on the use of Open Data to Reduce Direct Contracting in Portuguese Cultural Heritage with Open Contracting Partnership;
- evaluated the commitment on Public Contracting inscribed in the OGP National Action Plan;
- presented recommendations to the National Anticorruption Strategy presented by the government for public consultation;
- strongly advocated against the new Governmental proposal to review the public Procurement Code, since its negative impacts in core IP values: transparency, anticorruption, accountability, competition. An article was published by the IP team in a major Portuguese Newspaper;
- signed a joint statement with other 27 CSOs asking for an open and vibrant public contracting system for the EU;
- supported the inscription of Clean Contracting as Transparency's International global priority for the next decade;
- engaged with the OCP in building a coalition discussing Public Procurement trends and best practices in Europe.

TI-PT were also very active in participating and in organizing online events, both from a citizens' engagement perspective and IP outreach:

- October, 30th: Karina Carvalho was interviewed by the Angolan Women's Leadership Network, and able to share TI-PT work under the IP;
- November, 4th: Karina Carvalho participated as panellist on a conference on Transparency and Bureaucracy discussing the government proposal to change the Public Procurement Code;
- November, 21st: Karina Carvalho shared IP best practices to an Angolan audience during a webinar discussing corruption trends in that country and ways to fight it;
- November, 27th: TI-PT organized 2 webinars for the European Researchers' Night, making the case for Integrity Pacts to boost clean contracting and civic monitoring in Cultural Heritage Procurement;
- December, 4th: Karina Carvalho acted as moderator in the IACC' session "From vaccines to recovery: The critical role of clean contracting to address the COVID-19 pandemic"
- December, 11th: under Festival Transparente, TI-PT annual International Anticorruption Day celebration, TI-PT organized a online workshop together with the OGP National Network on transparency and access to information based on the IP lessons learned.

Monitoring activities

The Cadastre and Real Estate Publicity Agency (ANCPI) developed tender documents in 2018 and launched the procurement by publishing these documents, at the end of 2018 and 2019. In 2020 Technical Specifications and prices estimations have been revised, after a market consultation process. New tenders have been launched and re-launched in 2020 for the selection of contractors for as many municipalities as possible. Monitoring the activities is ongoing with no special concerns or risks related to project implementation. The independent monitor recommended ANCPI to strengthen its integrity system and especially the reporting/whistleblowing channel and the internal regulation on preventing and dealing with conflicts of interest during the reception of completed services.

The Ministry of Culture developed tender documents in 2018 and launched the procurement by publishing these documents, at the end of 2018 and 2019. A new tender was re-launched in 2020. Tenders documents have been revised by the independent monitor. The reporting period July-December 2020 included monitoring the communication and cooperation of the Contracting Authorities and the contractors, including participation to meetings between the Contracting Authorities and the contractors and the revision of the deliverables submitted by the contractors.

The Ministry of Education re-started the preparation of the project “The Integrated System for School Management” (that will include the e-catalogue) in April 2020 after a suspension that started in November 2019, when the project lost the project manager. The independent monitor revised the changes to the tender documents and recommended organising a public consultation on the e-catalogue functions and a market consultation for the requested solution in May 2020 and reiterated the recommendation in June and July 2020. The public consultation and market consultation took place eventually in September 2020. They show the project is extremely relevant and very needed by the school communities and the required services are feasible from the point of view of potential bidders. However, risks related with the complexity of the procurement need to be taken into account in project management. The tender for the electronic system (platform) for the “The Integrated System for School Management” (the e-catalogue) have been published after revisions in December 2020.

Since March 2020 Romania is affected by the COVID-19 pandemic and related crisis. New policies and legislation regarding public procurement have been published during this period and the project team analysed it for the manner in which they interacted with pre-existing legislation, how they were applied, the problems that arose and any irregularities that might have arisen. Moreover, the research on private sector, civil society and mass media perception on public procurement (taken into account the effects of COVID-19 pandemic and related crisis) has been conducted to understand the impact of these elements on the procurement. Results will be published in February 2021 and complemented by further analysis on the impact of the open data on procurement in 2020.

Activities to communicate and promote Integrity Pacts

Communication about integrity pacts and their promotion have been carried out by TI-Romania and IPP using different channels:

- Social media (Facebook) with at least 1 post every two weeks;
- Organising events and using events organised within other projects to promote IPs. IPs are an important recommendation of the Business Integrity Country Agenda (BICA) assessment report, therefore communication about IPs is integrated in advocacy within the BICA project. Meetings with private sector representatives (including business organisations) and civil society organisations have been organised to promote IPs in 2020;
- Participation to events organised by stakeholders (AmCham, Patients' College/association).

Social accountability work (working with affected communities)

A communication campaign has been conducted on September 4th-9th 2020 in the municipalities that are subject to cadastre services monitored. The first objective of the campaign was to promote the whistleblowing line. The campaign – held face-to-face, using a door-to-door approach and with

interaction outdoors, in order to limit physical contact – showed how citizens can be engaged in monitoring the cadastre services and how they can contact and interact with the independent monitor.

On September 22nd 2020 TI-Romania and IPP organised a debate on the development of the integrated school management system and the e-catalogue with participation of the Ministry of Education and representatives of students. Representatives of teachers and parents consulted in separate meetings confirmed their interest for the project and support for the development of the E-catalogue.

Advocacy

Communication with the National Agency for Public Procurement has intensified during the reporting period in order to promote the Integrity Pact as a good practice in the practice library on the Agency's website. This will be an encouragement for contracting authorities to use Integrity Pacts and a source of information about Integrity Pacts for procurement experts on the platform/information source they use for official clarifications and good practices recommended by the regulating authority in the field of public procurement.

In August-October TI-RO and IPP conducted the research on trust in public procurement. It is the mid-term evaluation of main non-KPI and it was needed due to political and environment changes in 2017-2020, including several changes of the government anti-corruption approach and the COVID-19 pandemic that affected trust in institutions. The results are complemented by qualitative research and will be published in February 2021 and will be used for advocacy.

Since September 2020 TI-Romania and IPP started advocating for IP promotion in the new European funded programmes, including letters to the Ministry of European Funds and coordination with DG REGIO for the promotion of Integrity Pacts in Romania after 2020. Since November this advocacy efforts are coordinated by Romania and IPP with the Romanian Academic Society.

TI-Romania and IPP are coordinating with the Romanian Academic Society in the promotion of Integrity Pacts at national level, including in meetings with the Ministry of Justice in order to integrate Integrity Pacts in the next National Anticorruption Strategy.

Monitoring activities

Monitoring activities continued in Novo mesto hospital during the implementation phase with weekly presence of monitors on coordination meetings in the field. This was complemented with desk analysis of received documentation, while suggestions were made on several occasions. As the works are now concluded we have requested additional documentation and explanations from the CA after reviewing the documentation at the end of implementation phase. These are now being acquired or reviewed.

The monitor also published the fourth monitoring report about the renovation of Trbovlje general hospital that focused on the implementation phase. The monitor is now focusing on the final phase, specifically analysing data from questionnaires to determine the quality of the renovation (evaluation of hospital staff and patients on air/temperature quality) while data on energy consumption will be reviewed in the following months.

Activities to communicate and promote Integrity Pacts

Along with standard online activities the fourth monitoring report on Trbovlje general hospital was promoted on social media in order to reach a specific target audience (affected communities). Additionally, the project was presented to law students and on an e-learning platform dedicated to risks in public procurement that was built to replace the national event. The platform replaced the national event and features four videos – from TI Slovenia, Directorate for public procurement, Competition protection agency and Commission for the prevention of corruption. Additionally, a quiz and additional reading list is available. Further upgrades are considered for the future.

Social accountability work (working with affected communities)

TI Slovenia organised two workshops for Novo mesto hospital staff where high level employees acquainted themselves with the importance of whistleblowing in public procurement and with safe whistleblowing channels.

Advocacy

TI Slovenia conducted two high-level meetings – with the Minister of Justice and the new President of the Commission for the Prevention of Corruption. Both institutions were made aware about the tool, current state of the project and potential future implementation of the IP.