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SYMPOSIUM ON INTERNATIONAL PUBLIC PROCUREMENT CONFERENCE: PART II

EDITORIAL: PUBLIC PROCUREMENT GOVERNANCE IN AN ERA OF INSTITUTIONAL COMPLEXITY AND COMPETING PUBLIC VALUES

Fuguo Cao, Alex Nduhura*

Public procurement has become far more than an administrative mechanism for acquiring goods, works, and services. Governments now rely on procurement to pursue sustainability, protect public resources, strengthen integrity, and deliver wider economic and social benefits. These expectations create difficult questions about how public authorities should balance competition with cooperation, accountability with discretion, and legal certainty with institutional adaptability. This issue of the International Journal of Public Procurement (IJoPP) brings together six articles that address these challenges from different perspectives. Examining green supply chains, corruption, public expenditure, public-public partnerships, procurement remedies, and institutional complexity, the contributions show why contemporary procurement governance must be understood as an interaction between legal rules, institutional arrangements, and organizational behavior.

A common concern runs through these studies: formal policies and procedures do not necessarily produce their intended outcomes. Sustainability strategies may remain disconnected from firms' operations; oversight arrangements may fail when institutional incentives are misaligned; and fragmented financial processes may obscure accountability despite the existence of formal records. At the same time, rules designed to promote competition or judicial oversight may constrain legitimate public functions or generate uncertainty. Effective procurement governance therefore requires more than additional regulation. It requires attention to the ways institutions interpret their responsibilities, coordinate their activities, and reconcile competing public objectives.

Komakech opens this discussion by examining how national green growth strategies can be translated into green supply chain management (GSCM) practices in developing economies. Through a conceptual and integrative review, the study develops a policy-practice nexus framework linking sustainability policies to

* *Fuguo Cao is the president of the International Public Procurement Conference. He is Chair Professor of Law, Law School and School of Public Finance &Taxation, Central University of Finance and Economics. Dean, Chinese Academy of PPP Governance, Central University of Finance and Economics. (Email: caofuguo@cufe.edu.cn)*

Alex Nduhura is an Associate Professor of Business and Public Management at Uganda Management Institute, specializing in supply chain management and public-private partnerships (PPPs). He serves as Co-Chair of the Scientific Committee of the 10th International Public Procurement Conference and Chairman of the Chartered Institute of Procurement and Supply Uganda. He holds a PhD in Public Management and Governance and has published over 70 academic articles and book chapters. (Email: nduhuraa@gmail.com)

institutional pressures, managerial sensemaking, organizational capabilities, and firm-level practices. Coercive, normative, and mimetic pressures may encourage greener purchasing, production, logistics, and supplier relationships, but the response depends on credible enforcement, financial resources, managerial commitment, and technical capacity. Public procurement has a particular role in creating demand for environmentally responsible products and suppliers. The article also emphasizes that smaller firms face distinct implementation barriers and that ambitious policy commitments do not automatically result in measurable sustainability improvements. Its framework offers a foundation for further empirical inquiry into the conditions that enable policy to change supply chain behavior.

Ivanov approaches institutional effectiveness through a theoretical analysis of corruption. Questioning the assumption that corruption arises only when an agent acts against a principal's interests, the study examines how the preferences of both actors relate to the interests of society. It distinguishes bureaucratic and efficient corruption from quasi-totalitarian and totalitarian forms, including circumstances in which principals and agents may share objectives inconsistent with the public good. This approach draws attention to weaknesses in oversight systems that rely exclusively on hierarchical supervision. For procurement governance, the contribution is a reminder that formal monitoring arrangements cannot by themselves guarantee integrity when institutional incentives and relationships encourage misconduct. The proposed classification invites further examination of corruption across different administrative and procurement contexts.

Vieira addresses a related accountability challenge: the fragmentation of public financial governance. Her study introduces the MITOC Framework, an Integrated Matrix of Transparency, Budget, and Public Procurement, to connect the successive stages of expenditure decision-making. Rather than evaluating budgeting, tendering, contract execution, payments, and oversight as isolated activities, the framework considers whether valid and traceable evidence connects them. It organizes validity, transparency, integrity, and traceability across seven phases and proposes indicators and a provisional compliance index for diagnostic assessment. The article does not present these instruments as empirically validated measures. Instead, it provides a conceptual basis for examining how discontinuities in information and responsibilities may undermine public accountability, even where individual administrative procedures appear formally compliant.

Turning to the legal organization of public services, Van Garsse examines public-public partnerships under European Union procurement law. His study distinguishes cooperation among public authorities from public-private partnerships and explores when such arrangements can operate outside ordinary competitive procurement procedures. Drawing on Directive 2014/24/EU and the case law of the Court of Justice of the European Union, the analysis considers institutional cooperation through in-house arrangements and contractual cooperation among public bodies. The central tension concerns the protection of competition without unnecessarily restricting public authorities' ability to share resources and perform common tasks. Van Garsse thus raises broader questions about proportionality and the appropriate limits of procurement

regulation when the objective is effective public service rather than conventional market purchasing.

Franck examines a different legal boundary through Uganda's public procurement remedies framework. Focusing on litigation arising from a procurement conducted by the Uganda National Bureau of Standards, his article considers whether the High Court may substantively revisit its appellate determination notwithstanding statutory language declaring the decision final and conclusive. The analysis explores statutory finality, inherent jurisdiction, and the distinction between correcting obvious errors and reopening the merits of a dispute. Although judicial correction is essential to accountability, prolonged uncertainty can affect bidder expectations, contractual commitments, and public service delivery. Read alongside Van Garsse's contribution, Franck's study highlights how procurement law must protect institutional functions while establishing predictable limits on the exercise of legal authority.

Ntayi and colleagues bring these concerns together in a conceptual examination of institutional complexity and hybrid logics in public procurement governance. Procurement organizations are expected to pursue efficiency, transparency, accountability, sustainability, and socioeconomic development, yet these expectations may conflict in practice. Drawing on institutional complexity and institutional logics scholarship, the authors examine how the centrality and compatibility of competing logics shape organizational responses. They identify proceduralization, selective coupling, structural differentiation, and relational governance as possible mechanisms for managing such pressures. Rather than assuming that multiple institutional demands inevitably weaken performance, the study considers how hybrid governance arrangements may support legitimacy, adaptation, and public value. Its proposed framework remains a basis for future empirical testing rather than a validated model of procurement outcomes.

Together, these articles reveal several points of convergence. Komakech and Vieira show why translating policy intentions into observable practices and traceable decisions is central to accountability. Ivanov and Ntayi and colleagues demonstrate that institutional incentives and competing logics complicate assumptions about how public organizations behave. Van Garsse and Franck clarify the need to balance legal protections with the authority and certainty required for public institutions to function. Across these distinct settings, procurement outcomes depend on relationships among formal rules, implementation capacity, organizational incentives, and oversight mechanisms. No single regulatory measure can substitute for coherent institutional design or credible practice.

The issue also points toward an interdisciplinary research agenda. Conceptual frameworks for green supply chains, corruption, expenditure traceability, and institutional complexity would benefit from testing with firm-level, transactional, and comparative data. Legal scholarship can further examine how different jurisdictions reconcile public cooperation, market competition, judicial correction, and procedural finality. Empirical research should also distinguish the adoption of formal policies from demonstrable effects on sustainability, integrity, service delivery, and public value.

Such work is especially important where institutional capacity and resources vary significantly across sectors and countries.

For IJoPP, these six contributions reaffirm the importance of studying public procurement as both a legal institution and an instrument of governance. They encourage scholars and practitioners to connect policy design with implementation, examine the consequences of institutional arrangements, and recognize the diversity of public objectives that procurement systems must serve. As governments increasingly rely on procurement to respond to sustainability, integrity, and development challenges, the need for rigorous, comparative, and practically relevant research will continue to grow. This issue contributes to that dialogue and invites further reflection on how public procurement can remain accountable, adaptable, and capable of delivering meaningful public value.

References

Komakech, R. A. (2026). Green growth and green supply chain management practices in developing economies: A policy-practice nexus. *International Journal of Public Procurement, 2*(2), 5-29.

Ivanov, A. (2026). The theory and practice of totalitarian corruption. *International Journal of Public Procurement, 2*(2), 30-46.

Vieira, S. A. A. (2026). Fragmentation in public financial governance: Developing the MITOC framework for integrated public expenditure governance. *International Journal of Public Procurement, 2*(2), 47-65.

Garsse, S. V. (2026). Public-public partnerships and public procurement law: EU perspectives. *International Journal of Public Procurement, 2*(2), 66-83.

Franck, K. F. (2026). Final but not final? Appellate oversight and legal certainty in Uganda's public procurement remedies framework. *International Journal of Public Procurement, 2*(2), 84-105.

Ntayi, J. M., Nantongo, N., Kasiko, I. I., Nyakeishiki, B., Namagembe, S., & Nabimanya, B. M. (2026). Institutional complexity and hybrid logics in public procurement governance. *International Journal of Public Procurement, 2*(2), 106-133.

GREEN GROWTH AND GREEN SUPPLY CHAIN MANAGEMENT PRACTICES IN DEVELOPING ECONOMIES: A POLICY-PRACTICE NEXUS

Robert Agwot Komakech*

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Abstract:

This conceptual and integrative paper theorizes how national green growth strategies are translated into Green Supply Chain Management (GSCM) practices in developing economies. It addresses the policy-practice gap by explaining how macro-level sustainability ambitions become firm-level supply chain routines through institutional pressures, managerial sensemaking, and capability mobilization. The review suggests that green growth strategies influence GSCM when credible coercive, normative, and mimetic pressures are perceived by managers as legitimate and actionable, and when firms have the capabilities to respond. The paper contributes a policy-practice nexus framework linking green growth policy, GSCM adoption, sustainability outcomes, and policy learning. It highlights the importance of enforcement credibility, public procurement, green finance, SME support, supplier development, and feedback systems for translating green growth rhetoric into supply chain transformation.

Keywords

Green growth, green supply chain management, institutional pressures, developing economies, sustainability

1. Introduction

Green growth has become a central policy framework through which developing economies seek to reconcile industrialization, competitiveness, poverty reduction, and environmental sustainability. National and regional strategies increasingly frame green growth as a pathway to low-carbon development, resource efficiency, climate resilience, and inclusive economic transformation [1, 2, 3, 4, 5]. Yet the main implementation challenge is no longer simply whether countries have green growth strategies. The more pressing scholarly and practical question is how these macro-level commitments are

* *Robert Agwot Komakech is Research Fellow, Institute Research & Innovation Centre, Uganda Management Institute, Kampala, Uganda. The corresponding author is Robert Agwot Komakech (email: kagwot@gmail.com; ORCID: [https://orcid.org/0000-0002-6139-0933]).*

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translated into operational routines, investment decisions, and inter-firm practices within supply chains.

Supply chains are the operational sites where many green growth ambitions either materialize or fail. Green Supply Chain Management (GSCM) provides one of the most direct ways to translate national sustainability commitments into business practice. Its core practices include green purchasing, eco-design, internal environmental management, green manufacturing, green logistics, reverse logistics, investment recovery, and environmental collaboration with suppliers and customers [6, 7, 8, 9, 10, 11, 12, 13, 14]. Through these practices, firms can reduce waste and emissions, improve resource productivity, recover value from materials, and meet the environmental expectations of regulators, customers, and supply chain partners.

Despite the growing maturity of green growth and GSCM scholarship, the interface between them remains underdeveloped. Green growth studies tend to emphasize national strategies, policy instruments, green investment pathways, and macroeconomic transformation [2, 15, 16, 5]. By contrast, GSCM studies usually focus on firm-level adoption, operational practices, supply chain collaboration, and performance outcomes [8, 9, 17, 18, 19, 20]. What remains insufficiently theorized is the policy-practice translation mechanism by which national green growth strategies generate institutional signals that firms interpret, internalize, and convert into GSCM practices.

The gap is particularly consequential in developing economies, where many firms operate with limited financial resources, weak enforcement capacity, fragmented institutions, underdeveloped green markets, and uneven access to environmental knowledge. Small and medium-sized enterprises (SMEs) dominate many productive sectors, yet they often lack the technical, managerial, and relational capabilities needed to implement GSCM practices at scale [21, 22, 19, 23, 24, 14]. In such contexts, policy pressure alone may be insufficient. The effectiveness of green growth strategies depends on whether institutional pressure is supported by credible enforcement, incentives, supplier development, green finance, professional norms, lead-firm demonstration effects, and sustained managerial commitment.

Institutional theory offers a useful but incomplete starting point for explaining this translation challenge. It suggests that organizations respond to coercive pressures from regulation and public authority, normative pressures from professional standards and stakeholder expectations, and mimetic pressures from peer imitation under uncertainty [25–28]. However, in developing-economy supply chains, these pressures are filtered through managerial interpretation and organizational capability. A regulation, standard, or procurement requirement affects firm behavior only when managers notice it, interpret it as legitimate and actionable, and mobilize resources to change procurement, production, logistics, and supplier relationships.

This paper develops a conceptual and theory-building framework linking national green growth strategies to GSCM practices and sustainability outcomes in developing economies. It asks, “How do national green growth strategies influence GSCM adoption, and under what institutional and capability conditions are these strategies likely to yield meaningful supply chain sustainability outcomes?” The paper makes four

contributions. First, it defines and operationalizes the policy-practice nexus as the institutional and organizational chain through which green growth signals become firm-level supply chain routines. Second, it advances institutional theory by showing how coercive, normative, and mimetic pressures are mediated by managerial sensemaking and capability mobilization. Third, it explains why SMEs require distinct adoption pathways because they face stronger resource, knowledge, and certification constraints. Fourth, it proposes propositions and feedback mechanisms through which sustainability outcomes inform policy learning and institutional revision.

2. Materials and Method

The study employed a conceptual and integrative literature review design to develop a theory-based framework linking national green growth strategies to GSCM practices in developing economies. An integrative review was appropriate because the topic spans academic, policy, and practice domains and requires synthesizing fragmented evidence on green growth, institutional mechanisms, supply chain practices, and sustainability outcomes [29, 30, 31]. This approach enabled the review to combine scholarly literature with authoritative policy-oriented sources and to generate a conceptual framework explaining how macro-level green growth policies may be translated into firm-level GSCM practices. The review followed the sequential steps suggested by Whittemore and Knafl [29] and Torraco [30]:

2.1 Sources of information

The review drew on three complementary source streams. The first stream comprised relevant prior studies by Komakech [14, 20], which provided an initial body of literature on green growth, circular economy, sustainability, and supply chain transformation. The second stream consisted of Google Scholar records retrieved using Harzing's Publish or Perish, which identified scholarly publications across a wide range of publishers and databases [32]. The third stream comprised gray literature and other authoritative sources, including policy reports, national green growth strategies, development frameworks, and technical documents from institutions such as the World Bank, the OECD, the African Development Bank, the United Nations Environment Programme (UNEP), and the Global Green Growth Institute. These source streams were necessary because a policy-practice nexus cannot be understood through journal articles alone.

Academic sources provided theoretical and empirical insights into GSCM, institutional pressures, and sustainability outcomes, while policy-oriented documents provided evidence on green growth strategies, implementation mechanisms, public procurement, green finance, and national development priorities. Backward and forward citation chaining was also used to identify seminal and conceptually relevant works that may not have appeared in the initial retrieval process ([30, 31]; Green et al., 2006).

2.2 Search terms and delimitation

The search and retrieval process was systematic, iterative, and conceptually driven, aimed at identifying literature on the links between green growth policy, GSCM, institutional mechanisms, and developing-economy contexts. In line with Green et al.'s (2006) recommendations for transparent reporting in conceptual and integrative reviews, structured Boolean logic was used to combine key search terms across academic databases and Google Scholar. The core search terms included "green growth," "green supply chain management," "GSCM," "developing economies," "developing countries," "institutional pressure," "policy implementation," and "sustainability outcomes." These terms were refined through pilot searches to improve sensitivity and specificity, given the paper's focus on the interface between macro-level green growth policy and firm-level supply chain practice. However, the Google Scholar search conducted through Harzing's Publish or Perish returned only 120 records, covering 2010–2024 (see Appendix A).

The preliminary Publish or Perish results indicate that the search captured a focused yet highly cited body of literature. Although the search was configured to retrieve up to 500 records for 2000–2024, only 120 records were returned, suggesting that the direct intersection among green growth, GSCM, and developing-economy contexts remains relatively narrow. The actual publication range of 2010–2024 also suggests that the literature linking green growth with supply chain and sustainability practice is comparatively recent [33]. The citation metrics show that the retrieved records had accumulated 12,706 citations, with an h-index of 59 and a g-index of 112, indicating that the preliminary pool included several influential publications. However, these metrics were used only to describe the search output and not as automatic inclusion criteria. The 120 records were therefore screened further to assess their conceptual and empirical relevance to the study.

2.3 Selection criteria employed

The selection process combined structured screening with informed judgment to retain sources that were conceptually relevant, methodologically credible, and aligned with the study's focus. As shown in Figure 1, three source streams were screened. From Komakech's previous studies [14, 20], 24 documents were identified, of which 14 were retained after duplicate removal and scope assessment. From the Google Scholar/Publish or Perish search, 120 records were initially retrieved.

Figure 1. Source identification and synthesis flow

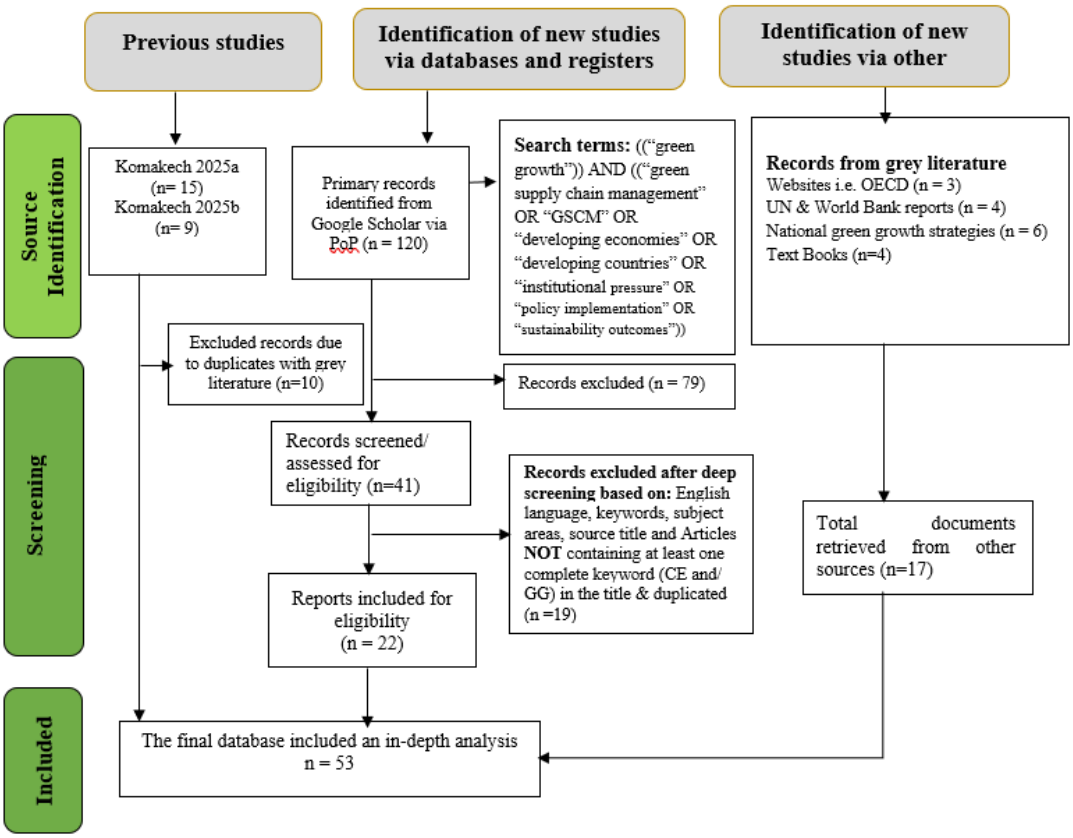


Figure 1: *A systematic Review Process for the Green Growth–GSCM review*

Source: *Author's review protocol and screening process (2025)*

Preliminary screening excluded 79 records that were outside the review scope, insufficiently linked to GSCM, or focused on green growth without clear relevance at the supply chain or firm levels. The remaining 41 records were assessed for eligibility, and 19 were excluded after detailed screening based on language, keywords, subject area, duplication, and the absence of core green growth, circular economy, or supply chain-related concepts in the title, abstract, or bibliographic record. This resulted in 22 eligible scholarly records. The third stream contributed 17 gray literature and other authoritative documents that provided direct evidence on green growth policy design, institutional support mechanisms, public procurement, low-carbon development pathways, and the implementation of sustainability initiatives.

2.4 Inclusion and exclusion criteria

Inclusion and exclusion followed explicit decision rules. Documents were included if they addressed at least one of the following areas: green growth, the green economy, or a national sustainability strategy; GSCM, green procurement, green logistics, reverse logistics, sustainable supply chains, or supply chain sustainability; institutional mechanisms such as regulation, policy implementation, public procurement, certification, green finance, or stakeholder pressure; developing-economy or low- and middle-income contexts; or sustainability outcomes at the firm, supply

chain, sectoral, or policy level. Documents were excluded if they focused solely on macroeconomic green growth without a connection to firms or supply chains; lacked relevance to developing-economy contexts; were duplicates, citation-only records, patents, or inaccessible sources; were not written in English; or did not contain concepts relevant to green growth, GSCM, the circular economy, sustainability policy, or supply chain transformation (see Appendix A).

Screening was conducted by the author using a staged screening log. As a sole author of this conceptual review, inter-reviewer reliability was not calculated. To reduce subjectivity, borderline sources were rechecked against the inclusion criteria after the initial screening and were only included when they made a clear conceptual, empirical, or policy contribution to the policy-practice nexus. The final review database comprised 53 documents (14 from previous studies, 22 from Google Scholar/Publish or Perish, and 17 from gray literature and other authoritative sources). Figure 1 summarizes the source identification and synthesis flow, while Appendix B reports the preliminary Publish or Perish search output.

2.5 Analytical procedure and synthesis

The analysis followed the three-phase thematic synthesis approach proposed by Thomas and Harden [34]. First, documents were read and coded for concepts related to green growth policy, GSCM practices, institutional pressures, managerial interpretation, capabilities, SMEs, policy instruments, and sustainability outcomes. Second, the initial codes were grouped into descriptive themes, including coercive, normative, and mimetic pressures; managerial sensemaking; capability mobilization; GSCM adoption; sustainability outcomes; and policy learning ([25]. Third, the descriptive themes were synthesized into analytical themes, which formed the basis of the conceptual framework and propositions. This hermeneutic-interpretive synthesis enabled comparisons across policy-level, institutional, and firm-level evidence [31, 35]).

3. Conceptual foundations and thematic synthesis

3.1 Green growth as a policy signal for supply chain transformation

Green growth is treated in this paper not merely as a macroeconomic development agenda but as a policy signal that can shape the environmental behavior of firms and supply chains. It promotes decoupling economic growth from environmental degradation through low-carbon production, resource efficiency, ecosystem protection, green innovation, and inclusive job creation [1, 2, 36, 37]. In developing economies, this agenda is commonly embedded in national development strategies, climate plans, industrial policies, and sectoral investment programmes.

Evidence from Africa and other developing regions shows that green growth strategies increasingly recognize the importance of industrialization, clean energy, agriculture, waste management, urban development, and manufacturing. Uganda's Green Growth Development Strategy 2017/18-2030/31, Rwanda's Green Growth and Climate Resilience Strategy, Kenya's Green Economy Strategy and Implementation Plan, Ethiopia's Climate-Resilient Green Economy strategy, and the East African Community Industrialization Policy all reflect efforts to integrate environmental

sustainability into development planning [38, 39, 40, 41, 42, 4]. However, these strategies do not always provide clear operational pathways for firms and supply chains. They often identify broad priorities without specifying the supplier standards, procurement criteria, logistics systems, reverse-flow arrangements, reporting tools, and capability-building mechanisms needed for firm-level implementation.

This creates a policy-practice gap. Green growth strategies may articulate national aspirations for cleaner production and resource efficiency, but firms require concrete institutional and market signals to integrate those aspirations into sourcing, production, logistics, and end-of-life management. The paper argues that green growth strategies become consequential for business sustainability when translated into GSCM-relevant instruments, such as green procurement rules, environmental certification requirements, green finance incentives, supplier development programs, waste recovery policies, and sector-specific standards.

3.2 GSCM practices as the operational channel of green growth

GSCM provides the operational architecture that enables firms to implement the environmental priorities articulated in green growth strategies. Unlike general corporate sustainability statements, GSCM focuses on the design and management of material, information, and relational flows across the supply chain. Its value lies in extending environmental responsibility beyond the focal firm's boundaries to suppliers, customers, logistics providers, recyclers, and other value-chain actors [7, 43, 27, 44].

The main GSCM practices can be grouped into internal and external domains [9, 10, 45, 11, 13]. Internal practices include environmental management systems, eco-design, cleaner production, resource efficiency, employee environmental training, and internal monitoring [9, 10, 46]. External practices include green purchasing, supplier environmental assessment, supplier development, environmental collaboration with customers, green logistics, reverse logistics, and investment recovery [45, 10, 11, 14, 13]. These practices are central to green growth because they directly influence waste generation, energy use, emissions, material circularity, supplier behavior, and market access.

Empirical evidence from developing and emerging economies indicates that GSCM practices can improve environmental, operational, and financial performance, though outcomes often depend on organizational and institutional conditions [17, 47, 18, 19, 24]. This tension is central to developing economies. GSCM cannot be treated as a simple adoption decision because many firms face constrained finance, weak supplier capabilities, limited certification infrastructure, and uncertain policy incentives. The paper, therefore, treats GSCM as a capability-mediated implementation channel rather than an automatic response to green growth policy.

3.3 Institutional mechanisms in the policy-practice nexus

The policy-practice nexus is the institutional and organizational chain of processes through which public policy signals are interpreted and converted into firm-level routines. It explains how national green growth strategies can translate from broad policy aspirations into concrete GSCM practices within firms and across supply

networks. This process is neither automatic nor linear because public policy signals must pass through institutional, managerial, and organizational translation processes before they become embedded in procurement, production, logistics, reverse flows, and supplier collaboration [48, 25, 26, 27]. Therefore, a strong nexus exists when green growth policies are clear, credible, and connected to enforceable instruments, managerial awareness, capability support, and measurable GSCM adoption. A weak nexus exists when policies remain aspirational, poorly enforced, or disconnected from procurement, production, logistics, and supplier relationships. The nexus can be observed through indicators such as policy clarity, enforcement credibility, managerial awareness, speed of translation, fidelity of translation into firm practices, availability of capabilities, GSCM adoption intensity, and sustainability outcomes (see Table 1).

Table 1. Operational indicators of a strong or weak policy-practice nexus

Indicator	Strong nexus	Weak nexus
Policy clarity	Green growth priorities are translated into sector-specific GSCM requirements.	Broad national goals without firm-level guidance.
Enforcement credibility	Regulation, procurement and reporting obligations are monitored consistently.	Rules exist but firms perceive low compliance risk.
Managerial awareness	Managers understand green growth as strategically relevant and actionable.	Managers view policy as distant or symbolic.
Capability availability	Firms can access finance, skills, technology, data and supplier support.	Firms lack resources to implement GSCM.
Translation fidelity	Policies influence sourcing, production, logistics, reverse flows, and supplier collaboration.	Policies remain disconnected from operational routines.
Outcome feedback	Performance data informs standards, incentives, procurement, and support programs.	No systematic learning from firm-level outcomes.

In this regard, the mere existence of a national green growth strategy does not, by itself, guarantee greener supply chains. Rather, policy must first be translated into institutional pressures, processed through managerial sensemaking, supported by organizational capabilities, and enacted through specific GSCM practices before it can generate measurable sustainability outcomes [7, 9, 28, 49]. This argument is particularly important in developing economies, where policy implementation is often

shaped by fragmented institutional arrangements, uneven enforcement, resource constraints, and weak firm-level capabilities ([19, 50].

Within this framework, managerial sensemaking is the cognitive and interpretive process by which managers notice, interpret, and assign strategic meaning to external green growth policy signals and institutional pressures. Sensemaking theory holds that organizational actors do not respond mechanically to external demands; instead, they interpret ambiguous signals, construct meaning, and assess whether those signals are urgent, legitimate, strategically relevant, and actionable [51, 52, 53]. Applied to GSCM, managerial sensemaking explains why similar green growth policies may elicit different responses across firms.

Managers may interpret the same policy signal as a compliance burden, a reputational requirement, a market-access condition, or a strategic opportunity for supply chain transformation. These interpretations are shaped by perceptions of regulatory risk, market opportunity, stakeholder pressure, resource availability, and organizational priorities [8, 17, 49, 14]. Consequently, the relationship between green growth policy and GSCM adoption depends not only on the strength of institutional pressure but also on how managers interpret that pressure and mobilize capabilities to translate it into supply chain practice.

3.4 Institutional Pressures and Managerial Sensemaking

Institutional theory is useful for explaining this process because it shows that firms do not base environmental decisions solely on technical or economic grounds. They also respond to legitimacy pressures from the state, professional bodies, customers, competitors, financiers, and civil society [25, 26, 27]. The three main institutional mechanisms are coercive, normative, and mimetic pressures. In developing-economy supply chains, these mechanisms are especially important because formal market incentives for environmental upgrading may be weak or uneven.

3.4.1 Coercive pressures

Coercive pressures stem from formal rules, regulations, public policies, fiscal instruments, and compliance requirements. National green growth strategies can exert coercive pressure when linked to enforceable environmental standards, licensing requirements, pollution controls, green procurement criteria, tax incentives, subsidies, or reporting obligations [8, 54, 5, 55]. For firms, these instruments alter the cost, risk, and legitimacy calculations associated with environmental behavior.

However, the coercive effect of green growth policy is often weakened in developing economies when regulations are poorly enforced, incentives are unclear, agencies are fragmented, or monitoring systems are under-resourced. In such conditions, firms may comply symbolically, selectively, or only when pressure is tied to market access. Therefore, the key issue is not merely the presence of green growth policy but the credibility of its implementation architecture. Coercive pressures are more likely to drive GSCM adoption when enforcement is predictable, incentives are accessible, and firms receive practical guidance on how to comply through supply chain practices.

3.4.2 Normative pressures

Normative pressures stem from professional expectations, industry standards, certification systems, buyer requirements, civil society scrutiny, and shared beliefs about appropriate organizational conduct. In GSCM, these pressures may be transmitted through ISO 14001 certification, environmental reporting practices, professional procurement standards, sustainability audits, export-buyer requirements, and industry association codes [49, 56, 55]. These pressures can influence firms even when legal enforcement is weak because they affect reputation, legitimacy, and access to business networks.

Normative pressure is likely to be stronger among export-oriented firms, firms supplying multinational corporations, certified suppliers, and firms operating in sectors exposed to international sustainability expectations. It is likely to be weaker among informal firms, domestic-market SMEs, and firms operating outside professionalized supply networks. For developing economies, this distinction is important because green growth strategies may be more effective when linked to business associations, professional procurement bodies, training institutions, certification agencies, and sector platforms that translate national goals into practical supply chain norms.

3.4.3 Mimetic pressures

Mimetic pressures arise when firms imitate perceived leaders or successful peers amid uncertainty [25, 47]. In green supply chains, mimetic pressure may arise when firms emulate lead firms that have adopted green purchasing systems, reverse logistics models, cleaner production technologies, supplier development programs, or environmental certifications. Such imitation is particularly important in developing economies, where many firms face uncertainty about the costs, benefits, and technical requirements of GSCM adoption.

Mimetic pressure depends on visibility. Firms are more likely to imitate green practices when successful models are observable, credible, and economically attractive. Lead firms, multinational buyers, public procurement agencies, donor-funded pilots, industrial parks, and green business networks can therefore serve as demonstration platforms. When such reference models are absent, GSCM diffusion may remain slow even when national green growth strategies are in place. This suggests that policy implementation should not rely solely on regulation; it should also create visible, scalable, and sector-specific examples of green supply chain transformation.

3.4.4 Managerial sensemaking

Managerial sensemaking explains why the same institutional pressure may produce different organizational responses. Managers do not respond mechanically to policy signals. They notice, interpret, and assign meaning to external demands by assessing whether they are urgent, legitimate, strategically relevant, and actionable [51, 52, 53]. A green growth signal may be interpreted as a compliance burden, reputational requirement, market-access condition or strategic opportunity. This interpretation shapes whether firms mobilize resources for GSCM or adopt minimal symbolic

practices. Managerial sensemaking, therefore, mediates the relationship between institutional pressure and capability mobilization.

3.5 Moderating variables and contextual enablers

The relationship between institutional pressure and GSCM adoption is shaped by several moderating conditions. These conditions explain why similar green growth policies may produce different outcomes across firms, sectors, and countries. They can be grouped into three categories, namely firm-level capabilities, supply-chain-level relationships, and institutional support systems.

At the firm level, size, ownership, managerial commitment, environmental knowledge, and resource availability strongly influence GSCM adoption. Larger firms typically have greater resources, visibility, and exposure to stakeholder pressure, making them more likely to respond to institutional demands [28, 50]. SMEs, by contrast, recognize the importance of green practices but lack the finance, technology, trained personnel, and managerial systems needed to implement them effectively [19, 22, 24, 46]. Top management commitment is especially important because it determines whether environmental concerns are treated as strategic priorities or as peripheral compliance issues [17, 49].

At the supply chain level, collaboration, knowledge sharing, supplier capability, and customer pressure determine whether GSCM can extend beyond the focal firm's boundaries. Green purchasing is ineffective when suppliers lack the capacity to support it. Reverse logistics cannot function when collection, sorting, and recovery systems are weak. Eco-design cannot scale when customers, regulators, and recyclers are misaligned. According to Baah et al. [57, 58], Longoni et al. [59], and Junejo et al. [24], supply chain collaboration and green knowledge sharing are essential mechanisms for translating institutional pressure into operational change.

At the institutional level, policy coherence, infrastructure, green finance, public procurement, certification systems, and monitoring capacity determine whether firms can translate green growth signals into substantive GSCM practices. Green growth strategies are more likely to influence firm-level supply chain behavior when ministries, regulators, procurement authorities, financial institutions, industry associations, and development partners send consistent, mutually reinforcing signals ([5, 26]. Public procurement, in particular, can create demand-side pressure for firms to adopt greener sourcing, production, and logistics practices, while green finance and certification systems can reduce capability constraints and strengthen legitimacy for environmental upgrading ([8, 28].

Conversely, fragmented mandates, weak enforcement, limited incentives, and poor monitoring capacity can weaken institutional pressure and encourage symbolic or selective adoption rather than substantive GSCM implementation ([19, 49, 50]. This is why green growth policy design must be paired with an implementation architecture that links policy targets to regulatory enforcement, sector-level guidance, financing instruments, procurement systems, capability-building programs, and supply chain accountability mechanisms [5, 48].

3.5.1 SMEs and differential adoption pathways

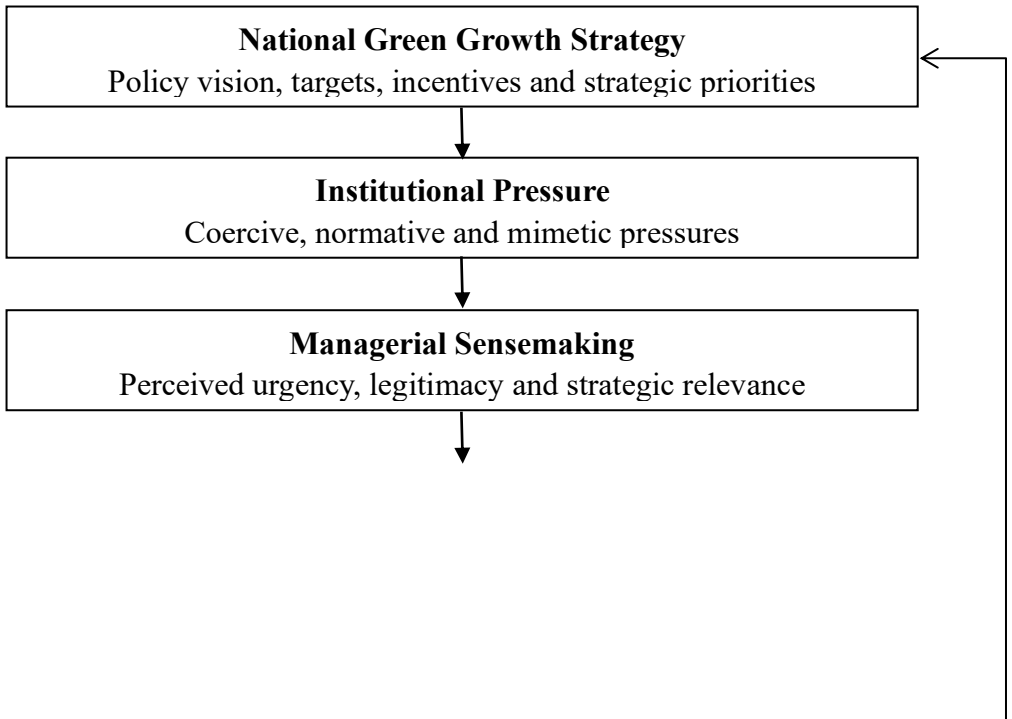
SMEs require explicit attention because they dominate many supply chains in developing economies yet face distinct barriers to GSCM adoption. They often recognize the importance of green practices but lack the finance, trained personnel, data systems, environmental certifications, testing facilities, and managerial time needed to implement GSCM effectively [22, 19, 23, 24, 14]. These constraints mean SMEs may not respond strongly to weakly enforced regulation, even when national green growth strategies are formally in place.

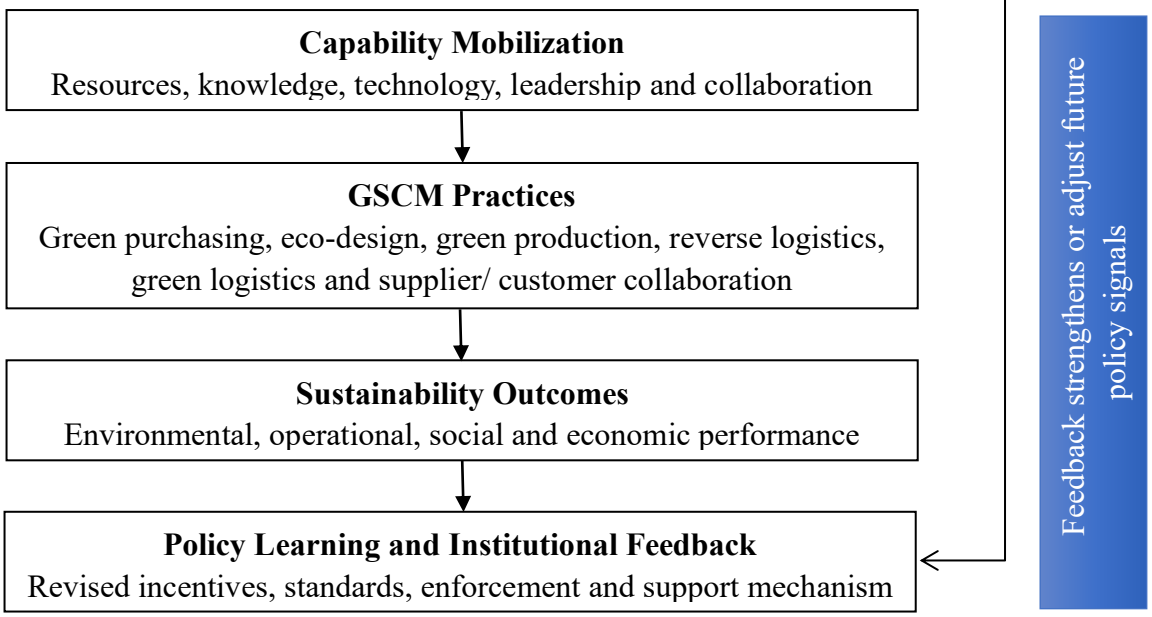
For SMEs, GSCM adoption is likely to depend more heavily on buyer requirements, supplier development, public procurement incentives, cluster-based support, industry association guidance, and visible peer examples. Mimetic pressure may be particularly important when SMEs imitate lead firms, exporters, or public-sector suppliers perceived as legitimate and successful. Normative pressure may also be effective when professional bodies, buyers, and certification agencies translate broad green growth goals into practical standards and training. Coercive pressure is more likely to work for SMEs when it is accompanied by accessible finance, technical assistance, simplified compliance tools, and phased implementation requirements.

3.6 Conceptual framework and propositions

Figure 2 presents the Green Growth–GSCM policy and practice translation chain, which explains how national green growth strategies may be converted into firm-level GSCM practices and sustainability outcomes. The framework is grounded in the argument that green growth policies do not automatically produce greener supply chains. Rather, policy ambitions must pass through institutional, cognitive, organizational, and operational mechanisms before they become embedded in firm-level supply chain routines. This is particularly important in developing economies, where green growth strategies may be well articulated at the policy level but weakly translated into procurement, production, logistics, reverse flows, and supplier and customer collaboration at the firm and supply chain levels.

Figure 2. Policy–practice translation chain linking green growth strategy to GSCM adoption and sustainability outcomes





Source: Developed by the author based on institutional theory and the policy-practice nexus literature

The framework begins with a national green growth strategy, which sets out the policy vision, targets, incentives, and strategic priorities for low-carbon, resource-efficient, and inclusive development. These policy signals generate institutional pressures, namely coercive, normative, and mimetic pressures, that influence how firms perceive environmental expectations within their organizational fields [25, 26, 27]. However, institutional pressures do not translate mechanically into firm action. They are filtered through managerial sensemaking, in which managers assess the urgency, legitimacy, strategic relevance and actionability of green growth signals. This sensemaking process shapes whether green growth is treated as a compliance burden, a reputational expectation, a market-access requirement or a strategic supply chain opportunity.

The framework further proposes that managerial sensemaking must be followed by capability mobilization. Firms require resources, knowledge, technology, leadership commitment, and collaborative capacity to operationalize green growth expectations into GSCM practices. These practices include green purchasing, eco-design, green production, green logistics, reverse logistics, and collaboration with suppliers and customers. When implemented substantively, GSCM practices can generate sustainability outcomes across environmental, operational, economic, and social performance. Finally, sustainability outcomes can inform policy learning through environmental audits, procurement monitoring, supplier performance data, certification reports, ESG disclosures, industry consultations, stakeholder forums, performance dashboards, and regulatory reviews. These mechanisms help policymakers identify which GSCM instruments work, for which sectors, under what conditions, and with what unintended effects.

3.6.1 Illustrative policy-practice vignettes

The first vignette is Uganda's Green Growth Development Strategy 2017/18-2030/31, which identifies sustainable agriculture, natural capital management, green cities, sustainable transport, and energy for green growth as priority areas for investment [4]. These priorities can influence GSCM only when translated into practical instruments such as green procurement criteria, supplier development in agro-processing, clean energy incentives for manufacturers, waste recovery systems, and logistics standards. The strategy, therefore, provides a policy signal, but firms require institutional pressure, managerial interpretation, and capability support before the signal becomes supply chain practice.

The second vignette concerns public procurement. OECD [5] shows that public procurement can create demand for greener products, services, and supplier practices. In developing economies, procurement agencies can translate green growth into market pressure by requiring environmental specifications, supplier certification, lifecycle costing, waste-reduction plans, reverse logistics arrangements, and green logistics practices in public contracts. This can stimulate GSCM adoption among suppliers, but only when procurement officers are trained, suppliers understand the requirements, SMEs receive support, and monitoring systems verify contract performance. Feedback can strengthen future institutional pressures by improving standards, clarifying procurement criteria, revising incentives, targeting green finance, and addressing implementation bottlenecks. It can also reveal weak or symbolic adoption, especially when firms report compliance without changing sourcing, production, logistics, or reverse-flow practices. In this sense, policy learning closes the translation chain by reconnecting firm-level outcomes to institutional design.

Accordingly, the following propositions (P) specify the expected relationships among institutional pressures, managerial sensemaking, capability mobilization, GSCM practice adoption, sustainability outcomes, and policy learning within the proposed Green Growth–GSCM policy and practice translation framework.

P1: Green growth strategies generate stronger GSCM-related institutional pressure when policy targets are translated into enforceable regulations, procurement requirements, certification expectations, or visible sector guidance.

P2: The effect of coercive pressure on GSCM adoption is stronger when enforcement is credible and compliance is tied to procurement access, licensing, fiscal incentives, or reporting obligations.

P3: The effect of normative and mimetic pressures on GSCM adoption is mediated by managerial sensemaking, particularly managers' perceptions of legitimacy, strategic relevance, and feasibility.

P4: Capability mobilization mediates the relationship between managerial sensemaking and substantive GSCM implementation because firms need finance, skills, technology, data systems, leadership, and collaboration to act on green growth signals.

P5: For SMEs, buyer-driven normative pressure and visible mimetic pressure are more likely to support GSCM adoption than weakly enforced coercive regulation, unless regulation is paired with finance, training, and simplified compliance support.

P6: GSCM practices yield stronger sustainability outcomes when supported by policy coherence, green finance, supplier development, certification, public procurement, and monitoring systems.

P7: Sustainability outcomes inform policy learning when governments and industry actors use audits, reporting systems, procurement monitoring, performance dashboards, stakeholder consultations, and regulatory reviews to revise incentives, standards, and support mechanisms.

4. Discussion

The central argument of this conceptual review is that national green growth strategies can influence sustainability outcomes only when they are translated into concrete supply chain management practices. Green growth policies provide a broad, macro-level vision for low-carbon, resource-efficient, and inclusive development, but they do not automatically translate into changes in firm-level operations [1, 2, 5]. In developing economies, this translation challenge is particularly pressing because many governments have adopted ambitious green growth frameworks, yet the mechanisms through which these frameworks influence procurement, production, logistics, reverse flows, and supplier relationships remain weakly institutionalized.

This paper, therefore, positions GSCM as a critical operational bridge between national green growth ambitions and firm-level sustainability performance. GSCM practices such as green purchasing, eco-design, internal environmental management, green manufacturing, reverse logistics, and environmental collaboration provide the practical channels through which policy goals can be embedded in supply chain decisions [7, 9, 44, 14]. Without these operational mechanisms, green growth may remain largely aspirational, expressed in national strategies and policy documents but weakly reflected in how firms source inputs, manage suppliers, reduce waste, recover materials, and collaborate across value chains.

Institutional theory helps explain why this translation is uneven. National green growth strategies may create coercive pressures through environmental regulations, procurement requirements, compliance standards, and fiscal incentives. They may also generate normative pressures through professional standards, industry expectations, certification systems, and stakeholder scrutiny. In addition, mimetic pressures may arise when firms imitate competitors, leading firms, or multinational buyers that have already adopted visible green supply chain practices [25–28]. However, institutional pressures do not guarantee substantive adoption of GSCM. In many developing economies, these pressures are filtered through weak enforcement systems, fragmented agencies, limited green finance, poor technical support, and uneven managerial capabilities.

This explains why policy-practice alignment should be understood as a mediated and contingent process rather than a direct relationship. The review suggests that the effect of green growth policy on GSCM adoption depends on firm- and system-level conditions. Firm size, top management commitment, green knowledge sharing, technological capacity, export orientation, and supply chain collaboration can strengthen or weaken firms' responses to institutional pressure [17, 49, 50, 24]. Similarly, policy coherence, regulatory enforcement, public procurement reforms,

industry platforms, and access to green finance can determine whether green growth strategies create meaningful incentives for firms to invest in GSCM practices.

The discussion also shows that developing economies should not be treated as delayed versions of developed economies when adopting GSCM. Their policy-practice conditions are shaped by distinct institutional and resource constraints, including SME dominance, limited certification infrastructure, weak supplier development systems, fragmented public agencies, and constrained access to green technologies ([19, 58]. These conditions mean that green growth strategies must be supported by practical implementation tools that address firm- and supply-chain-specific realities. These may include sector-specific GSCM guidelines, supplier training, green procurement criteria, reverse logistics infrastructure, digital reporting platforms, tax incentives, and green financing mechanisms.

The paper therefore contributes to the sustainability and SCM literature by reframing green growth not only as a macro-policy agenda but also as a supply chain transformation challenge. Existing green growth literature tends to focus on national development planning, climate policy, renewable energy, and macroeconomic transition, whereas GSCM research often concentrates on firm-level drivers, practices, and performance outcomes [2, 8, 9, 5]. By integrating these two streams, this review clarifies the missing middle, namely the institutional and supply chain mechanisms that translate national sustainability ambitions into operational practices.

4.1 Implications

4.1.1 Theoretical implications

The paper contributes theoretically by extending institutional explanations of GSCM to the macro-policy level. Previous studies have shown that institutional pressures influence environmental practices, but have paid less attention to how national green growth strategies translate into supply-chain-level pressures. This paper addresses that gap by conceptualizing green growth policy as an institutional signal that must be translated through regulations, standards, professional norms, market expectations, and demonstration effects.

The framework also refines institutional theory for developing-economy contexts. It argues that institutional pressure is not self-executing. In settings with weak enforcement, fragmented institutions, and uneven capabilities, pressure may be diluted, selectively interpreted, or converted into symbolic compliance. The paper, therefore, introduces a contingency perspective in which institutional pressure becomes effective when supported by strong capabilities, supply chain collaboration, and coherent implementation systems.

4.1.2 Managerial implications

For managers, the paper shows that GSCM should be treated as a strategic capability rather than a reactive compliance exercise. Firms that invest in environmental management systems, supplier collaboration, green purchasing, eco-design, reverse logistics, and green logistics are better positioned to respond to regulatory changes, buyer requirements, and sustainability-driven market opportunities. This is especially

important for firms seeking access to export markets or to build supply relationships with environmentally demanding buyers.

Managers in developing economies should also recognize that implementing GSCM requires alignment both internally and externally. Internally, top management commitment, employee training, environmental data systems, and cross-functional coordination are essential. Externally, firms need to work with suppliers, customers, logistics providers, recyclers, industry associations, and regulators. The practical challenge is therefore not merely to adopt isolated green practices but to build collaborative routines that enable environmental performance across the value chain.

4.1.3 Policy implications

For policymakers, the key implication is that green growth strategies must be paired with supply-chain implementation instruments. Broad national strategies should be translated into sector-specific GSCM guidance, supplier development programs, green procurement standards, environmental reporting systems, green finance mechanisms, fiscal incentives, and digital platforms for compliance and learning. Without these instruments, green growth risks remaining aspirational and weakly connected to business practice.

Public procurement can play a particularly important role by creating demand-side pressure for green products, services, and supplier practices. If procurement agencies integrate environmental criteria into tendering, evaluation, and contract management, they can encourage suppliers to invest in cleaner production, waste reduction, green logistics, and certification. Green finance and tax incentives can complement this by lowering the cost of environmental upgrades, especially for SMEs. Policy coherence is equally important. Ministries responsible for trade, industry, the environment, finance, procurement, and local government should send consistent signals, while development partners and industry associations should support firms through training, demonstration projects, technical assistance, and monitoring systems.

Table 2. Summary recommendations for different actors

Actor	Priority action	Expected contribution
Policymakers and regulators	Translate green growth strategies into sector-specific GSCM standards, reporting tools, incentives, and enforcement systems.	Stronger policy-practice translation and lower symbolic compliance.
Public procurement agencies	Use environmental criteria, lifecycle costing, supplier development, and contract monitoring in public tenders.	Demand-side incentives for greener suppliers and practices.
Managers and lead firms	Treat GSCM as a strategic capability and support supplier upgrading through collaboration, training, and data sharing.	Improved operational, environmental, and reputational performance.
SMEs and industry associations	Use cluster-based support, peer learning, simplified certification, and green knowledge sharing.	More feasible adoption pathways for resource-constrained firms.

Development partners and financiers	Support green finance, technical assistance, demonstration projects, and digital reporting platforms.	Reduced capability constraints and improved accountability.

5. Conclusion

This paper presents a conceptual explanation of how national green growth strategies can influence GSCM practices and sustainability outcomes in developing economies. Its central argument is that green growth policies do not directly produce greener firms or more sustainable supply chains. Their effects depend on institutional pressures that are translated into operational supply chain practices through managerial interpretation, firm capabilities, supply chain collaboration, and policy-support systems.

The paper shows that coercive, normative, and mimetic pressures can encourage firms to adopt GSCM practices, but these pressures are shaped by the institutional and organizational realities of developing economies. Weak enforcement, fragmented policy systems, limited green finance, low supplier capability, and SME resource constraints can weaken the link between policy ambition and business practice. Conversely, credible regulation, professional norms, lead-firm demonstration effects, top management commitment, green knowledge sharing, public procurement, and sector-specific guidance can strengthen this link.

The paper's key contribution is to reposition GSCM as the operational bridge between green growth policy and sustainability performance. The paper therefore provides a stronger conceptual foundation for future empirical work and offers a practical framework for policymakers and managers seeking to move from green growth rhetoric to supply chain transformation.

5.1 Future research agenda

Future research should empirically test the proposed framework using firm- and sector-level data from developing economies. Structural equation modeling could be used to examine relationships among green growth policy awareness, coercive, normative, and mimetic pressures, GSCM adoption, contextual moderators, and sustainability outcomes. Such studies would help determine whether GSCM mediates the relationship between institutional pressure and performance.

Comparative case studies are also needed to explain how policy-practice translation unfolds over time. Longitudinal studies across manufacturing, agro-processing, construction, logistics, waste management, and export-oriented sectors could reveal how firms interpret evolving policy signals and how supply chain capabilities develop. Comparative research across countries such as Uganda, Rwanda, Kenya, Ethiopia, and Vietnam would also help identify which institutional arrangements are most effective at translating green growth strategies into business practice.

Further research should examine the roles of public procurement, green finance, digital reporting systems, industrial parks, supplier development programs, and certification schemes as policy instruments for the diffusion of GSCM. This agenda is especially important for SMEs, which dominate many developing-economy supply

chains yet often lack the resources needed for environmental upgrading. Research on SME-specific incentives, collective action platforms, and green knowledge-sharing networks would make an important contribution to both policy and SCM practice.

A related research priority is the SME-specific policy-practice pathway, including whether SMEs respond more strongly to buyer-driven normative or mimetic pressures than to weakly enforced regulation, and how procurement incentives, supplier development, and green finance may reduce capability constraints that limit the adoption of substantive GSCM.

Finally, future studies should investigate feedback mechanisms. If green growth strategies are to improve over time, governments need evidence on which GSCM instruments work, for which sectors, under what conditions, and with what outcomes. This calls for research designs that link firm-level environmental performance data to policy learning, regulatory adaptation, and supply chain governance.

References

[1] UNEP. (2011). Towards a green economy: Pathways to sustainable development and poverty eradication. United Nations Environment Programme. Retrieved December 30, 2024, from https://sustainabledevelopment.un.org/content/documents/126GER_synthesis_en.pdf

[2] World Bank. (2012). Inclusive green growth: The pathway to sustainable development. World Bank. Retrieved January 9, 2025, from https://documents1.worldbank.org/curated/en/368361468313515918/pdf/691250PUB0Publ067902B09780821395516.pdf

[3] UN. (2015). Transforming our world: The 2030 Agenda for Sustainable Development. United Nations. Retrieved December 30, 2024, from https://sdgs.un.org/2030agenda

[4] UGGDS. (2017). The Uganda Green Growth Development Strategy 2017/18–2030/31. Republic of Uganda. Retrieved September 22, 2024, from https://gggi.org/wp-content/uploads/2019/03/Uganda-Green-Growth-Development-Strategy-20171204.pdf

[5] OECD. (2024). Harnessing public procurement for the green transition: Good practices in OECD countries. OECD Publishing. https://doi.org/10.1787/e551f448-en

[6] Sarkis, J. (2003). A strategic decision framework for green supply chain management. Journal of Cleaner Production, 11(4): 397–409. https://doi.org/10.1016/S0959-6526(02)00062-8

[7] Srivastava, S. K. (2007). Green supply-chain management: A state-of-the-art literature review. International Journal of Management Reviews, 9(1): 53–80. https://doi.org/10.1111/j.1468-2370.2007.00202.x

[8] Zhu, Q., Sarkis, J. (2007). The moderating effects of institutional pressures on emergent green supply chain practices and performance. International Journal of Production Research, 45(18–19): 4333–4355. https://doi.org/10.1080/00207540701440345

[9] Green, K. W., Zelbst, P. J., Meacham, J., Bhadauria, V. S. (2012). Green supply chain management practices: Impact on performance. Supply Chain Management: An International Journal, 17(3): 290–305. https://doi.org/10.1108/13598541211227126

[10] Liu, J., Hu, H., Tong, X., Zhu, Q. (2020). Behavioral and technical perspectives of green supply chain management practices: Empirical evidence from an emerging market. Transportation Research Part E: Logistics and Transportation Review, 140, 102013. https://doi.org/10.1016/j.tre.2020.102013

[11] Khan, T., Ali, A., Khattak, M. S., Arfeen, M. I., Chaudhary, M. A. I., Syed, A. (2024). Green supply chain management practices and sustainable organizational performance in construction organizations. Cogent Business & Management, 11(1), 2331990. https://doi.org/10.1080/23311975.2024.2331990

[12] Maheshwari, S., Jaggi, C. K., Gautam, P. (2025). A state-of-the-art review of green supply chain management: Observations and business insights. Annals of Operations Research, 1–81. https://doi.org/10.1007/s10479-025-06619-3

[13] Tetteh, F. K., Kwateng, K. O., Tukue, T., Mensah, J. (2025). Green supply chain management practices: Review, framework and future research directions. Journal of Responsible Production and Consumption, 2(1): 110–148. https://doi.org/10.1108/JRPC-08-2024-0039

[14] Komakech, R. A. (2025a). Small is green? A scoping review of green supply chain management in small and medium enterprises (SMEs). Journal of Optimization and Supply Chain Management, 2(4): 256–271. https://doi.org/10.22034/ISS.2026.10054.1067

[15] Capozza, I., Samson, R. (2019). Towards green growth in emerging market economies: Evidence from environmental performance reviews. OECD Green Growth Papers, 2019/01. OECD Publishing.

[16] UNECA. (2020). Political economy of a green economy transition in Africa. United Nations Economic Commission for Africa. Retrieved December 30, 2024, from https://archive.uneca.org/sites/default/files/PublicationFiles/political-economy-of-a-green-economy.pdf

[17] Dubey, R., Gunasekaran, A., Ali, S. S. (2015). Exploring the relationship between leadership, operational practices, institutional pressures and environmental performance: A framework for green supply chain. International Journal of Production Economics, 160: 120–132. https://doi.org/10.1016/j.ijpe.2014.10.001

[18] Yildiz-Çankaya, S., Sezen, B. (2019). Effects of green supply chain management practices on sustainability performance. Journal of Manufacturing Technology Management, 30(1): 98–121. https://doi.org/10.1108/JMTM-03-2018-0099

[19] Dzikriansyah, M. A., Masudin, I., Zulfikarijah, F., Jihadi, M., Jatmiko, R. D. (2023). The role of green supply chain management practices on environmental performance: A case of Indonesian small and medium enterprises. Cleaner Logistics and Supply Chain, 6, 100100. https://doi.org/10.1016/j.clscn.2023.100100

[20] Komakech, R. A. (2025b). Circular economy and green growth: Enablers, benefits, and implementation challenges. Sustainable Business and Society in Emerging Economies, 7(2): 463–476. https://doi.org/10.26710/sbsee.v7i2.3454

[21] Rasit, Z. A., Zakaria, M., Hashim, M., Ramli, A., Mohamed, M. (2019). Green supply chain management practices for sustainability performance: Empirical evidence of Malaysian SMEs. International Journal of Financial Research, 10(3): 371–379. https://doi.org/10.5430/ijfr.v10n3p371

[22] Mishra, M. K., Choudhury, D., Rao, K. V. G. (2019). Impact of SMEs' green supply chain practice adoption on SMEs' firm and environmental performance. Theoretical Economics Letters, 9(6): 1901–1919. https://doi.org/10.4236/tel.2019.96121

[23] Okeke, A. (2024). Evaluating sustainable practices and supply chain management effectiveness in African small and medium-sized enterprises. Journal of Sustainability Research, 6(2), e240033. https://doi.org/10.20900/jsr20240033

[24] Junejo, I., Sohu, J. M., Alwadi, B. M., Ejaz, F., Nasir, A., Hossain, M. B. (2025). Green supply chain management and SMEs sustainable performance in developing country: Role of green knowledge sharing, green innovation and big data-driven supply chain. Discover Sustainability, 6(1): 1–19. https://doi.org/10.1007/s43621-025-01055-6

[25] DiMaggio, P. J., Powell, W. W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. American Sociological Review, 48(2): 147–160.

[26] Scott, W. R. (2017). Institutional theory: Onward and upward. In R. Greenwood, C. Oliver, T. B. Lawrence, & R. E. Scott (Eds.), The Sage handbook of organizational institutionalism (pp. 853–871). Sage.

[27] Sarkis, J., Zhu, Q., Lai, K. H. (2011). An organizational theoretic review of green supply chain management literature. International Journal of Production Economics, 130(1): 1–15. https://doi.org/10.1016/j.ijpe.2010.11.010

[28] Zhu, Q., Sarkis, J., Lai, K. (2013). Institutional-based antecedents and performance outcomes of internal and external green supply chain management practices. Journal of Purchasing and Supply Management, 19(2): 106–117. https://doi.org/10.1016/j.pursup.2012.12.001

[29] Whittemore, R., Knafl, K. (2005). The integrative review: Updated methodology. Journal of Advanced Nursing, 52(5): 546–553. https://doi.org/10.1111/j.13652648.2005.03621.x

[30] Torraco, R. J. (2005). Writing integrative literature reviews: Guidelines and examples. Human Resource Development Review, 4(3): 356–367. https://doi.org/10.1177/15344843052782

[31] Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. Journal of Business Research, 104: 333–339. https://doi.org/10.1016/j.jbusres.2019.07.039

[32] Harzing, A. W. (2007). Publish or Perish. Retrieved March 11, 2025, from https://harzing.com/resources/publish-or-perish

[33] De Serres, A., Murtin, F., Nicoletti, G. (2010). A framework for assessing green growth policies. Retrieved March 20, 2025, from https://www.oecd.org/content/dam/oecd/en/publications/reports/2010/06/a-framework-for-assessing-green-growth-policies_g17a1e65/5kmfj2xvcmkf-en.pdf

[34] Thomas, J., Harden, A. (2008). Methods for the thematic synthesis of qualitative research in systematic reviews. BMC Medical Research Methodology, 8(1), 45. https://doi.org/10.1186/1471-2288-8-45

[35] Ferrari, R. (2015). Writing narrative style literature reviews. Medical Writing, 24(4): 230–235. https://doi.org/10.1179/2047480615Z.000000000329

[36] OECD. (2011). Towards green growth. OECD Publishing. Retrieved January 20, 2025, from https://sdgs.un.org/publications/towards-green-growth-17025#background

[37] Barbier, E. B. (2016). Is green growth relevant for poor economies? Resource and Energy Economics, 45: 178–191. https://doi.org/10.1016/j.reseneeco.2016.05.001

[38] CRGE (2011). Ethiopia's Climate-Resilient Green Economy (CRGE): Green economy strategy. Addis Ababa, Ethiopia. Retrieved October 12, 2024, from https://www.ldc-climate.org/wp-content/uploads/2018/01/crge-strategy.pdf

[39] EAC (2012). East African Community Industrialization Policy 2012–2032. Retrieved September 10, 2024, from https://www.mtic.go.ug/wp-content/uploads/2021/11/EAC-Industrialization-Strategy.pdf

[40] GGCRS. (2012). Green Growth and Climate Resilience: National strategy for climate change and low-carbon development. Republic of Rwanda. Retrieved October 10, 2024, from https://www.rema.gov.rw/rema_doc/RGG&CRS%202011/Rwanda%20Green%20Growth%20Strategy%20FINAL%20high%20res.pdf

[41] GGCRS. (2022). Rwanda Green Growth and Climate Resilience Strategy: National strategy for climate change and low-carbon development. Republic of Rwanda. Retrieved October 10, 2024, from https://www.rema.gov.rw/fileadmin/user_upload/Rwanda_Green_Growth___Climate_Resilience_Strategy_06102022.pdf

[42] GESIP. (2016). Green Economy Strategy and Implementation Plan 2016–2030. Government of Kenya. Retrieved September 22, 2024, from https://repository.kippra.or.ke/items/f4838f8d-71d0-4a1c-9f32-ac42c217bf8f

[43] Seuring, S., Müller, M. (2008). From a literature review to a conceptual framework for sustainable supply chain management. Journal of Cleaner Production, 16(15): 1699–1710. https://doi.org/10.1016/j.jclepro.2008.04.020

[44] Liu, J., Feng, Y., Zhu, Q., Sarkis, J. (2018). Green supply chain management and the circular economy: Reviewing theory for advancement of both fields. International Journal of Physical Distribution & Logistics Management, 48(8): 794–817. https://doi.org/10.1108/IJPDLM-01-2017-0049

[45] Sahoo, S., Vijayvargy, L. (2021). Green supply chain management practices and their impact on organizational performance: Evidence from Indian manufacturers. Journal of Manufacturing Technology Management, 32(4): 862–886. https://doi.org/10.1108/JMTM-04-2020-0173

[46] Komakech, R. A., Ombati, T. O., Wainain, G. M. (2025). Behavioral dimensions in green supply chain management. International Journal of Development and Sustainability, 15(2): 116–146. https://doi.org/10.63212/IJDS25032401

[47] Shafique, M., Asghar, M., Rahman, H. (2017). The impact of green supply chain management practices on performance: Moderating role of institutional pressure with mediating effect of green innovation. Business, Management and Economics Engineering, 15(1): 91–108. https://doi.org/10.3846/bme.2017.354

[48] Pressman, J. L., Wildavsky, A. B. (1973). Implementation: How great expectations in Washington are dashed in Oakland. University of California Press.

[49] Dubey, R., Gunasekaran, A., Childe, S. J., Papadopoulos, T., Helo, P. (2018). Supplier relationship management for circular economy: Influence of external pressures and top management commitment. Management Decision, 57(4): 767–790. https://doi.org/10.1108/MD-04-2018-0396

[50] Bananuka, J., Bakalikwira, L., Nuwagaba, P., Tumwebaze, Z. (2021). Institutional pressures, environmental management practices, firm characteristics and environmental performance. Accounting Research Journal, 34(6): 637–665. https://doi.org/10.1108/ARJ-06-2020-0143

[51] Weick, K. E. (1995). Sensemaking in organizations. Sage.

[52] Weick, K. E., Sutcliffe, K. M., Obstfeld, D. (2005). Organizing and the process of sensemaking. Organization Science, 16(4): 409–421. https://doi.org/10.1287/orsc.1050.0133

[53] Gioia, D. A., Chittipeddi, K. (1991). Sensemaking and sensegiving in strategic change initiation. Strategic Management Journal, 12(6): 433–448. https://doi.org/10.1002/smj.4250120604

[54] Majid, A., Yasir, M., Yasir, M., Javed, A. (2020). Nexus of institutional pressures, environmentally friendly business strategies, and environmental performance. Corporate Social Responsibility and Environmental Management, 27(2): 706–716. https://doi.org/10.1002/csr.1837

[55] Asuah, E., Agyapong, D., Ellis, P., Light, O. (2024). Institutional pressures, top management leadership and sustainable supply chain management practices of manufacturing firms: Evidence from a developing economy. Operations and Supply Chain Management: An International Journal, 17(3): 252–266. https://doi.org/10.31387/oscm0580440

[56] Agyabeng-Mensah, Y., Tang, L. (2021). The relationship among green human capital, green logistics practices, green competitiveness, social performance and financial performance. Journal of Manufacturing Technology Management, 32(7): 1377–1398. https://doi.org/10.1108/JMTM-11-2020-0441

[57] Baah, C., Jin, Z., Tang, L. (2020). Organizational and regulatory stakeholder pressures—friends or foes to green logistics practices and financial performance: Investigating corporate reputation as a missing link. Journal of Cleaner Production, 247, 119125. https://doi.org/10.1016/j.jclepro.2019.119125

[58] Baah, C., Opoku-Agyeman, D., Acquah, I. S. K., Agyabeng-Mensah, Y., Afum, E., Faibil, D., Abdoulaye, F. A. M. (2021). Examining the correlations between stakeholder pressures, green production practices, firm reputation, environmental

and financial performance: Evidence from manufacturing SMEs. Sustainable Production and Consumption, 27: 100–114. https://doi.org/10.1016/j.spc.2020.10.015

[59] Longoni, A., Luzzini, D., Guerci, M. (2018). Deploying environmental management across functions: The relationship between green human resource management and green supply chain management. Journal of Business Ethics, 151: 1081–1095. https://doi.org/10.1007/s10551-016-3228-1

Appendix A: Review protocol and decision rules

S/N	Element	Decision rule	Purpose
1.	Review design	Conceptual and integrative theory-building review.	Used to synthesize fragmented academic and policy literature rather than to validate causal effects.
2.	Source streams	Prior studies, Google Scholar/Publish or Perish records, and grey or institutional literature.	Allowed integration of scholarly theory and policy evidence.
3.	Inclusion rules	Green growth or green economy; GSCM or sustainable supply chains; institutional mechanisms; relevance to developing economies; sustainability outcomes.	Retained sources that directly informed the policy-practice nexus.
4.	Exclusion rules	Macro-only green growth without firm or supply chain relevance; duplicates; inaccessible records; non-English records; weak conceptual relevance.	Reduced descriptive breadth and improved conceptual focus.
5.	Screening process	Author-led staged screening with a screening log and rechecking of borderline sources.	Reported transparently because this is a single-author conceptual review.
6.	Synthesis procedure	Thematic coding followed by analytical synthesis.	Generated framework, propositions and policy implications.

Appendix B: Table 1 Preliminary Google Scholar search output from Publish or Perish

Description	Results
Publication years	2010-2024
Citation years	15
Papers	120
Citations	12,706
Cites/year	794.13

Cites/paper	106.77
Cites/author	6201.35
Papers/author	55.82
h-index	59
g-index	112

Source: *Author's Google Scholar search output using Harzing's Publish or Perish*

THE THEORY AND PRACTICE OF TOTALITARIAN CORRUPTION

Andrei Ivanov*

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Abstract

This paper introduces a new typology of agency models of corruption based on the conformity of the principal's and agent's preferences with the "ideal" preferences of Society. The typology encompasses the established models of bureaucratic and efficient corruption and introduces two additional models: quasi-corruption and totalitarian corruption. It develops a classification methodology based on modeling Society's preference relation and determining whether the principal's (or agent's) preferences diverge from it (mala fides) or not (bona fides). Every article published in the Journal of Public Procurement in 2018–2019 was examined, and all corruption cases considered were classified within the proposed typology. Two papers satisfied the assumptions of totalitarian corruption: both principal and agent act mala fide and share the same preferences.

The paper situates the totalitarian corruption model within mainstream corruption theory and provides a practical case to illustrate its application.

Keywords

Corruption; typology; totalitarian corruption; public procurement; English auction; collusion

1. Introduction

Corruption is a multifaceted phenomenon, and many typologies of corruption have been developed using different methodological bases [1]. We will consider some of these below, paying attention to their individual shortcomings, which we hope to overcome in the new typology of corrupt behavior proposed in this paper.

Corruption typologies are often based on the 'corruption currency': bribes, embezzlement, extortion, profiteering, nepotism, and so on (see [2]). In turn, M. Weber developed a typology of corruption based on individuals' subjective intentions or expectations, such as gaining power and influence, economic and business success, self-enrichment, social motives, and opportunism (as quoted in Vargas-Hernández [1, p. 4]).

Since the lists of currencies and intentions are open and can eventually be expanded, neither of the above-mentioned approaches makes it possible to create a

* *Department of Public Administration, Graduate School of Management, St. Petersburg State University, St. Petersburg, Russia (email: ivanov@gsom.spbu.ru).*

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typology as a model that allows classifying any case of corrupt behavior in its framework.

Many authors have developed a typology of corruption based on actor categories [3, 4]. Considering different paradigms of corruption modeling, some authors point out that the first is the paradigm, which usually takes the principal-agent model as its founding pillar of corruption modeling [5]. In agreeing with the opinion of S. Rose-Ackerman, who wrote, "Pathologies in the agency/principal relation are at the heart of the corrupt transaction" [3, p. 330], we will consider below the typologies constructed within the methodological framework of the agency theory.

A. Jain suggests that there are two forms of corruption, each occupying extreme positions on a scale of corrupt activities [6, p. 3]: grand corruption [4, p. 73], the corruption of the principal, and bureaucratic corruption of the agent. The same approach to corruption and typology construction was identified in some other papers [7, p. 96].

In this paper, we will prove that although all corruption can be divided into corruption by political elites and appointed bureaucrats, this approach alone is insufficient to construct the typology of corruption models. Indeed, within its framework, it is hardly possible to position a model of efficient corruption [8, p. 273] that joins grand and bureaucratic corruption.

However, this paper does not claim to represent existing typologies of corrupt behavior completely, much less to identify their shortcomings. It aims at

- presenting a new typology of corruption agency models, based on the conformity of principal and agent's preferences to the 'ideal' preferences of Society, that contains as well-known corruption models, bureaucratic and efficient corruption, as well new ones: quasi- and totalitarian corruption (section 2);
- providing some evidence that the suggested typology allows classifying any case of corrupt behavior (section 3);
- introducing the model of totalitarian corruption into mainstream of corruption theory (section 4);
- justifying the practical applicability of this model (section 5).

Overall, this paper develops a methodology for classifying potential corruption cases in practice within the proposed typology.

2. The basics of the agency typology of corrupt behavior

This paper will use an approach-based path to applying the principal-agent or agency theory to examine corrupt behavior. Agency theory was developed in the 1970s in the process of modeling relationships between different principals and agents acting in the private sector: shareholders and managers, and employers and employees (e.g., [9, 10]). Jensen and Meckling [10] define an agency relationship as 'a contract under which one or more persons (the principal) engage another person (the agent) to perform some service on their behalf, which involves delegating some decision-making authority to the agent' (p. 308). Accordingly, the principal faces the task of shaping a system of incentives for the agent, in which the agent's preference relation, defined on a corresponding set of alternatives, coincides with (or, in extreme cases, equals) the

principal's preferences. Thus, in the original agency model, the principal is assumed, so to speak, to be bona fide, whereas the agent is not.

G. Miller pointed out the six attributes of agency theory or the six core assumptions of the principal-agent model [11, p. 205]: agent impact, information asymmetry, asymmetry in preferences, initiative that lies with a unified principal, backward induction based on common knowledge, and principal's ultimatum bargaining.

In turn, the starting point for modeling public sector processes is the assumption that to meet public needs, the political elite (principal) delegates some decision-making authority to government agencies or other public entities or, in other words, to appointed bureaucrats (agents). For example, in the case of public procurement, all the core assumptions of the principal-agent model are valid or can be redefined to closely resemble the original ones. Actually, the agent (the contracting authority) takes an action that determines a payoff to the principal; the principal can readily observe the outcome but not the action of the agent, and the agent's preferences can be assumed to differ from the principal's preferences (asymmetry in preferences), and so on. Thus, the model constructed to satisfy the needs of the private sector can be applied to the public one, too.

However, in applying the agency model in the public sector, researchers often have to relax one or more of the above assumptions ([11, p. 206]; [12]) or even complement principal and agent with other actors [13, p. 116]. The latter approach was partly inspired by J. Tirole's pioneering paper, in which he wrote that 'organizations can be seen as networks of overlapping or nested principal/agent relationships' [14, p. 181].

In contrast to the private sector, the application of the principal-agent model in the public sector has specifics related to the fact that in a democracy, the political elite, in turn, is an agent elected by the populace to achieve social objectives. Thus, the ideal preferences in this case are not the preferences of the political elite but society's preferences, and we have some reasons to call Society a basic principal.

Hence, the model has three dramatis personae: the Society (basic principal), policy-makers, legislators, and other public bodies, who are responsible for developing and enforcing regulations (principal), and the bodies acting within the given regulatory framework (agents).

Considering the dramatis personae in an agency model, we can look at a principal in the grand corruption model and an agent in the bureaucratic corruption model as, so to speak, mala fide (exact definition will be provided below). On the other hand, there is a model of efficient corruption in which for bribes bureaucrats try to correct pre-existing government failures [15, p. F633]. Thus, both models' actors can be identified as mala fide.

The approach that grounds the typology of agency corruption models in the bona fides of the principal and agent was proposed by Ivanov [13], applied to public procurement issues by Berezinets and Ivanov [16], and further developed by Berezinets and Ivanov [17]. Following them, we formalize the typology construction.

Let us introduce a set of alternatives Ω [2], fix alternatives x and y from this set, and assume that the principal considers that alternative x is strictly better than y or indifferent to it: $x \succeq_P y$. The set of pairs (x, y) for which $x \succeq_P y$, we will call the principal's preference relation (or preferences), defined on the set Ω [18, p. 6], and denote it as $\succeq_P$ [3].

We will assume that Society (the basic principal) and the agent have their own preference relations $\succeq_{BP}$ and $\succeq_A$ defined on the same set . We hypothesize that all three preference relations are rational (complete and transitive) [18], which, in the case of a finite set of alternatives , allows each actor to choose the best alternative from it (a more rigorous examination will be provided in Section 4).

What does the principal's mala fides mean? For example, it occurs when the principal's choice from a finite set of affordable alternatives differs from the option that is best for Society. We use a stricter approach, assuming that the principal is mala fide if its preference relation differs from that of society.

Definition 1. The principal (agent) is mala fide if its preference relation differs from the basic principal's: $\succeq_P \neq \succeq_{BP}$ ($\succeq_A \neq \succeq_{BP}$), and bona fide if otherwise.

By applying Definition 1, we can theoretically construct five models, depending on the combination of the principal's and agent's bona/mala fides.

Table 1. Different agency models depending on the principal and agent's bona/mala fides

Models Actors	1	2	3	4	5
Principal	bona fide $\succeq_P = \succeq_{BP}$	bona fide $\succeq_P = \succeq_{BP}$	mala fide $\succeq_P \neq \succeq_{BP}$	mala fide $\succeq_P \neq \succeq_{BP}$	mala fide $\succeq_P \neq \succeq_{BP}$
Agent	bona fide $\succeq_A = \succeq_{BP}$	mala fide $\succeq_A \neq \succeq_{BP}$	mala fide $\succeq_A \neq \succeq_{BP}$ ($\succeq_A \neq \succeq_P$)	mala fide $\succeq_A \neq \succeq_{BP}$ ($\succeq_A = \succeq_P$)	bona fide $\succeq_A = \succeq_{BP}$

In the next section, among the five models of Table 1, we will recognize well-known models, identify the new ones, and give titles to the latter.

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[2] In the case of public procurement, the set of alternatives, very often, is a set of contracts, which can be defined as follow: $\Omega = \{\omega = (x_1, x_2, \ldots, x_n)\}$, where x_i (i=1, 2, …, n) – values of selecting and awarding criteria (if there are awarding criteria that are different from the selecting ones).

[3] To readers that meet term 'preferences' at the first time, the relevant section of one of the most understandable microeconomics textbooks can be recommended [19, Ch. 3].

3. The proposed typology of corrupt behavior: is this a typology?

In this section, we will successively consider models introduced in Table 1, trying to understand to what extent they are reflected in economic theory.

To do this, we review all papers published in the Journal of Public Procurement (hereafter: JoPP) from 2018 to 2019 and try to correlate the agent models of corruption considered in them with those in Table 1. JoPP was selected for the following reasons.

1.Public procurement is one of the most corruption-prone government activities. OECD [20] highlights that 57 % of all foreign bribery cases are due to procurement corruption.

Table 2. Purpose of the bribes

Bribery cases	Percent of the cases
Public procurement	57
Customs clearance	12
Other preferential treatment	7
Favourable tax treatment	6
Licence/Authorisation	6
Access to confidential information	4
Travel visa	1
Unknown	7

Source: OECD analysis of foreign bribery cases concluded between 15/02/1999 and 01/06/2014.

2. JoPP contains papers covering all parts of procurement theory without giving preference to any part.

3. JoPP gives easy access to papers' keywords and even full text.

Of the 38 papers published in JoPP in 2018 and 2019, 31 do not include keywords that could be associated with examining the parties' mala fides. Moreover, in these cases the search for the word 'corruption' in the text did not give any results or found this word only in the list of factors that decrease the effectiveness and efficiency of procurement, i.e.: 'The non-performance of government contractors may be attributed more to other factors (including inadequate financing, corruption, weak enforcement of regulations and fiscal irresponsibility, etc.) than to the choice of suppliers per se.' [21]. All these papers are representatives of, so to speak, a corruption-free research direction. Thus, we have some reasons to call Model 1 (Table 1) the corruption-free model.

It is interesting to note that in the framework of the corruption-free model, procurement issues are examined in countries with absolutely different corruption levels, from Finland and Norway, which were ranked 2nd and 4th, respectively, in the 2024 Corruption Perceptions Index, to Tanzania and Nigeria, which were ranked 87th and 145th, respectively.[4]

[4] https://images.transparencycdn.org/images/CPI2024_Map-plus-Index.pdf.

In the pioneering research that gave life to the bureaucratic corruption theory, Rose-Ackerman examined a situation in which a private person attempts to corrupt a bureaucrat (an agent) to obtain a government contract, and the latter is deciding whether to take a bribe or not [22, p. 187]. At the same time, Rose-Ackerman does not mention any deficiencies in regulation or public policy, or the principal's mala fides in general. Thus, in the case of bureaucratic corruption, the agent is assumed mala fide ($\succeq_A \neq \succeq_{BP}$) while the principal is not ($\succeq_P = \succeq_{BP}$), and we can classify Model 2 ($\succeq_P = \succeq_{BP}$, $\succeq_A \neq \succeq_{BP}$) (Table 1) as the bureaucratic corruption model.

The same assumptions ($\succeq_P = \succeq_{BP}$, $\succeq_A \neq \succeq_{BP}$) were identified in three papers published in JoPP in 2018 ([23]; [24]; [25]) and four in 2019 ([26]; [27]; [28]; [29]). Thus, the bureaucratic corruption model appeared in seven of the 38 papers.

In the efficient corruption model, corrupt bureaucrats try to correct pre-existing government failures [15, p. F633]. Thus, in this model:

- the agent is assumed mala fide since he/she takes bribes ($\succeq_A \neq \succeq_{BP}$),
- the principal is assumed mala fide since it has developed public policy or regulation that is not efficient for the Society ($\succeq_P \neq \succeq_{BP}$),
- there is no evidence that the principal is favorable to the agent's corrupt behavior, so it is implicitly assumed that the preferences of the principal and the agent are different: $\succeq_A \neq \succeq_P$.

Thus, we can recognize the model of efficient corruption in Model 3 ($\succeq_P \neq \succeq_{BP}$, $\succeq_A \neq \succeq_{BP}$, $\succeq_A \neq \succeq_P$) (Table 1). All three JoPP papers from 2018 cited above and one from 2019 ([29]) examine bureaucratic corruption but also address efficient corruption. Thus, the efficient corruption model was used or discussed in four of the 38 papers published over the two years.

Nevertheless, the mala fide principal can create a system of incentives for the agent, which will warn the latter against taking any action in opposition to the existing inefficient regulation and/or policy. Thus, this case and Model 4 in Table 1 are defined by two assumptions: $\succeq_P \neq \succeq_{BP}$, $\succeq_A = \succeq_P$.

We have found two papers that treat corruption problems that way ([28]; [29]). The authors of the latter paper wrote: "Politicians often intervene in the budget allocations for popular programs (not priority programs) that provide political benefits or personal goals. Procurement officials are also pressured to give contracts to companies where politicians have interest" (p. 350).

However, the model based on the above assumptions has not yet been formalized in corruption theory and does not have a name. In the model discussed here (#4 in Table

1), the principal controls the agent's behavior—a dictator's rule for two actors: $\succeq_A = \succeq_P$ [30, p. 30]. This provides strong grounds for calling it the totalitarian corruption model.[5] Notably, the above quotations confirm that, in public procurement, totalitarian corruption can arise in any type of state, whether totalitarian or democratic: Italy [29], post-communist countries [28], and Russia (Section 5). The model can also be applied beyond public procurement, for example, to harassment cases in which a principal uses discretionary power to extract specific benefits.[6]

There are some doubts the applicability of the term "corruption" in this case. On the one hand, this situation is extremely common in both the public and private sectors; on the other hand, of the three necessary conditions for corruption—discretionary power, rent-seeking behavior, and weak institutions [15, p. F633]—the second is not always present. It may therefore be preferable to distinguish two models:

- the model of totalitarian corruption is applicable when ineffective regulation is due to vertical corruption [4, pp. 73–74];
- the model of totalitarian quasi-corruption is applicable when ineffective regulation is due to the principal's bounded rationality [31].

Thus, we can conclude that the phenomenon of totalitarian corruption can arise due to vertical corruption, which is usually associated with the weakness of the relevant institutions, or with the imperfection of the legislation created by the principal, caused by a weak regulatory impact assessment.

Let us consider Model 5 in Table 1, based on assumptions of the principal's mala fides and agent's bona fides ($\succeq_P \neq \succeq_{BP}$, $\succeq_A = \succeq_{BP}$). In JoPP, we have found two papers that examine bona fide agents' behavior in institutional conditions created by the mala fide principal ([28]; [29]). However, the model based on the assumptions mentioned above is not formalized in the corruption theory and, therefore, does not have a name. Since in this case

- the principal is mala fide because it develops a public policy and/or regulation that is not optimal for the Society ($\succeq_P \neq \succeq_{BP}$);
- the agent is bona fide since its choice is optimal for the Society ($\succeq_A = \succeq_{BP}$);
- the agent and the principal have different preferences ($\succeq_A \neq \succeq_P$);
- the agent's choice is, in general, different from the principal's choice and, thus, may involve a violation of public policy and/or regulatory rules;
- the agent and the basic principal have the same preferences, and the agent's choice is optimal for Society, so the agent's behavior cannot be classified as corrupt;

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[5] Totalitarianism is when regimes (political systems) control all public behavior … [32, p. 74].

[6] The discussion of applying totalitarian corruption model in the countries with totalitarian regimes is above this paper scope.

we have some reasons to call this model a quasi-corruption one.

In light of the above, we can rewrite Table 1 in the following way.

Table 3. The Typology of Agency Models of Corruption.

Models Actors	Corruption-free	Bureaucratic corruption	Efficient corruption	Totalitarian corruption	Quasi-corruption
Principal	bona fide $\succeq_P = \succeq_{BP}$	bona fide $\succeq_P = \succeq_{BP}$	mala fide $\succeq_P \neq \succeq_{BP}$	mala fide $\succeq_P \neq \succeq_{BP}$	mala fide $\succeq_P \neq \succeq_{BP}$
Agent	bona fide $\succeq_A = \succeq_{BP}$	mala fide $\succeq_A \neq \succeq_{BP}$	mala fide $\succeq_A \neq \succeq_{BP}$ $(\succeq_A \neq \succeq_P)$	mala fide $\succeq_A \neq \succeq_{BP}$ $(\succeq_A = \succeq_P)$	bona fide $\succeq_A = \succeq_{BP}$

Thus, all models examined in the papers published in JoPP from 2018 to 2019 can be classified in the developed typology framework, proving its practical applicability.

On the other hand, the survey revealed the importance of the corruption issue, which has been treated in 7 papers out of 38, and the relative popularity of different corruption models (Table 4).

Table 4. The different corruption models applied in papers published in JoPP in 2018-2019.

Models	Corruption-free	Bureaucratic corruption	Efficient corruption	Totalitarian corruption	Quasi-corruption
Number of papers	31	7	4	2	2

The introduced typology includes two new agency corruption models: totalitarian corruption and quasi-corruption, and the question of their practical applicability arises. The case of totalitarian corruption will be thoroughly discussed in the following sections, while the discussion of quasi-corruption behavior generated by risks associated with applying the English auction [32, p. 702] in conditions of low competition in procurement auctions can be found in Ivanov [13].

4. From theory to practice: how to recognize cases of totalitarian corruption

The typology introduced in the previous section enables the following algorithm of corrupt behavior modeling:

- to identify the principal and the agent;
- to formalize actors' alternatives and define their set Ω;
- consistently putting forward assumptions about the basic principal's preferences, to model its preference relation on the set Ω;

- to use rules of regulation or other information concerning the principal to model its preference relation and prove that it coincides with or is different from the basic principal's one;
- to identify the existence of *bona fide* and/or *mala fide* agents;
- to propose amendments to regulatory rules or public policy and to forecast agents' responses to proposed changes.

This section demonstrates how the principal's mala fides can be established when it pressures procurement officials to award contracts to a predetermined supplier [29, p. 350].

Let us consider a contracting authority (agent) seeking to procure an indivisible good or service. To formalize the subject of procurement, we use Lancaster's hypothesis [34, p. 134), according to which, when deciding to acquire a good, the buyer evaluates not so much the good's utility itself but rather the values of a finite number of its individual characteristics.

We assume that a set of potential contracts can be represented as a set of two-dimensional vectors

$$A = \{(q, p) \mid q \in Q,\ p \in P\},$$

where q and p are the award (and selection) criteria specified by the contracting authority in the tender solicitation; the single quality criterion, q, is increasing, whereas the price, p, is decreasing. In this case, the set Q is defined by the selection condition $q \geq q_0$, where q_0 is the minimum quality acceptable to the buyer, the set P is defined by the selection condition $0 \leq p \leq p_0$, where p_0 is the maximum price that the buyer is ready to pay for the contract. We call the elements of set A bids.

Consider the problem of modeling the principal and the basic principal preference relations on set A (correspondingly, PPR and BPPR). In Section 1, we started from the assumption that both preference relations are complete and transitive. Here, we add to them the assumption of reflexivity: a buyer is indifferent between every two identical contracts[7]. In the case of a finite set of affordable alternatives, adopting these assumptions allows each actor to rank alternatives and choose the best one (or some alternatives that are indifferent to each other) from it.

We begin with the modeling of the PPR, assuming that the principal has a Favorite and presses the agent to award the contract to it. Let's fix the Favorite's bid: $a^* = (q^*, p^*) \in A$. Since the principal defines the Favorite *before* the suppliers' bids are submitted, it follows from here that for him/her a^* is strictly preferred to any other bid from the set A[8]:

$$a^* \succ_P a \quad \forall a \in A,\ a \neq a^*. \tag{1}$$

Next, continue the BPPR modeling. Below, we will consider the quality as a 'good' for the basic principal since, for any bid, an increase in quality (ceteris paribus) gives

[7] In [18, p. 6] is mistakenly believed that this property is implied by completeness. The strong consideration of this issue is above this paper's scope.

[8] Such an alternative is called a bliss point, and the corresponding preference relation is – a satiated one [19, p. 43].

the basic principal a strictly more preferred alternative whilst the price is a 'bad' [18, p. 42]. This approach preserves clear economic interpretations of the criteria without introducing "*bids*" $(q, -p)$, assuming that BPPR is strongly monotone on the corresponding set.

Let's consider the bid $a^* = (q^*, p^*)$ and corresponding set

$$A^* = \{(q, p) | \ q \geq q^*, p \leq p^*, (q, p) \neq a^*\},$$

roughly speaking, the set of bids of higher quality and less price than a^*.

Given assumptions, we can prove that the set A^* is a subset of $BBP(a^*)$ – the strong better set of the contract a^*, which consists of all bids that are strictly better than a^* for the principal. Indeed, for any bid $a = (q, p) \in A^*$ we have (for simplification reasons, we assume that $q > q^*, p < p^*$):

$(q, p^*) \succ_{BP} (q^*, p^*)$, since the quality is the 'good',

$(q, p) \succ_{BP} (q, p^*)$, since the price is the 'bad',

$(q, p) \succ_{BP} (q^*, p^*)$, since BPPR is transitive. Thus,

$$a \succ_{BP} a^* \ \ \forall a \in A^*, \ \ a \neq a^*. \tag{2}$$

Comparing (1) and (2), we conclude that the principal is mala fide: $\succeq_P \neq \succeq_{BP}$.

Thus, within the proposed typology's framework, cases in which the principal forces the agent to award a contract to a predetermined supplier can be described by the following models:

- efficient corruption, if the agent tries to award the contract to another supplier (not to the Favorite) for a bribe,
- quasi-corruption, if the agent does not obey the pressure of the principal and chooses the best supplier from the point of view of achieving social interests or canceling the tender results,
- totalitarian corruption, if the agent awards the contract to the Favorite.

5. The case of St. Petersburg public outpatient hospitals

5.1 Introduction

St. Petersburg, Russia's second-largest city, is divided into 18 neighborhoods, each with the authority to manage the outpatient hospitals located within its territory. These hospitals are subordinated to the City Health Committee, too; however, it is the neighborhood head who employs the hospital chief medical officer (hereafter: CMO) who manages the hospital and signs contracts with suppliers according to the Russian procurement practice.

In September 2022, law enforcement authorities arrested the deputy head of neighborhood N and the head of the neighborhood administration's healthcare department in the framework of an investigation into the legality of determining the winners of auctions for the cleaning of outpatient hospitals #3 and #4. According to

media reports[9], neighborhood authorities decided to outsource the cleaning of the hospitals and made great efforts to ensure that a pre-selected bidder (or Favorite) won the relevant auctions at an inflated price that was just equal to or slightly different from the Initial Contract Price (hereafter: ICP[10]). There were three such tenders in 2021, according to the results of each of which the Favorite won (Table 5).

Table 5. The analysis of cleaning services procurement in outpatient hospitals of neighborhood N in 2021 (before the criminal investigation started).

#	Hospital	Award minute date	ICP (Russian rubles)	The number of Suppliers that			ICP decrease (%)
				submitted the bids	were approved as the bidders	decreased price in the auction	
	3	09.12.2021	7 318 642.56	5	2	0	0
	3	26.07.2021	1 347 269.40	2	1	–	0
	4	01.04.2021	26 294 437.79	3	2	1	0.5

Source: Russian unified information procurement system. [11]

As a result of the tender outcomes, the hospitals' cleaning expenses increased: according to one CMO, they became approximately 4.5 times higher than before, while it is highly doubtful that cleaning quality improved. The subcontractors that cleaned the hospitals received less than one-fifth of the contract price from the Favorite.

Thus, in this case, the principal is the neighborhood authority, and the agents are the CMOs heading outpatient hospitals. According to the previous section, this case can be qualified as totalitarian corruption since the principal pressured the agents to award contracts to the Favorite selected before the tender bids were submitted, and they complied.

5.2. Policy implications

In order to assess the amount of loss from the mala fide behavior of the principal in the considered case, we'll compare the mala fide purchases of cleaning services (Table 5) and similar purchases made during the course of investigative auctions (Table 6).

Table 6. The Analysis of cleaning services procurement in out-patient hospitals of neighborhood N in 2022-2023 (after the criminal investigation started)

#	Hospital	Award minute date	ICP (Russian rubles)	The number of Suppliers that			ICP decrease (%)
				submitted bids	were approved as the bidders	decreased price in the auction	
	3	12.01.2023	7 422 134.76	6	6	6	22.5
	4	22.12.2022	9 045 378.36	10	10	6	26

[9] Here and below: https://www.fontanka.ru/2022/09/06/71633330/ (in Russian).
[10] ICP is declared in the tender's solicitations, and all bids having a price above ICP are rejected.
[11] Tenders' code numbers: 0172200002321000165, 0372200140121000058, 0172200002321000026.

Source: Russian unified information procurement system[12].

A comparison of tables 5 and 6 shows that in bona fide tenders, more bids are submitted, fewer suppliers are not allowed to bid, and more bidders lower the price during the auction, resulting in a significant decrease in ICP in contrast to its practical absence in mala fide tenders.

Since, in the case of totalitarian corruption, the actions of the agent are entirely controlled by the principal, let us consider what measures the regulatory and healthcare authorities could take to combat totalitarian corruption and divide them into the ex-ante and ex-post counteraction to mala fides.

1. For many years, St. Petersburg has discussed transferring outpatient hospitals to the Health Committee's direct authority. The case under consideration provides additional arguments in favor of such a decision (ex-ante counteraction).

2. In some cases, the mala fide behavior of procurement actors can be detected by analyzing the bidders' behavior during the auction (ex-post counteraction).

Table 6 shows that the St. Petersburg cleaning market is highly competitive. Thus, the public procurement monitor (in Russia, the Federal Antimonopoly Service) must carefully scrutinize all corresponding tenders with a small number of submitted or selected bids (especially case 2 in Table 5). Knowing this, a mala fide principal and/or its Favorite may seek to create the appearance of competition at the auction. They can do so by involving a dummy supplier (or suppliers) in the tender.

In general, it is quite challenging to prove suppliers' collusion based on information on their auction bidding behavior. However, when the price decrease in an English auction is slight, collusion may be easier to detect.

Let's consider case 1 from Table 5. Even though five bids were submitted, only two participants were admitted to the auction. This was easy to do because, according to media reports, the Favorite representatives took an active part in developing the tender documentation.

During the auction, none of the bidders decreased the ICP. Due to the current legislation, this case is possible – if there is no bidding in the auction with as minimum as two participants, the contract is signed with the supplier whose application was the first to be submitted and then approved. Since the approval record is published before bidding and contains information about the anonymous bidders' submission times, this implies that at least one bidder in the auction:

(1) spent resources (money/time) to prepare for its participation in the auction;

(2) had information that it was impossible to win the contract without the ICP decrease;

(3) actually, didn't bid.

Such irrational behavior cannot plausibly be explained except by supplier collusion.

Therefore, auctions without price cuts should automatically be considered collusive by the monitor. In international practice, unlike Russian legislation, the right

[12] Tenders' code numbers: 0172200002322000239, 0172200002322000217.

to cancel such procedures is granted directly to the contracting authority [35]. In such a case, it would be easier for the contracting authority to engage in quasi-corrupt behavior by avoiding awarding the contract to the Favorite.

Next, consider case 3 from Table 5. Like case 1, only two participants (of three) were admitted to the auction, and the only bid in the auction was submitted by the Favorite three minutes after the auction began. In Russian auctions, the bidders consecutively decrease the price by the step that is legislatively allowed to vary from 0.5% to 5% of the ICP. Thus, in case 3, the auction's winner, Favorite, decreased the price by 0.5% of ICP – the minimum level allowed by legislation whilst its rival didn't bid.

Assume that the second auction participant, whom we call the Loser, is bona fide. Since it did not decrease the price by 1% of the ICP, its reserve price must exceed 99% of the ICP. Thus, the Loser knows that it cannot win the contract if the other supplier submits a bid first.

This means that the Loser:

(1) spent resources to participate in the auction;

(2) knew that he/she must be the first to submit a bid;

(3) didn't submit a bid for three minutes.

The Loser's irrational behavior cannot plausibly be explained except by supplier collusion. The rigorous mathematical proof of suppliers' collusion in English Auctions with insignificant price reductions (0%, 0.5%, 1%, and 1.5%) is available in [36]. That paper formulates the conditions under which the fact of conspiracy can be established and calls them 'sufficient conditions of collusion.' Here are these conditions for the cases of 0% and 0.5% ICP decrease.

Proposition 1. Under the current Russian public procurement legislation, in a zero ICP decrease auction with more than one approved participant, the fact of suppliers' collusion can be considered automatically proven.

Proposition 2. If the English auction with more than one approved participant resulted in 0.5% of ICP decrease, and the winner's bid was not submitted at the very beginning of the auction, the fact of suppliers' collusion can be considered automatically proven.

The consideration of the two cases above (#1 and #3 in Table 5) illustrates the practice of applying sufficient conditions of collusion.

6. Conclusion

The paper presents a new typology of agency models of corruption based on the conformity of principal and agent's preferences to the 'ideal' preferences of Society. The typology contains well-known corruption models, bureaucratic and efficient corruption, and new ones: quasi- and totalitarian corruption.

The paper shows that all models examined in the papers published in JoPP over 2018-2019 can be classified in the developed typology framework, proving its practical applicability[13].

[13] Further research considers papers published in JoPP over 2018-2023.

To illustrate the application of the totalitarian corruption model, the paper considers a case involving the choice between in-house provision and outsourcing of cleaning services for public outpatient hospitals in one of St. Petersburg's neighborhoods. The neighborhood administration made chief medical officers of outpatient hospitals subordinate to it sign the contract with the predefined cleaning company at an inflated price.

It is proven that this case can be classified as a case of totalitarian corruption since all assumptions of the model (the difference between principal and society preference relations, the equality of principal and agent ones) are true. Besides this, as the predefined supplier attracts another dummy supplier to imitate the competition for the contract, the paper suggests some measures of how to discover collusive behavior in the bidding when the English auction is applied and resulted in insignificant ICP decrease.

The paper shows that, in public procurement, totalitarian corruption can arise when the principal pressures the agent to award a contract to a predetermined supplier. Institutional redesign that separates the corrupt principal from procurement decisions could help prevent this. Accordingly, the main policy implication is that outpatient hospitals should be reassigned to the St. Petersburg Health Committee.

Thus, the paper formalizes the model of totalitarian corruption, reveals its connection with current scientific research on the corruption phenomenon, and discusses its practical applicability.

Regarding the proposed corruption typology as a whole, literature and public discourse are rich with typologies, or potential typologies, of corruption, yet little consideration is given to whether a particular typology should be used or when it should be used [37, p. 23]. The typology discussed in this paper responds to this concern by linking each model to explicit assumptions about the actors' preferences and illustrating when those models can be applied.

References

[1] Vargas-Hernández, J. G. (2014). Polyfacetic masks of corruption: Typologies, categories, forms and levels. International Journal on Graft and Corruption, 1(1):1-35, https://doi.org/10.7719/ijgc.v1i1.226.

[2] Roebuck, J., Barker, T. (1974). A typology of police corruption. Social Problems, 21(3): 423–437. https://doi.org/10.2307/799909.

[3] Rose-Ackerman, S. (2008). Corruption and government. International Peacekeeping, 15(3): 328–343. https://doi.org/10.1080/13533310802058802.

[4] Jain, A. (2001). Corruption: a review. Journal of Economic Surveys, 15(1): 71–121. https://doi.org/10.1111/1467-6419.00133.

[5] Vannucci, A. (2017). Challenges in the study of corruption: Approaches and policy implications. Revista Brasileira de Direito, 13(1): 251–281. https://doi.org/10.18256/2238-0604/revistadedireito.v13n1p251-281.

[6] Jain, A. K. (2011). Corruption: Theory, evidence and policy. DICE Report, 9(2): 3–9.

[7] Johannsen, L., Pedersen, K. (2011). For the common good: Combating corruption in new EU member states. Journal of Comparative Politics, 4(1): 91-110. https://doi.org/10.12737/21832.
[8] Aidt, T.S. (2009). Corruption, institutions, and economic development. Oxford Review of Economic Policy, 25(2): 271–291. https://doi.org/10.1093/oxrep/grp012.
[9] Shavell, S. (1979). Risk sharing and incentives in the principal and agent relationship. The Bell Journal of Economics, 10(1): 55–73. https://doi.org/10.2307/3003319.
[10] Jensen, M. C., Meckling, W. H. (1976). Theory of the firm: Managerial behavior, agency costs, and ownership structure. Journal of Financial Economics, 3: 305–360. https://doi.org/10.1016/0304-405X(76)90026-X.
[11] Miller, G. J. (2005). The political evolution of principal-agent models. Annual Review of Political Science, 8: 203–225. https://doi.org/10.1146/annurev.polisci.8.082103.104840.
[12] Waterman, R. W., Meier, K. J. (1998). Principal-agent models: An expansion? Journal of Public Administration Research and Theory, 8(2): 173–202. https://doi.org/10.1093/oxfordjournals.jpart.a024377.
[13] Ivanov, A. (2016). Quasi-corruption in public procurement: The case of the Russian Federation. In Corruption, economic growth and globalization (Vol. 147, pp. 112–130). Routledge.
[14] Tirole, J. (1986). Hierarchies and bureaucracies: On the role of collusion in organizations. Journal of Law, Economics, & Organization, 2(2): 181–214.
[15] Aidt, T.S. (2003). Economic Analysis of corruption: A survey. The Economic Journal, 113 (491), F632–F652.
[16] Berezinets, I., Ivanov, A. (2019). Well-known Scoring Rules under conditions of low competition in tenders. Int. J. Procurement Management, 12(6): 711–731. https://doi.org/10.1504/IJPM.2019.102957.
[17] Berezinets, I., Ivanov, A. (2021). Typology of agency models of corruption and the totalitarian corruption's case. Economic issues (Voprosy ekonomiki), 9: 109–131. https://doi.org/10.32609/0042-8736-2021-9-109-131 (in Russian).
[18] Mas-Colell, A., Whinston, M. D., Green, J. R. (1995). Microeconomic theory. Oxford University Press.
[19] Varian, H. R. (2006). Intermediate microeconomics: A modern approach (7th ed.). Norton.
[20] Organization for Economic Co-operation and Development. (2014). Foreign bribery report. OECD.
[21] Essien, E., Lodorfos, G., Kostopoulos, I. (2019). Antecedents of supplier selection decisions in the public sector in Nigeria. Journal of Public Procurement, 19(1): 15–45. https://doi.org/10.1108/JOPP-03-2019-023.
[22] Rose-Ackerman, S. (1975). The economics of Corruption. Journal of Public Economics, 4: 187–203. https://doi.org/10.1016/0047-2727(75)90017-1.

[23] Tumuramye, B., Ntayi, J., Muhwezi, M. (2018). Whistle-blowing intentions and behaviour in Ugandan public procurement. Journal of Public Procurement, 18(2), 11-130. https://doi.org/10.1108/JOPP-06-2018-008.

[24] Williams-Elegbe, S. (2018). Systemic corruption and public procurement in developing countries: Are there any solutions? Journal of Public Procurement, 18(2), 131-147. https://doi.org/10.1108/JOPP-06-2018-009.

[25] Cavalieri, M., Guccio, C., Rizzo, I. (2018). Does corruption and the institutional characteristics of the contracting authorities affect the execution of healthcare infrastructures? An empirical investigation for Italy. Journal of Public Procurement, 18(2), 148-164. https://doi.org/10.1108/JOPP-06-2018-010.

[26] Marcarelli, G., Nappi, A. (2019). Multicriteria approach to select the most economically advantageous tender: The application of AHP in Italian public procurement. Journal of Public Procurement, 19(3): 201–223. https://doi.org/10.1108/JOPP-05-2018-0020.

[27] Guarnieri, P., Gomes, R. (2019). Can public procurement be strategic? A future agenda proposition. Journal of Public Procurement, 19(4): 295–321. https://doi.org/10.1108/JOPP-09-2018-0032.

[28] Plaček, M., Schmidt, M., Ochrana, F., Vaceková, G., Soukopová, J. (2019). Repeated selection of supplier, factors and results: The Czech Republic. Journal of Public Procurement, 19(4): 322–344. https://doi.org/10.1108/JOPP-12-2018-0049.

[29] Rustiarini, N. W., Nurkholis, N., Andayani, W. (2019). Why people commit public procurement fraud? The fraud diamond view. Journal of Public Procurement, 19(4): 345–362. https://doi.org/10.1108/JOPP-02-2019-0012.

[30] Arrow, K. J. (1963). Social Choice and Individual Values (2nd ed.). Yale University Press.

[31] Simon, H. A. (1947). Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization. New York: Macmillan.

[32] Conquest, R. (2000). Reflections on a Ravaged Century. W. W. Norton & Company.

[33] McAfee, P. R., McMillan, J. (1987). Auctions and bidding. Journal of Economic Literature, 25: 699–738.

[34] Lancaster K. Change and Innovation in the Technology of Consumption // The American Economic Review. 1966. Vol. 56. N 1/2. P. 14–23.

[35] Guide to Enactment of the UNCITRAL Model Law on Public Procurement (2014). United Nations Publications.

[36] Ivanov, A., Golubeva, A., Gilenko, E., Bezhenar, O. (2021). Identification of collusion at the English auction with a small price reduction: Purchasing case of St. Petersburg medical institutions. Bulletin of St. Petersburg University. Management, 20(4), 581-617. https://doi.org/10.21638/11701/spbu08.2021.405 (in Russian).

[37] Bussell, J. (2015). Typologies of corruption: A pragmatic approach. In S. Rose-Ackerman, P. Lagunes (Eds.), Greed, corruption, and the modern state: Essays in political economy (pp. 21–46). Edward Elgar Publishing. https://doi.org/10.4337/9781784714703.00007.

FRAGMENTATION IN PUBLIC FINANCIAL GOVERNANCE: DEVELOPING THE MITOC FRAMEWORK FOR INTEGRATED PUBLIC EXPENDITURE GOVERNANCE

Silvéria Anair da Silva Vieira*

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Abstract:

Fragmentation across budgeting, procurement, execution and oversight can make public expenditure difficult to reconstruct even when separate procedural records exist. This article asks how the continuity of evidence can be examined within a defined expenditure episode. It develops the MITOC Framework, the Integrated Matrix of Transparency, Budget, and Public Procurement, as a conceptual contribution. The framework combines validity, transparency, integrity and traceability across seven expenditure phases.

The study uses normative interpretation, a purposive literature review and comparative documentary analysis. Its results comprise an assessment matrix, examples of observable indicators, a provisional rating procedure and the MITOC Compliance Index. Selected findings from a published assessment of Angola illustrate the verification questions that MITOC could generate. No original transaction sample is analysed and no national scores are assigned.

The framework builds on existing approaches to integration, procurement governance and accountability. Its proposed contribution is the joint examination of legal and institutional conditions alongside the evidence connecting an expenditure episode. The index remains an ordinal diagnostic summary whose component scores, unknowns and critical findings must be reported separately. Empirical reliability, sensitivity to scoring choices and incremental value relative to existing procedures remain to be tested.

Keywords

Public financial governance; public procurement; institutional fragmentation; accountability; traceability; conceptual framework.

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* *General Tax Administration (AGT), Luanda, Angola*

Advisor to the President of the Supreme Court and the Superior Council of the Judiciary Lawyer | Researcher in Public Financial Law, Public Procurement and Public Financial Governance (email: silveriaanair@gmail.com)

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1. Introduction

Public expenditure involves decisions about public need, budgetary authority, procurement, delivery, payment and accountability. These decisions are distributed across organisations with different responsibilities and information requirements. Public financial management scholarship provides a basis for examining their connections [1], while procurement research identifies coordination difficulties within purchasing organisations and across institutional boundaries [2, 3]. The practical problem addressed here is how to examine whether a defined expenditure episode can be reconstructed through evidence connecting those decisions.

An expenditure episode means a bounded transaction, contract or project, including its authorisations, implementation records and applicable oversight. Separate records may establish that individual actions occurred without explaining how they relate. A budget entry, contract and payment voucher, for example, become more informative when the assessor can establish that they concern the same obligation, authorised purpose and delivered output. This article calls that relationship evidential continuity. The concept describes a proposed object of assessment; it does not presume that missing links establish unlawful expenditure.

Integration is already an explicit concern of international guidance. The Organisation for Economic Co-operation and Development (OECD) [4, Section XIII] recommends connecting procurement with public financial management, budgeting and service delivery. The Public Expenditure and Financial Accountability (PEFA) framework [5] includes procurement information, expenditure controls, reporting and audit. These instruments therefore provide substantive foundations for the present study, rather than examples of an absence of integration in existing approaches.

The research question is: how can validity, transparency, integrity and traceability be examined together within a defined public expenditure episode, while distinguishing legal conclusions from the strength of the available evidence? A subsidiary question concerns how such an assessment could produce an interpretable summary without concealing missing information or allowing strong performance in one dimension to excuse a critical weakness in another.

To address these questions, this article develops the MITOC Framework. MITOC denotes the Integrated Matrix of Transparency, Budget, and Public Procurement. Its matrix, proposed assessment rules and MITOC Compliance Index are the author's conceptual contribution. Their intellectual foundations are identified in the literature review and source mapping below; the cited authors are not presented as the originators of MITOC. The claim of contribution concerns the arrangement and proposed use of these elements, not the invention of legality, integrity, transparency or audit trails.

The article contributes an assessment architecture, a provisional procedure and a research agenda for testing them. Its results are conceptual and documentary. No original interviews, transaction samples, national scores or causal estimates are reported. A published assessment of Angola supplies a bounded documentary illustration, whose source findings are kept separate from the author's proposed verification questions. Section 2 establishes the background, Section 3 reviews the literature, Section 4

explains the methodology, Section 5 presents the results, Section 6 discusses their implications and limitations, and Section 7 concludes.

2. Background

2.1 Public financial governance and the expenditure cycle

Public financial governance is used here to describe the rules, responsibilities, information and accountability arrangements through which public resources are authorised, used and scrutinised. The scope is public expenditure. It differs from the governance of financial markets and supervisory authorities, although the allocation of authority and accountability is relevant to both domains.

Germain [6] examines financial governance historically through the tensions between national accountability and international capital mobility. Masciandaro and Quintyn [7] review supervisory architecture, central-bank responsibilities and the governance of financial supervision. Their contributions help situate the broader institutional meaning of financial governance; they do not directly establish how public procurement files should be assessed. Maintaining this distinction avoids transferring findings about financial regulation to public expenditure without an explicit argument.

For expenditure analysis, the public financial management literature and international assessment instruments provide the more direct reference points [1, 8, 5]. The present framework groups the expenditure cycle into seven analytical phases: identification of need; planning and programming; budget allocation and authorisation; procurement; financial execution; oversight and audit; and accountability and reporting. These are the author's organisational categories for the matrix, rather than a claim that every jurisdiction follows an identical chronological sequence.

The phases may overlap. Audit can occur during implementation, procurement planning can inform budget preparation, and findings can require corrective action before a contract closes. Financial execution includes the verification of delivery and obligations, payment and accounting records. The assessment must therefore follow actual decisions and records, including amendments and feedback, rather than impose a purely linear sequence on practice.

2.2 Fragmentation as a problem of institutional relationships

Functional specialisation can allocate expertise and responsibility, but it also creates interfaces requiring coordination. Comparative public management scholarship places organisational arrangements within wider reform contexts [9]. Schick [10, pp. 9–10] discusses differences in information available to spending managers and central budget authorities and their implications for budget decisions and control. For the present study, these insights motivate attention to who produces information, who can verify it and what happens when an expenditure decision crosses an institutional boundary.

Fragmentation is not synonymous with decentralisation. Decentralised bodies may maintain compatible records and effective cooperation, while a centralised organisation may still contain disconnected systems. MITOC accordingly treats organisational structure as context and evidential continuity as an object to investigate. The proposed

assessment asks which relationships can be demonstrated, rather than inferring governance quality from the number of institutions involved.

It is also necessary to distinguish an unavailable document from an unlawful act. A record may be missing, withheld, archived elsewhere or inconsistent with another record. Those situations have different explanations and implications. The assessor should document them separately, seek clarification and apply the relevant evidential and legal standards before reaching a legal conclusion. MITOC is intended to organise that inquiry, not to replace the competent authority's judgement.

3. Literature Review

3.1 Institutional and procurement fragmentation

Fayazi et al. [2] examine post-disaster reconstruction in Bam and connect institutional fragmentation with obstacles to collaboration and knowledge sharing across construction and project activities. Their study shows why timing and relationships between actors deserve attention. Its disaster-reconstruction setting limits direct generalisation to routine public expenditure, but it provides a useful account of mechanisms that an expenditure assessment could investigate.

Waditwar [11] presents a practitioner-oriented argument for centralising procurement, including consolidated demand, standardised processes and coordinated supplier information. This contributes a possible organisational response to fragmented buying. It is used here as an argument about coordination, not as proof that centralisation invariably improves public-sector governance.

Lindfors et al. [3] provide a more differentiated account. Their study of nine Finnish municipalities, based on 19 interviews and municipal documents, examines centralisation, specialisation, participation and standardisation. It links organisational choices to different operational and strategic outcomes and highlights the role of participation and standardisation in lifecycle-oriented procurement. The implication for MITOC is that an assessment should examine the interaction of arrangements and records, rather than treat centralisation as a sufficient indicator of integration.

Edward and Owoicho [12] review fragmented pharmaceutical procurement in Africa and discuss pooled purchasing alongside governance, legal alignment, financing and institutional capacity. Their synthesis supports consideration of coordination beyond the purchasing event itself. However, pharmaceutical supply systems have specific regulatory and market characteristics, so their findings cannot be taken as direct validation of an expenditure-governance index across sectors.

The term fragmentation also has a distinct legal meaning. Gluzdak [13] discusses the artificial division of purchases into multiple contracts in the Russian procurement context. That issue concerns the structuring of transactions and applicable competitive requirements. It differs from the institutional and informational discontinuity studied here. Contract splitting could become a matter for investigation under MITOC, but its legality depends on the applicable law; fragmented records and unlawful splitting should not be treated as interchangeable phenomena.

Taken together, these studies establish that fragmentation and coordination have already received scholarly attention. The present article therefore does not claim that

the literature has ignored the subject. It asks whether a specific combination of analytical dimensions and evidence-linking procedures can assist the examination of individual expenditure episodes. The usefulness of that combination remains an empirical question.

3.2 Validity transparency integrity and traceability

Validity concerns whether the relevant decision has the required legal basis, competence, budgetary authority and procedural support. In public financial management, expenditure controls and budget execution are central objects of analysis [1, 5]. MITOC draws on that foundation while distinguishing the legal status of a decision from the assessor's ability to demonstrate it. A missing authorisation record may prevent a conclusion about validity without establishing that authorisation never existed.

Transparency concerns the availability and intelligibility of relevant information to those entitled to examine it. The International Monetary Fund (IMF) Fiscal Transparency Code addresses the quality of fiscal disclosure, while procurement guidance connects openness to procurement governance [8, 4]. For MITOC, the operational question is whether information can support scrutiny of the episode, including justified restrictions on disclosure. Public release and authorised audit access are different forms of access and should be recorded separately.

Integrity concerns the management of conflicts, impartiality, reasoned decisions and consistency with public purpose. The OECD Public Integrity Handbook discusses responsibilities, institutional cooperation and information sharing, including interoperable databases that can assist cross-checking [14, Sections 2.1–2.2.3]. This supports examining how safeguards work in practice. A formally completed procedure does not, on its own, resolve questions about conflicts of interest or the reasons for a decision. The proposed indicators therefore distinguish the existence of a safeguard from evidence of its use.

Traceability concerns the ability to connect decisions, obligations, delivery, payments and subsequent scrutiny. Records and audit trails are already addressed within PEFA, including procurement monitoring and financial-data integrity [5, PI-24 and PI-27]. MITOC does not claim to introduce traceability into governance for the first time. Its proposal is to assess the continuity of these links alongside the other three dimensions within the same bounded episode.

Accountability provides an overarching reason for combining the dimensions. Schedler [15] distinguishes the provision of information and justification from the possibility of enforcement. Reconstructing an expenditure episode may support the identification of decisions and responsibilities, but documentation alone does not guarantee an effective response to a finding. For that reason, MITOC includes the connection between an oversight finding, the responsible body's response and the subsequent outcome.

The dimensions are analytically distinct but can rely on some of the same documents. A signed approval may support validity; its publication may support transparency; its reasons and conflict checks may inform integrity; and its identifier

may support traceability. The assessment must specify which proposition each record supports. Otherwise, the presence of one document could be counted repeatedly without showing the different conditions that the framework is intended to examine.

3.3 Existing instruments and the scope of the proposed contribution

PEFA assesses public financial management through a structured set of indicators. The OECD Recommendation on Public Procurement provides principles for procurement governance, including integration. The IMF Fiscal Transparency Code sets standards for fiscal reporting, forecasting and budgeting, risk analysis and management, and resource revenue management [8, 4, 5]. Their purposes overlap with elements of MITOC but are not identical to its proposed episode-level inquiry.

The question is therefore one of operational contribution, not exclusive ownership of governance principles. MITOC would add value if it helped an assessor identify a consequential break between records that was difficult to explain through separate assessments. It would add little if it simply renamed existing checks or increased documentation burdens without improving scrutiny. Section 6 returns to this distinction and proposes ways to test it.

4. Methodology

4.1 Research design and epistemic scope

This is a conceptual framework-development study combining normative interpretation, a targeted review of literature and comparative documentary analysis. It follows the requirement that conceptual research make the selection and role of its theoretical inputs explicit [16]. The design produces a proposed analytical model and a documented illustration; it does not estimate the prevalence of fragmentation or demonstrate the causal effects of MITOC.

Doctrinal reasoning informs the distinction between legal authority, procedural obligations and evidence. Hutchinson and Duncan [17] explain why legal researchers should articulate how they identify and interpret authoritative texts. Here, that insight requires particular caution: international recommendations and assessment frameworks are not treated as binding national law. A full legal assessment of an expenditure episode would require the applicable national legislation, relevant decisions and the underlying facts. The present article develops the structure for such an inquiry without claiming to have adjudicated individual Angolan transactions.

Document analysis provides a way of examining published institutional evidence while considering its purpose and limitations [18]. In this article, the source document's finding is distinguished from the author's interpretation and from a proposed future verification step. This separation is especially important where a report describes a gap but the underlying transaction records are unavailable to the researcher.

4.2 Source selection and analytical roles

The review is purposive rather than systematic. The corpus combines the manuscript's foundational references, literature selected for its direct relevance to fragmentation and institutional coordination, methodological scholarship, and

identifiable international instruments. Source details were checked against publisher, journal, institutional or university-repository records during the revision completed on 21 October 2026. The study does not claim an exhaustive database search, a predetermined screening population or a meta-analysis.

Sources were retained for a defined role: explaining an institutional mechanism, grounding an analytical dimension, supplying a methodological principle, providing a comparator, or documenting a particular observation. Empirical studies, conceptual discussions and normative instruments were not treated as interchangeable evidence. Where only a publisher's summary was accessible, use was confined to the claims stated in that summary; no full-text coding of such a source is claimed.

Table 1 identifies the principal source groups and their analytical roles. The four MITOC dimensions were selected because they address different questions about an expenditure episode: whether authority can be demonstrated, whether scrutiny is possible, whether safeguards and reasons can be examined, and whether the decisions and records can be connected. This is an argued conceptual selection, not a factor structure derived from a dataset.

Table 1. Source groups and analytical roles

Source group	Principal sources	Role in this study
Public expenditure and accountability	Allen et al. [1]; Schick [10]; Schedler [15]	Define the expenditure focus and the distinction between information, justification and accountability.
Institutional coordination	Fayazi et al. [2]; Waditwar [11]; Edward and Owoicho [12]; Lindfors et al. [3]	Identify coordination mechanisms and limits to generalisation across settings.
Boundary concepts	Germain [6]; Masciandaro and Quintyn [7]; Gluzdak [13]	Distinguish financial supervision and contract splitting from expenditure evidential continuity.
International instruments	OECD [4, 14]; PEFA Secretariat [5]; IMF [8]	Ground selected dimensions and provide comparison instruments.
Research and measurement methods	Hutchinson and Duncan [17]; Jaakkola [16]; Bowen [18]; OECD et al. [19]	Clarify conceptual reasoning, documentary interpretation and provisional aggregation.
Country documentary evidence	African Development Bank [20], selected MAPS criteria	Generate bounded verification questions; no MITOC scores are inferred.

Note. Source roles are the author's analytical classification. The corpus is purposive and is not claimed to be an exhaustive literature review.

The Angola illustration draws on four criteria in the African Development Bank's [20] Methodology for Assessing Procurement Systems (MAPS) report, dated November 2023. It is a historical documentary illustration, not a current country

assessment. This study had no access to the non-public administrative, financial and internal-control files required for transaction-level testing in Angola. The documentary component was therefore confined to public institutional sources. This access boundary concerns the material available to this study; it does not establish that the underlying records do not exist. No transaction files were independently re-examined.

4.3 Analytical procedure

The analysis followed four operations. First, it distinguished the meanings of fragmentation in the selected literature, including inter-organisational coordination and contract splitting. Second, it mapped the substantive foundations of validity, transparency, integrity and traceability to questions about an expenditure episode. Third, it organised those questions by expenditure phase and specified the evidence required to support an assessment. Fourth, it compared the proposed architecture with existing instruments and used selected MAPS observations to illustrate the questions that the architecture would generate.

The mapping is made inspectable through the dimension descriptions, source-role table, assessment matrix, indicator table and documentary illustration. These outputs expose the reasoning connecting the literature to the proposed instrument. They should not be read as the result of independent coding by multiple researchers. No inter-coder reliability statistic, expert consensus procedure or empirical calibration was undertaken.

The scoring procedure in Section 5 is a proposed protocol for subsequent applications. Its choices, including conservative aggregation within a dimension and equal weighting across dimensions, are identified as authorial design decisions. The guidance on composite indicators provides a methodological basis for examining weighting, compensation and sensitivity, but it does not validate the particular MITOC formula [19].

4.4 Interpretation safeguards

Three distinctions govern interpretation. A source's reported observation is separate from the author's inference. An inability to establish a condition is separate from evidence that the condition is violated. An arithmetic summary is separate from a legal conclusion. These distinctions constrain both the Angola illustration and any future use of MITOC.

The design is susceptible to selection bias, interpretive judgement and incomplete source access. It cannot establish the international uniqueness of the framework, the accuracy of its proposed classifications or its performance relative to existing audit methods. Within this scope, the contribution rests on the explicit reasoning connecting sources, dimensions, indicators and assessment rules. Access constraints explain the documentary boundary; empirical claims about performance remain subject to future testing.

5. Results

5.1 Authorship and architecture of the MITOC Framework

The first result is the MITOC assessment architecture developed by the author, Silvéria Anair da Silva Vieira, in this article. It combines four dimensions with seven expenditure phases and focuses on a defined expenditure episode. The underlying concepts draw on the literature reviewed in Section 3; the matrix and assessment conventions presented below are the author's proposed synthesis. Sources beneath the tables identify that authorship and distinguish it from the origins of the supporting principles.

The architecture has two readings. Across a phase, the assessor examines the different governance questions raised by a decision. Across phases, the assessor checks whether the records concern the same episode and preserve a coherent sequence of authority, obligation, delivery and accountability. A contract amendment, for example, should be examined in relation to the original scope, the relevant approval, its budgetary consequences and subsequent implementation records.

The matrix is intended to reveal where further inquiry is needed. It does not classify an entire institution solely from one episode. A programme or institution could be examined through a defined sample of episodes, but the sampling frame and aggregation rules would have to be specified independently. Extrapolation from a convenient or incomplete file to a national system would not be justified.

5.2 Assessment matrix

Table 2 turns the architecture into questions. These are proposed starting points, not a universal list of legal requirements. Before use, the assessor must adapt them to the relevant law, contract, institutional responsibilities and period, documenting each adaptation. A condition is not applicable only where that conclusion follows from the scope and governing requirements; it must not be excluded merely because evidence is difficult to obtain.

Table 2. Proposed MITOC assessment matrix

Phase	Validity	Transparency	Integrity	Traceability
Public need	Is the responsible mandate established?	Is the stated need intelligible?	Are the reasons consistent with public purpose?	Can the need be linked to a project or request?
Planning	Are required planning approvals supported?	Are plans accessible as required?	Are priorities and specifications reasoned?	Can the plan be linked to the need and budget?
Budget authorisation	Is competent approval and funding cover demonstrated?	Are relevant allocations identifiable?	Are changes justified and authorised?	Can the allocation be linked to the commitment?
Procurement	Are applicable procedure and	Are required notices and	Are conflicts and	Can the award be

	award requirements met?	award reasons available?	evaluation safeguards documented?	linked to its plan, budget and contract?
Financial execution	Are delivery, payment and accounting approvals supported?	Are relevant amounts and changes understandable?	Are payment checks and amendments reasoned?	Can delivery and payments be linked to the contract?
Oversight and audit	Are applicable scrutiny responsibilities fulfilled?	Are findings accessible to entitled recipients?	Are independence and response safeguards documented?	Can findings be linked to records and responsible actors?
Accountability	Are applicable response obligations fulfilled?	Are outcomes disclosed as required?	Are corrective decisions reasoned?	Can a finding be followed to a response and outcome?

Note. Proposed by Silvéria Anair da Silva Vieira in this article, drawing on the foundations reviewed in Section 3. Questions require adaptation to the applicable rules and episode. They are not findings of compliance.

Each cell can contain more than one evidential check. The assessor should identify the expected decision or event, its responsible actor, the applicable requirement, the supporting record and its connection to preceding or subsequent records. For cross-stage links, the record should also identify the type of match used, such as a stable project identifier, contract number, payment reference or documented reconciliation. Matching names alone may be insufficient where several contracts involve the same supplier.

The matrix can be used with paper or digital records. A shared digital identifier may make reconstruction easier, but the existence of a platform does not itself demonstrate the accuracy or completeness of its entries. Conversely, a paper-based sequence may remain reconstructible if records are reliable, accessible to the assessor and consistently connected. The intended object of assessment is the evidential relationship, not the technology in isolation.

5.3 Indicators, evidence and data sources

An indicator expresses the condition to examine; evidence supports or challenges a conclusion about it; and a data source identifies where that evidence can be retrieved. Keeping these elements separate makes the assessment open to review. Table 3 provides examples rather than a claim that every document listed is universally required.

Table 3. Examples of indicators, evidence and repositories

Dimension	Observable condition	Possible evidence and repository	Measurement retained

Validity	Required authority and approvals can be demonstrated.	Delegations, budget and commitment records, approvals; legal and finance repositories.	List of applicable requirements and supported or unresolved checks.
Transparency	Required information is accessible and intelligible to the relevant audience.	Notices, award reasons, reports and access logs; procurement portal or authorised archive.	Items due and available; disclosure dates and explained restrictions.
Integrity	Relevant conflicts and decision safeguards are addressed.	Declarations, evaluation reasons, recusals and review records; procurement and oversight files.	Checks required, evidence of use and unresolved inconsistencies.
Traceability	Decisions and transactions can be connected across phases.	Project and contract identifiers, delivery and payment records, reconciliations; linked repositories.	Links expected and established; unresolved matches and contradictions.

Note. Author's proposed operationalisation. The examples do not create universal legal duties; the applicable requirements must be established before assessment.

For each episode, the assessment record should retain the source identifier, date or version, responsible repository, access status, applicable requirement, finding and reason for the judgement. Where a document supports several dimensions, each distinct evidential use should be stated. An approval cannot receive credit for integrity merely because it has already been accepted as evidence of authority; its reasoning or safeguards must be examined separately.

Ratios should retain their numerator and denominator alongside any ordinal rating. For example, a count of linked payments is interpretable only when the universe of payments in scope is defined and reconciled. The article does not prescribe universal percentage thresholds because their meaning will depend on the episode and the legal significance of the missing items. A single missing authority may be more consequential than numerous minor indexing defects.

5.4 Proposed assessment procedure

The proposed procedure begins with a scope record identifying the episode, period, stages, actors and records expected under the applicable requirements. It then establishes the list of checks before scoring, including any justified exclusions. This step reduces the risk of changing the assessment boundary after a weakness becomes apparent.

The assessor collects and connects the available evidence, records conflicts between sources and requests clarification of unresolved gaps. Three statuses must be distinguished: an applicable condition that has been assessed; a condition that is

genuinely not applicable; and an unknown condition because access or information is insufficient. An unknown is not automatically assigned zero. It means that a defensible rating cannot yet be made.

For assessed cells, the assessor assigns the highest maturity level whose conditions in Table 4 are met, with a written explanation. Where a cell contains several necessary checks, the lowest supported level is retained as a provisional conservative convention. A dimension's score is then the minimum score among its applicable assessed cells. This proposed bottleneck rule makes a serious discontinuity visible rather than allowing it to disappear through averaging across phases. It is a design choice requiring testing, not an empirically established aggregation rule.

If an applicable cell remains unknown, the corresponding dimension is reported as not assessable and the MCI is withheld. Genuine non-applicability is documented and excluded from the minimum; if no meaningful cells remain for a dimension, that dimension is also not assessable. The matrix and narrative findings can still be reported. Assessors must not impute unobserved compliance merely to obtain a complete index.

In a future application, a second assessor should independently review the ratings and critical findings before reconciliation. Disagreements, their causes and their resolution should be retained. This is a recommended validation and quality-control step; it was not conducted as an empirical exercise in the present conceptual study.

5.5 Maturity scale and MITOC Compliance Index

The proposed scale concerns the strength of evidence supporting each assessed condition. It does not replace a binary legal requirement where the applicable law imposes one. The terms in Table 4 define the intended progression from an unsupported condition to a complete and coherent evidential account.

Table 4. Proposed evidential maturity scale

Score	Level	Rating condition
0	Absent	An applicable condition remains unsupported after the specified records and clarification steps have been examined. This does not establish that the underlying act was unlawful.
1	Limited	Some relevant evidence is available, but major gaps or unresolved contradictions prevent a coherent account.
2	Partial	The condition is partly supported, but material gaps remain in completeness, consistency or cross-stage connection.
3	Adequate	The condition is sufficiently supported for the stated assessment purpose; no material unresolved contradiction is identified.
4	Comprehensive	All specified checks are supported by complete, consistent and retrievable evidence, including required cross-stage links.

Note. Author's proposed ordinal scale. Unknown because of insufficient access is recorded separately and is not scored zero. These levels and their application require validation.

Where all four dimensions are assessable, the proposed MITOC Compliance Index summarises their scores as follows:

$$MCI = \frac{V + T + I + R}{16} \times 100$$

V, T, I and R are the validity, transparency, integrity and traceability scores, respectively, each ranging from 0 to 4. The denominator of 16 is the maximum possible total. Equal weights retain a transparent initial convention. They are not estimated from observations and do not establish that the dimensions have equal legal importance. The MCI name is retained, but its meaning is limited to an evidential diagnostic summary; it is not a certificate of legal compliance.

Table 5. Provisional MCI interpretation

MCI	Governance	Interpretation of the summary
0–25	Critical	Very weak evidential maturity in the assessed profile.
>25–50	Weak	Important weaknesses remain in the assessed profile.
>50–75	Moderate	Some dimensions may be adequately supported, but the profile can still contain serious weaknesses.
>75–100	High	Stronger aggregate evidential maturity; component scores and critical findings remain decisive.

Note. Author's provisional bands, not calibrated cut-offs or legal-compliance categories. Report the four scores, minimum score and critical findings alongside the MCI.

The four dimension scores, the weakest applicable cells and any substantiated critical legal or integrity finding must accompany the index. An additive index permits compensation between dimensions; that property is not equivalent to the framework's requirement to consider all four. The minimum dimension score should therefore also be reported, and no overall conclusion that all conditions are satisfied may be drawn from the aggregate alone. Composite-indicator methodology expressly requires attention to such trade-offs and to sensitivity analysis [19].

For a purely hypothetical example, scores V = 3, T = 2, I = 3 and R = 1 produce MCI = 56.25 and a minimum dimension score of 1. The index falls within the proposed moderate band, but traceability remains limited. This arithmetic example is not an Angolan observation and does not show that the episode is legally compliant. It illustrates why the component profile is indispensable.

The scale is ordinal. Differences of one point cannot be assumed to represent equal amounts of governance quality, and the numerical precision of 56.25 is a consequence of the formula rather than measurement accuracy. The labels and thresholds in Table 5 remain provisional. Comparative use requires comparable scope, requirements, access

and assessment practices, followed by tests of reliability and sensitivity to alternative aggregation choices.

5.6 Documentary illustration from Angola

The second result is a mapping from published observations to proposed MITOC questions. Table 6 identifies the relevant criteria in the African Development Bank's [20] MAPS report. These are historical source findings, not findings from a new audit by the author.

Table 6. Published observations and proposed MITOC follow-up

Dimension	MAPS criterion	Reported observation	Proposed episode-level inquiry
Validity	4(a)(a)	The report identifies planning gaps, including cases without procurement plans or market research.	Check the applicable planning duties, approvals and link between the selected episode and its budget.
Transparency	9(c)(d)	The report states that contract amendments were not usually published.	Identify each amendment, the applicable disclosure obligation and evidence of publication or a justified restriction.
Integrity	14(g)(e)	The report identifies missing contractor beneficial-ownership information.	Establish applicable disclosure duties and examine available ownership information and documented conflict checks.
Traceability	9(c)(c)	The report identifies inconsistencies between payment-system records and other information.	Reconcile commitment, invoice, acceptance and payment dates using the underlying records.

Note. Reported observations: African Development Bank [20], identified assessment criteria. MITOC mapping and follow-up questions: author's elaboration. No transaction-level verification or scoring was performed.

The right-hand column contains the author's proposed follow-up work. It shows how a reported system-level issue could be translated into an episode-level examination. The source report does not itself supply complete evidence for all MITOC cells. Consequently, no dimension scores or national MCI are calculated, and no individual transaction is declared unlawful.

This illustration provides a more concrete basis for the framework than a general assertion that a country is fragmented. Its contribution is methodological: it identifies what records would be needed to investigate a particular relationship. Whether the

resulting inquiry is more reliable, efficient or useful than existing procedures cannot be determined without access to the underlying files and a comparative application.

6. Discussion

6.1 Interpretation of the conceptual results

MITOC connects a normative question about what expenditure should satisfy with an evidential question about what an assessor can establish. The distinction matters because formal authority and evidential accessibility can diverge. A legally authorised act may be poorly documented in the material available to an assessor, while an extensively documented act may still contravene an applicable requirement. The framework should assist in identifying those situations without conflating them.

The literature reviewed here supports examining institutional relationships, but it does not establish that one organisational arrangement will fit every context. The proposed matrix leaves room for differences in administrative structure while asking the assessor to explain how decisions remain connected. This is especially relevant where procurement, finance, service-delivery and oversight staff work with different document systems and time horizons.

The use of an episode as the unit of analysis also changes the nature of the conclusion. A country-level instrument may identify an institutional weakness, whereas an episode-level inquiry can examine how a specific authorisation, amendment or payment relates to its supporting records. The two levels can inform one another. Neither can automatically be substituted for the other, and a single episode cannot establish national prevalence.

6.2 Relationship to existing governance instruments

Table 7 compares analytical purposes without treating the instruments as competing measures of the same construct. Their established treatment of records, integration and accountability limits any claim that MITOC alone addresses these concerns. The proposed contribution must be assessed through its practical performance in organising evidence and supporting a reasoned diagnosis.

Table 7. Complementary analytical purposes

Instrument	Primary focus	Relationship to MITOC
PEFA 2016	Performance of public financial management systems, including records, controls and scrutiny.	Provides system-level context and relevant control requirements; MITOC proposes a bounded episode inquiry.
OECD procurement recommendation	Principles for procurement governance, including integration with budgeting and public finance.	Supplies normative foundations that the proposed matrix seeks to operationalise.

IMF Fiscal Transparency Code	Fiscal disclosure, budgeting and forecasting, risks, and resource revenues.	Supplies fiscal-information context; the MITOC matrix concerns the records of a defined expenditure episode.
MITOC proposal	Joint examination of four dimensions and evidence links within an episode.	Proposed supplementary diagnostic; reliability and incremental value remain to be tested.

Note. Author's comparison based on PEFA Secretariat [5], OECD [4], IMF [8], and the present proposal. Different purposes do not imply that existing instruments lack integration or traceability.

A useful test would compare an assessor's existing procedure with the same procedure supplemented by the MITOC matrix. Outcomes could include time needed to reconstruct an episode, proportion of unresolved documentary links, consistency between assessors and whether the additional procedure identifies material issues confirmed through independent review. A higher score on a measure built from the same checks would not, by itself, demonstrate added value.

The framework may also expose trade-offs. More extensive documentation can increase administrative work; wider disclosure can encounter legitimate restrictions; and consolidation can improve some forms of coordination while reducing local responsiveness. These issues should be assessed in context. MITOC is not a general prescription for centralising procurement, publishing protected records or introducing a single information platform.

6.3 Implications for oversight and institutional learning

The practical output of an assessment should be an explanation of the break in evidence, its possible significance and the work needed to resolve it. A finding that a payment cannot yet be linked to a contract should identify the records searched and the unresolved identifier or inconsistency. It should not automatically be expressed as a finding of corruption. If further examination establishes a legal breach, that conclusion should identify its independent legal and factual basis.

For institutional learning, recurring failures at the same transition may suggest the need to clarify responsibility for recording, retaining or reconciling information. The response may involve training, revised procedures, interoperable identifiers or a change in access arrangements. The assessment should document why the proposed response addresses the observed problem and how improvement will be checked. Acquiring technology without correcting responsibility for information would not necessarily resolve the underlying weakness.

An assessment report should therefore retain the evidence matrix, reasons for ratings, unknowns, exclusions and critical findings alongside the index. This allows a reviewer to reconstruct the assessment itself. The proposed approach makes the assessor's reasoning subject to scrutiny as well as the expenditure episode under examination.

6.4 Limitations and testable propositions

The framework has not been empirically validated. The purposive literature review cannot establish exhaustive coverage or international novelty. The documentary illustration is limited by the historical scope and reporting choices of its source. The proposed scale involves judgement, and the minimum rule may be sensitive to a single weak or incorrectly rated cell. The additive MCI can conceal different profiles unless the reporting safeguards are followed.

These limitations support four propositions for future testing. First, episodes with more complete and reliable cross-stage links should require less independent reconstruction time, controlling for their complexity. Second, clearer assignment of responsibility for maintaining those links should reduce unresolved contradictions between records. Third, using the matrix with a shared manual and training should improve agreement between assessors compared with unstructured judgement. Fourth, reporting the component profile and critical findings should improve reviewers' identification of consequential weaknesses compared with reporting the MCI alone.

These propositions differ from claims that a high index necessarily predicts good governance. They specify external or independently assessed outcomes and leave open the possibility that the framework adds little value. Future studies should define episode selection, comparison conditions and outcome measurement in advance, and should account for differences in size, sector, legal requirements, digital maturity and access to information.

Validation should proceed in stages. Expert review can first examine the relevance, clarity and coverage of the proposed content. Where authorised access becomes possible, pilot applications to sufficiently complete files, including anonymised records where appropriate, can examine feasibility, agreement between independent assessors and practical usefulness. Sensitivity analysis should compare alternative scoring and aggregation rules. Expert appraisal and fictional examples can refine the design but cannot establish its performance in actual expenditure processes. Cross-jurisdiction comparisons would require a common conceptual core and explicit local legal adaptations. The present study provides the initial specification and a defined agenda for testing it.

7. Conclusion

This article develops MITOC as the author's conceptual framework for examining evidential continuity in public expenditure. It combines validity, transparency, integrity and traceability within a matrix organised around expenditure phases. The proposed procedure specifies scope, evidence recording, treatment of unknowns, provisional ratings and the conditions under which an index may be reported.

The argument builds on established scholarship and international instruments that already address coordination, records and accountability. Its contribution is the proposed joint examination of those concerns within a bounded expenditure episode. The Angola illustration shows how selected published findings can generate concrete

verification questions while preserving the distinction between source evidence, analytical interpretation and future investigation.

MITOC's value will depend on whether it improves the quality or efficiency of scrutiny in practice. The proposed MCI remains an ordinal diagnostic summary with provisional weights and thresholds; it cannot establish legality, exclude misconduct or support national rankings without further evidence and validation. The next stage is to test the framework on documented episodes and compare its performance with existing assessment procedures.

References

[1] Allen, R., Hemming, R., Potter, B. H. (Eds.). (2013). The international handbook of public financial management. Palgrave Macmillan. https://doi.org/10.1057/9781137315304

[2] Fayazi, M., Arefian, F. F., Gharaati, M., Johnson, C., Lizarralde, G., Davidson, C. (2017). Managing institutional fragmentation and time compression in post-disaster reconstruction – the case of Bam. International Journal of Disaster Risk Reduction, 21: 340–349. https://doi.org/10.1016/j.ijdrr.2017.01.012

[3] Lindfors, K. K., Jääskeläinen, A., Patrucco, A. S. (2026). Structuring for success: How organizational design shapes infrastructure procurement performance. Journal of Public Procurement. Advance online publication. https://doi.org/10.1108/JOPP-07-2025-0073

[4] Organisation for Economic Co-operation and Development. (2015). Recommendation of the Council on public procurement (OECD/LEGAL/0411). https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0411

[5] PEFA Secretariat. (2016). PEFA 2016: Framework for assessing public financial management. https://www.pefa.org/resources/pefa-2016-framework

[6] Germain, R. (2010). Financial governance in historical perspective: Lessons from the 1920s. In G. R. D. Underhill, J. Blom, & D. Mügge (Eds.), Global financial integration thirty years on: From reform to crisis (pp. 25–41). Cambridge University Press. https://doi.org/10.1017/CBO9780511762680.003

[7] Masciandaro, D., Quintyn, M. (2016). The governance of financial supervision: Recent developments. Journal of Economic Surveys, 30(5): 982–1006. https://doi.org/10.1111/joes.12130

[8] International Monetary Fund. (2019). Fiscal transparency code. https://www.imf.org/external/np/fad/trans/Code2019.pdf

[9] Pollitt, C., Bouckaert, G. (2017). Public management reform: A comparative analysis—Into the age of austerity (4th ed.). Oxford University Press.

[10] Schick, A. (1998). A contemporary approach to public expenditure management. World Bank. https://documents.worldbank.org/en/publication/documents-reports/documentdetail/739061468323718599

[11] Waditwar, P. (2023). From fragmentation to focus: The benefits of centralizing procurement. International Journal of Research and Applied Innovations, 6(6): 9820–9833. https://doi.org/10.15662/IJRAI.2023.0606006

[12] Edward, M., Owoicho, A. W. (2026). Addressing fragmented pharmaceutical procurement in Africa and charting future directions: A narrative review. Critical Public Health, 36(1), Article 2670791. https://doi.org/10.1080/09581596.2026.2670791

[13] Gluzdak, G. N. (2025). Legalizatsiya drobleniya zakupok: Kriticheskiy vzglyad [Legalization of procurement fragmentation: A critical review]. Russian Competition Law and Economy, (2), 68–73. https://zakon.ru/LibraryHome/DownloadPub?_id=19172

[14] Organisation for Economic Co-operation and Development. (2020). OECD public integrity handbook. OECD Publishing. https://doi.org/10.1787/ac8ed8e8-en

[15] Schedler, A. (1999). Conceptualizing accountability. In A. Schedler, L. Diamond, & M. F. Plattner (Eds.), The self-restraining state: Power and accountability in new democracies (pp. 13–28). Lynne Rienner Publishers.

[16] Jaakkola, E. (2020). Designing conceptual articles: Four approaches. AMS Review, 10: 18–26. https://doi.org/10.1007/s13162-020-00161-0

[17] Hutchinson, T., Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. Deakin Law Review, 17(1): 83–119. https://ojs.deakin.edu.au/index.php/dlr/article/view/70

[18] Bowen, G. A. (2009). Document analysis as a qualitative research method. Qualitative Research Journal, 9(2): 27–40. https://doi.org/10.3316/QRJ0902027

[19] Organisation for Economic Co-operation and Development, European Union, European Commission, Joint Research Centre. (2008). Handbook on constructing composite indicators: Methodology and user guide. OECD Publishing. https://doi.org/10.1787/9789264043466-en

[20] African Development Bank. (2024). Assessment of Angola public procurement system (report dated November 2023). https://www.mapsinitiative.org/content/dam/maps-initiative/en/assessments/angola/maps-assessement-angola-main-report.pdf

PUBLIC-PUBLIC PARTNERSHIPS AND PUBLIC PROCUREMENT LAW: EU PERSPECTIVES

Steven Van Garsse*

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Abstract:

This article examines the relevant legal frameworks for public-public partnerships (PuPs) within the European Union. Employing the European legal method, a multilingual literature review was performed and the relevant EU legislation and case law were analysed. Public-private and public-public cooperation are identified by SDG 17 as important tools to address the major challenges confronting contemporary societies. Over the past two decades, considerable attention has been devoted to public-private partnerships (PPPs) and their relationship to public procurement law. By contrast, PuPs have received markedly less scholarly and legislative attention.

This study aims to address that gap. It analyses the different ways in which PuPs are structured and draws a principled distinction between institutional and contractual modalities. Whereas public-private partnerships are (re)qualified as public contracts or concessions and thereby subject to standard public procurement regulation, the legal position of PuPs is considerably more ambiguous. Specific provisions in Directive 2014/24/EU, mirrored in Directives 2014/23/EU and 2014/25/EU, exclude certain types of public-public cooperation from the scope of the procurement and concession rules. The paper examines those exclusions and critically assesses their coherence and adequacy.

Keywords

public-public partnerships; in-house procurement; horizontal cooperation; joint control; Directive 2014/24/EU; Public Procurement Act

1. Introduction

Governments and societies across the world face challenges of unprecedented scale and complexity. The climate crisis, demographic change, digitalisation, and

* *Steven Van Garsse is full Professor of Law at Hasselt University (Belgium) and senior partner at Equator Advocaten. He specialises in EU and Belgian public procurement law, concessions and public-private partnerships, and administrative law. He is Vice-Chair of the UNECE Committee on Innovation, Competitiveness and Public-Private Partnerships and a member of the Bureau of the UNECE Working Party on PPPs. (email: steven.vangarsse@uhasselt.be)*

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widening inequality have placed public institutions under severe pressure to deliver services that are more responsive, more efficient, and more sustainable. These imperatives have acquired a specific normative expression in the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), adopted by the United Nations in 2015.

SDG 17 — "Partnerships for the Goals" — explicitly calls upon governments to strengthen the means of implementation and revitalise global partnerships for sustainable development. This goal encompasses not only the mobilisation of private finance but also, and critically, the enhancement of cooperation between public authorities at all levels. Goal 17 specifically encourages the promotion of effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships. The premise is straightforward: no single public actor can address these challenges in isolation. Collaboration is not merely desirable but structurally necessary.

Against this backdrop, the question of how public authorities may lawfully cooperate — and on what legal basis — has acquired growing practical and theoretical significance within the European Union. EU public procurement law governs a large share of public expenditure across Member States, and its provisions inevitably shape the options available to contracting authorities wishing to cooperate with one another. This paper analyses the principal forms of public-public cooperation and their treatment under EU procurement law, with particular reference to Directive 2014/24/EU (the Public Sector Directive).

The paper proceeds as follows. Section 2 situates public-public partnerships within the broader analytical context of public-private partnerships, drawing on the frameworks established by the World Bank PPP Reference Guide, the UNECE Standard on PPP/Concession Legal Framework, and the European Commission's approach. Section 3 examines the specific rationale for public-public cooperation and its distinctiveness from PPP logic. Section 4 analyses institutional (in-house) cooperation. Section 5 analyses contractual (horizontal) cooperation. Section 6 offers a critical assessment of the framework, reviews the available evidence on legal uncertainty, and considers the prospects for reform under the Commission's 2026 proposal for a Public Procurement Act. Section 7 concludes.

2. The Analytical Starting Point: Public-Private Partnerships

2.1 Defining PPPs: International Frameworks

Public-private partnerships became a dominant instrument of public governance in the late twentieth and early twenty-first centuries. Their popularity reflects a particular set of assumptions about public sector capacity: that governments benefit from accessing private sector finance, expertise, managerial efficiency, and innovation; that the allocation of risk to private parties creates incentives for performance; and that long-term contractual structures support the delivery of complex infrastructure and services.

There is, however, no single universally accepted definition of a PPP. As the World Bank PPP Reference Guide [1] observes, the term covers a wide variety of

arrangements. The Reference Guide — a joint product of the World Bank Group, Asian Development Bank, EBRD, and other institutions — defines a PPP broadly as "a long-term contract between a private party and a government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility and remuneration is linked to performance." This definition emphasises three constitutive elements: a long-term contractual relationship, significant private risk-bearing, and performance-linked remuneration.

The Reference Guide draws a distinction between user-funded PPPs — where revenues come from end-users (as in toll roads or water concessions) — and government-funded PPPs, where the contracting authority pays for performance. It also distinguishes between PPPs aimed at developing new infrastructure and those focused on the management or rehabilitation of existing assets. This taxonomy is analytically useful because it captures the diversity of real-world PPP structures without imposing a uniform legal characterisation.

The UNECE has developed a particularly sophisticated normative framework for PPPs in the context of the SDGs. The UNECE Standard on PPP/Concession Legal Framework in Support of the Sustainable Development Goals [2], building on the Guiding Principles adopted by the UNECE Working Party on PPPs [3], goes beyond the traditional "value for money" rationale and articulates a vision of PPPs that also delivers "value for people" and "value for the planet." This Standard, developed in cooperation with international experts and endorsed by the UNECE Committee on Innovation, Competitiveness and Public-Private Partnerships, establishes a complete legal template that Member States can transpose or adapt into national legislation. It covers the selection, preparation, appraisal, procurement, and implementation of PPPs, as well as the applicable contractual principles and institutional arrangements.

Crucially, the UNECE Standard identifies five desirable outcomes of SDG-aligned PPPs: (i) increased access to essential services and decreased social inequality; (ii) improved economic effectiveness and fiscal sustainability; (iii) enhanced resilience and environmental responsibility; (iv) replicability and the development of further projects; and (v) full involvement of all stakeholders. This framework situates PPPs within a broader public interest logic rather than treating them merely as financing or management techniques.

2.2 The EU Approach to PPPs

At EU level, no specific PPP legislation has been adopted. The European Commission's Green Paper on Public-Private Partnerships and Community Law on Public Contracts and Concessions [4] initiated a sustained debate about whether a dedicated regulatory framework was needed. The Commission ultimately concluded that existing public procurement and concession rules provided a sufficient — if imperfect — framework. The 2014 Directives, including the Concessions Directive (2014/23/EU), significantly clarified and codified the applicable rules for contractual PPPs.

The Commission has identified two main types of PPP within the EU context. In a contractual PPP, the public authority enters into a long-term contract with a private

partner for the delivery of infrastructure or services, typically transferring significant operational risk and management responsibility to that partner. In an institutional PPP, the collaboration is structured through a jointly owned legal entity — typically a mixed-economy company — in which both the public authority and the private partner hold equity [5]. In both cases, the conclusion of the arrangement requires compliance with EU public procurement or concession law. Contracting authorities must organise competitive tender procedures, unless one of the recognised exemptions applies.

3. Public-Public Partnerships: A Different Logic

3.1 The Make-or-Buy Decision

The rationale for public-public partnerships is structurally distinct from that of PPPs. Whereas PPPs are premised on the value of bringing private sector capabilities — finance, innovation, efficiency, and know-how — into the delivery of public services, public-public partnerships rest on a different set of assumptions. Their drivers include economies of scale, the pooling of complementary expertise, the joint development of specialised capacities, the sharing of knowledge and information, and the capacity to attract skilled professionals to entities of sufficient size and scope.

This distinction maps onto a broader analytical contrast between public sector "make" decisions and "buy" decisions [6]. PPPs represent a sophisticated form of outsourcing: the public sector contracts with an external private entity for the provision of services that would otherwise be carried out internally. Public-public partnerships, by contrast, are more closely aligned with the logic of internal organisation. They represent a choice by public entities to perform tasks jointly, using their collective public resources, rather than resorting to the market.

As Pilving [7] has observed, public procurement law must protect competition and prevent discrimination against undertakings from other Member States, but it must not liberalise markets by artificially increasing the market share of the private sector at the expense of the public sector. Inter-authority cooperation allows tasks to be performed with synergistic effects and in an efficient and cost-effective manner, and a division of responsibilities allows partners to specialise. When this is achieved exclusively through the resources of public law entities, without involving the private sector, the situation is, functionally speaking, outside the scope of public procurement law.

This observation correctly identifies the normative stakes. The question is not whether public procurement law should apply to public-public cooperation in principle — it clearly should when the cooperation functions as a market-substituting commercial transaction — but whether it applies to forms of cooperation that are genuinely internal to the public sector and serve legitimate organisational objectives.

3.2 The Constitutional and Treaty Framework

The legal significance of this distinction is underscored by the constitutional and treaty provisions governing the organisation of public powers in the EU. Member States and their public authorities retain broad discretion in determining how public tasks are performed. No provision of EU primary law has conferred upon the Union the competence to interfere in the internal organisation of its Member States.

Several Treaty provisions reinforce this position. Article 4(2) TEU obliges the Union to respect the national identity of Member States, inherent in their fundamental political and constitutional structures, including those for local and regional self-government. Article 345 TFEU provides that the Treaties shall in no way prejudice the system of property ownership in the Member States. The European Charter of Local Self-Government, moreover, recognises that local authorities are entitled to cooperate with other local authorities in order to carry out tasks of common interest. Within the procurement Directives themselves, the same idea finds expression in recital 5 of Directive 2014/24/EU. It recalls that nothing in the Directive obliges Member States to contract out or externalise the provision of services that they wish to provide themselves. It can also be found in Article 2 of Directive 2014/23/EU, which recognises the principle of free administration by public authorities. The Court has recently confirmed, from the side of competition law, that the organisational choice itself is an exercise of public powers: in Jelgavas valstspilsētas pašvaldība (C-11/25, 2026) it held that a municipality's decision to award the right to provide municipal waste management services to a company it partly owns is not an economic activity.

At the same time, these freedoms are not unlimited. The Court of Justice has confirmed that the freedom of Member States to choose the management method most appropriate for the execution of works or the provision of services cannot be exercised without limit. On the contrary, it must be exercised with respect for the fundamental rules of the TFEU — in particular, the free movement of goods, the freedom of establishment, and the freedom to provide services — as well as the principles of equal treatment, non-discrimination, mutual recognition, proportionality, and transparency. Member States therefore cannot invoke their organisational autonomy to circumvent EU procurement rules or to perpetuate discriminatory practices.

The relationship between public procurement law and public-public cooperation is therefore inherently ambiguous and context-dependent. It lacks the relative clarity that governs PPPs, where it is well established that the rules apply, and it is one of the tensions that run through EU procurement law as a whole [8]. The analysis must instead focus on distinguishing legitimate cooperation from arrangements that, in substance, substitute for market-based procurement.

3.3 The Commission's 2011 Staff Working Paper

The European Commission addressed this ambiguity directly in its Staff Working Paper SEC(2011) 1169 of 4 October 2011, concerning the application of EU public procurement law to relations between contracting authorities — commonly referred to as the "public-public cooperation" working paper [9]. This document remains the most comprehensive pre-legislative analysis of the topic at EU level, even though it was drafted under the former 2004 Directives and does not carry binding force.

The Working Paper drew a fundamental distinction between two scenarios for public-public cooperation that may fall outside the scope of the procurement Directives: in-house or vertical institutionalised cooperation, and horizontal contractual cooperation. It identified the relevant conditions derived from the Court's case law and articulated the rationale for each exemption. The document also acknowledged that the

evolving case law had produced considerable legal uncertainty and that contracting authorities were not always clear about whether and under what conditions their relationships fell within the scope of EU law.

This uncertainty was one of the principal drivers of the 2014 legislative reform. The new Directives, and in particular Article 12 of Directive 2014/24/EU, codified the relevant case law and introduced, for the first time, explicit legislative rules governing both institutional and contractual public-public cooperation. Although the codification resolved some questions, new ambiguities have arisen, and the case law continues to evolve.

3.4 Strategic Advantages of PuPs

The rationale for opting for a public-public partnership (PuP) is rooted in functional, strategic, and democratic advantages that distinguish this model from private sector outsourcing. The following benefits are commonly identified in the literature and in institutional practice:

Economies of Scale and Resource Pooling: Collaboration allows public authorities to achieve economies of scale that would be unattainable individually. By pooling resources, buying power, and technical expertise, authorities can deliver higher efficiencies and lower costs for public services (e.g., in water management or waste treatment); joint and cross-border procurement structures are a case in point [10].

Democratic Accountability and Public Interest: Unlike public-private models where profit-seeking is a primary driver, PuPs focus exclusively on the public interest mission. They ensure that local authorities retain full democratic control over essential services, ensuring that decisions are made based on social and environmental needs rather than shareholder returns.

Reduction of Transaction Costs: By organising services through public-public cooperation, authorities may reduce the transaction costs of market contracting: the cost of complex procurement procedures, of drafting and negotiating contracts, and of monitoring a private contractor's performance over the life of the contract.

Knowledge Sharing and Innovation "Laboratories": PuPs facilitate peer-to-peer learning and the development of human resources. Such partnerships can act as "laboratories" for finding innovative solutions to shared urban and regional challenges, such as climate resilience and digitalisation; trans-EU collaborative procurement has been described in the same terms, as a "living lab" for European public law [11].

Risk Mitigation and Stability: PuPs offer greater long-term stability for public service delivery. They mitigate the risks associated with "market failure" or the insolvency of private operators, which can lead to service disruptions. Cooperation provides a stable, non-competitive environment for capacity building and professional specialisation.

Strategic Alignment with Global Goals: PuPs are recognised as vital instruments for achieving the United Nations' Sustainable Development Goal 17 (Partnerships for the Goals). They strengthen the capacity of the public sector to address societal problems — such as widening inequality and the energy transition — that require a coordinated, multi-level public response.

4. The EU Legal Framework for Public-Public Partnerships: Institutional (In-House) Cooperation

4.1 Institutional Partnerships: The In-House Doctrine

4.1.1 Origins and Codification

The in-house doctrine has its origins in the Teckal judgment of 1999, in which the Court of Justice held that a contract between a local authority and a legally distinct entity could fall outside the scope of procurement law if two conditions were satisfied: the contracting authority exercised control over the entity analogous to that which it exercised over its own departments, and the entity carried out the essential part of its activities with the controlling authority. This Teckal exception has been progressively developed through a long line of subsequent judgments [12, 13] and was substantially codified in Article 12 of Directive 2014/24/EU [14].

Article 12 establishes three cumulative conditions for the in-house exemption. First, the contracting authority must exercise over the legal person a control similar to that which it exercises over its own departments (the "control criterion"). Second, more than 80% of the activities of the controlled legal person must be carried out in the performance of tasks entrusted to it by the controlling contracting authority or by other legal persons controlled by that authority (the "activity criterion"). Third, there must be no direct private capital participation in the controlled legal person, with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions in conformity with the Treaties (the "private capital criterion"). Article 12(2) extends the exemption to so-called inverse and sister in-house awards: contracts awarded by the controlled legal person to its controlling contracting authority, or to another legal person controlled by the same contracting authority, provided that there is no direct private capital participation in the legal person being awarded the contract. Parallel provisions appear in Article 17 of Directive 2014/23/EU for concessions and in Article 28 of Directive 2014/25/EU for the utilities sectors.

4.1.2 The Control Criterion

The control criterion requires that the contracting authority possess a decisive influence over both the strategic objectives and the significant decisions of the controlled entity. According to settled case law, this control must be effective, structural, and functional. A purely formal or nominal affiliation does not suffice.

In the Sambre & Biesme judgment (C-383/21 and C-384/21, 22 December 2022), the Court held that the requirement of representation in Article 12(3)(i) is not satisfied solely because the representative of another contracting authority, who also sits on the board of the first contracting authority, sits on the board of the controlled entity (para. 75). Each authority exercising joint control must be present in the decision-making bodies through a member acting as its own representative, although that member may, in some circumstances, also represent other contracting authorities (paras. 57 and 71). This is not without consequence in daily practice. A key policy and governance implication is that smaller municipalities may find it harder to rely on the joint in-house

exemption where they lack their own board representative. They need not each have a separate board seat, but any shared representative must act on their behalf.

4.1.3 The Activity Criterion

The activity criterion requires that more than 80% of the activities of the controlled entity are carried out in the performance of tasks entrusted to it by the controlling authority or authorities. This threshold is assessed on both quantitative and qualitative grounds.

A significant development is the judgment of 15 January 2026 in AVR-Afvalverwerking (C-692/23). Three municipalities in the province of South Holland had entrusted the collection and processing of their residual household waste, through a chain of jointly controlled entities, to Afvalsturing Friesland. That company heads a group of subsidiaries, some of which operate in fields other than the tasks entrusted by the shareholder municipalities, and it operates a landfill that also receives industrial waste (paras. 11–21). The incumbent private processor, AVR, challenged the direct awards. The referring court had found that the 80% threshold was met if only the parent company's own turnover was counted, but not if the consolidated turnover of the group was taken into account (para. 29). The Court of Justice held that the activity criterion relates not to the controlled legal person as such but to the activities carried out by it, which may include those carried out through the other entities of the group of which it is the parent (para. 40); that the assessment must take account of "the broader economic context in which that legal person itself operates" (para. 45); and that the codification of the 80% threshold did not displace the earlier case law requiring an assessment of all the facts of the case, both qualitative and quantitative (paras. 50–52). Since the purpose of the criterion is to prevent distortions of competition, it is irrelevant whether market activity is carried out directly by the controlled entity or through group companies; otherwise the condition could be circumvented by artificially splitting activities among subsidiaries (paras. 54–56). Where the parent is required to draw up consolidated financial statements under Articles 22 and 24 of Directive 2013/34/EU, the consolidated turnover established for that purpose gives a true and fair view of the group's activities and may be used for the assessment (para. 60). The effect of the ruling is to prevent structures in which a controlled parent company formally satisfies the 80% criterion while the group as a whole conducts significant commercial activity on the open market.

The Court also confirmed in the Undis Servizi judgment (C-553/15, 2016) that activities performed for contracting authorities which do not have a control relationship with the entity in question must be regarded as activities carried out for third parties. The control relationship and the activity criterion must thus be assessed together.

4.1.4 Measuring the Activity Criterion: Practical Challenges

Article 12(5) of Directive 2014/24/EU provides that the percentage of activities is to be determined on the basis of the average total turnover, or an appropriate alternative activity-based measure such as costs incurred, for the three years preceding the contract award; where those figures are not available or no longer relevant because of the date on which the entity was created or commenced its activities, or because of a

reorganisation, it is sufficient to show that the measurement of activity is credible, in particular by means of business projections. The rule is apparently simple, but it leaves several questions open in practice.

First, the choice of measure is not neutral. Turnover and costs may yield different results where market activities are priced differently from entrusted tasks, and the Directive gives no guidance on when an alternative measure is "appropriate". Second, the three-year reference period is backward-looking. An entity may satisfy the threshold at the moment of award and drift below it during a long contract; the Directive is silent on the consequence, although the logic of Article 72 and of the case law on the loss of exemption conditions during performance (see Section 4.1.5) suggests that it cannot simply be ignored. Third, AVR-Afvalverwerking requires consolidation at group level, but it does not say how to treat activities that group entities perform for one another, or activities performed for contracting authorities which control the parent but not the subsidiary; and the question left unanswered in that case, whether revenue from private users of a public facility is activity entrusted by the controlling authority, remains open. Fourth, Undis Servizi requires activities for non-controlling contracting authorities to be counted as third-party activities, so that an entity serving a wider circle of public bodies than its own shareholders may fail the test even though it never serves the private market.

These are not merely academic concerns. In its 2025 evaluation of the Directives, the Commission reports that contracting authorities cite "difficulties in determining the level of control over an entity or quantifying the activities performed in the open market" as a principal source of uncertainty [15, p. 12]. Sołtysińska [16] has shown that proving compliance with the condition of economic dependence raises further evidentiary difficulties, including where the controlled entity subcontracts part of the entrusted tasks.

4.1.5 The Private Capital Criterion

The third condition — the absence of direct private capital participation — ensures that the in-house exemption cannot be used by mixed-economy undertakings to obtain contracts without competitive tender. It codifies the ruling in the Stadt Halle judgment, in which the Court held that even a minority private participation in a controlled entity is sufficient to exclude the in-house exception.

The Directive introduces a limited exception for non-controlling and non-blocking private participation required by national legislative provisions in conformity with the Treaties. This exception is narrow and its conditions remain somewhat ambiguous in practice. The Court has also clarified that the mere possibility of future private participation does not suffice to exclude the in-house relationship, provided there are no concrete indications of imminent capital opening (Sea, C-573/07, 2009, paras. 50–53). Conversely, if such a change of situation occurs during contract performance, it triggers the need for a fresh competitive procedure, as the fundamental conditions of the contract have changed.

A particular issue arises when the entity is not incorporated in corporate form and does not hold share capital, but has private partners in the social sector. In Centro

Hospitalar de Setúbal (C-574/12, 2014), the Court confirmed that private social solidarity institutions carrying out non-profit activities are not barred from engaging in economic competition with other operators. The direct award of a contract to an entity with such partners risks conferring a competitive advantage on those partners, and the in-house control requirement is therefore not met.

4.2 Joint Control by Several Contracting Authorities

An important extension of the in-house doctrine, and the one most relevant for PuPs, is the concept of joint control, set out in Article 12(3) of Directive 2014/24/EU. The principle that control similar to that exercised over one's own departments may be exercised jointly by several contracting authorities was clearly recognised in the Asemfo judgment (C-295/05, 2007). In that case, the Court permitted joint in-house control even where one contracting authority — the Spanish State — held 99% of the share capital and four autonomous regions collectively held the remaining 1% (one share each). The symbolic nature of those shareholdings did not prevent the Court from recognising joint control, given that the entity concerned was not permitted to refuse orders and could not determine its own tariffs.

The concept was further developed in Coditel Brabant, Sea, and Econord (C-324/07, C-573/07, and joined cases C-182/11 and C-183/11 respectively). In Econord, the Court held that joint control exists where each of those authorities holds a share in the capital of that entity and is represented on its governing bodies, provided there is effective participation in, or at least a genuine possibility of participating in, the control of the entity.

The case law collectively suggests that the conditions for joint control are interpreted with a degree of flexibility [17, 18]. A majority shareholding is not required, and minority shareholders may still exercise effective control through mechanisms such as shareholders' agreements. The decisive factor, however, is whether the control is genuine and structural — not merely formal — and whether each participating authority has meaningful access to influence over the entity's strategic objectives and significant decisions. A single director may represent several contracting authorities simultaneously, provided that representation is traceable and effective.

The Sambre & Biesme ruling has imposed important limits on the scope of joint in-house control (Section 4.1.2). More broadly, the Court has emphasised that the in-house exception is premised on the prevention of market distortions. Where an entity fulfils the conditions of Article 12, the procurement rules have no raison d'être, since no competitive market exists to protect, although, as Irgita shows (Section 5.4), this does not give contracting authorities a right under EU law to make the in-house award.

5. Contractual (Horizontal) Public-Public Cooperation

5.1 The Legal Basis and Origins

Alongside the institutional framework of in-house procurement, EU law recognises a second category of public-public cooperation: contractual or horizontal cooperation between contracting authorities. This form of cooperation does not involve the creation

of or participation in a joint legal entity. Instead, contracting authorities conclude agreements among themselves for the joint pursuit of public service objectives.
The legal basis for this form of cooperation in EU secondary legislation is Article 12(4) of Directive 2014/24/EU. The provision has its origins in the Commission v Germany judgment (C-480/06, 2009), sometimes referred to as the Hamburg case, in which the Court held that a cooperation agreement between Stadtreinigung Hamburg, a public-law body of the City of Hamburg, and four neighbouring administrative districts (Landkreise) of Lower Saxony for waste disposal services fell outside the scope of public procurement law. That ruling was a landmark development, as it established for the first time that purely contractual cooperation between contracting authorities could be exempt from procurement rules, provided certain conditions were met [19].
The Commission's 2011 Staff Working Paper SEC(2011) 1169 analysed this case law and drew the conceptual distinction between, on the one hand, contracts between contracting authorities that constitute the award of public contracts and must comply with procurement rules, and on the other, cooperation arrangements that are genuinely aimed at the joint performance of public tasks and may therefore be exempt. The Working Paper acknowledged that the line between the two is not always easy to draw and that legal uncertainty was a significant practical problem.

5.2 The Conditions for the Horizontal Cooperation Exemption

Article 12(4) of Directive 2014/24/EU applies to a contract concluded exclusively between two or more contracting authorities and makes the exemption subject to three cumulative conditions, set out in points (a) to (c). First, the contract must establish or implement a cooperation between the participating contracting authorities with the aim of ensuring that the public services they have to perform are provided with a view to achieving objectives they have in common. Second, the implementation of that cooperation must be governed solely by considerations relating to the public interest. Third, the participating contracting authorities must perform on the open market less than 20% of the activities concerned by the cooperation. In addition, the cooperation must be entered into exclusively between contracting authorities, without any private party participation. The absence of private participation thus follows from the opening words of the provision rather than from a separate condition; recital 33 confirms that the cooperation must be based exclusively on contracting authorities and that no private service provider may be placed in a position of advantage vis-à-vis its competitors [20].

The case law has clarified each of these conditions in important ways. On the first condition — the requirement of genuine cooperation — the Court has emphasised that horizontal cooperation is not the same as the unilateral assignment of a task by one authority to another. There must be a joint initiative. As the Court stated in Remondis II (C-429/19, 2020), the entities concerned must "establish jointly their needs and the solutions to be adopted" (para. 33). This distinguishes horizontal cooperation from a straightforward public contract, where the contracting authority unilaterally prepares its specifications and issues a call for tenders [21].

Contributions need not be identical or symmetric. Recital 33 of Directive 2014/24/EU confirms that the participating authorities may provide complementary

rather than equal contributions. However, as Arrowsmith [22] has observed, there must be "some feature of the arrangement to distinguish it from a simple arrangement from one party to supply to another." The mere fact that both parties are contracting authorities does not, of itself, suffice to characterise the arrangement as cooperation. There must be an intrinsic need for the parties to work together and genuine mutuality of purpose.

On the second condition — governance solely by public interest considerations — the Court in Ge.Fi.L. (C-618/19, 2020) stated that there must be no overcompensation. While the Directive does not strictly require cost-only reimbursement, the Court has cast doubt on whether reimbursement significantly exceeding costs is compatible with the horizontal cooperation exemption. This issue remains contested in legal scholarship and practice.

5.3 The Scope of Horizontal Cooperation

The material scope of horizontal cooperation is relatively broad. Recital 33 of Directive 2014/24/EU confirms that the cooperation may cover "all types of activities related to the performance of services and responsibilities assigned to or assumed by the participating authorities, such as mandatory or voluntary tasks of local or regional authorities". The Court has also accepted that the cooperation may extend to ancillary support activities that contribute to the effective performance of the core public services concerned.

In the ISE judgment (C-796/18, 2020), the Court accepted that cooperation may cover activities that are ancillary to the public services which each member of the cooperation must provide individually, provided that those ancillary activities contribute to the effective performance of those services. This suggests a somewhat flexible approach to the material scope of the exemption, though the precise boundaries remain contested.

5.4 Key Limitations and Recent Case Law

The Sambre & Biesme judgment (C-383/21 and C-384/21, 2022) is highly significant for horizontal cooperation as well. In Sambre & Biesme, the municipality's in-house relationship with Igretec did not establish that Sambre & Biesme also exercised the required joint control. Nor did the wider cooperation project suffice to bring Igretec's services within Article 12(4). Subject to verification by the referring court, Igretec contributed to the objectives shared by the municipality and Sambre & Biesme without itself pursuing those objectives. The two exclusions therefore required separate assessments, and the conditions for horizontal cooperation were not established.

Irgita (C-285/18, 2019) is an in-house case, but its holding bears on both modalities [23]. The Court held that Article 12(1) does not confer on contracting authorities a right to conclude in-house transactions: the provision merely leaves Member States free to permit them, and a Member State may subject such awards to additional conditions, such as the condition that an in-house transaction may be concluded only where the quality, availability or continuity of the services cannot be

guaranteed through public procurement, provided that the choice thus made at a stage prior to procurement respects the principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency (para. 50), and that the national rules laying down such conditions are sufficiently accessible, precise and predictable in their application (para. 57). In Rieco (joined cases C-89/19 to C-91/19, order of 6 February 2020) the Court extended that reasoning to joint control under Article 12(3) and accepted Italian legislation that makes an in-house award conditional on the impossibility of using a procurement procedure and on a reasoned demonstration of the benefits for society at large; it added that Article 12(3) lays down no requirements as to the conditions under which a public authority may acquire a shareholding in a company owned by other public authorities. The Court also confirmed that even where an in-house transaction falls outside the scope of Directive 2014/24/EU, Member States and contracting authorities remain bound by the fundamental principles of EU law, including equal treatment, non-discrimination, proportionality, and transparency (C-285/18, 2019). Meeting the conditions for the in-house exemption does not automatically imply full compliance with EU law. Where an existing public contract has been effectively modified by the award of a new in-house arrangement, this may itself constitute a breach of EU procurement principles.

6. Critical Assessment

6.1 Is the Framework Coherent?

The preceding sections have elaborated on the legal regime. The question that remains is whether the framework is coherent. The answer is mixed. The in-house exemption clearly rests on identity: the controlled entity is treated as part of the authority's own administration, which is why control must be structural and private capital is excluded. The horizontal exemption rests on genuine cooperation: the parties remain distinct, but what they do together is not an exchange on a market. The Court has rightly kept these logics apart, and Sambre & Biesme refuses to let a failed in-house relationship be rescued as cooperation. Yet the conditions attached to each have converged on a single policy concern, the prevention of competitive distortion. First, that idea is operationalised through quantitative proxies [24]: the 80% and 20% thresholds, whose relationship to actual distortion is hypothetical. To illustrate: an operator that performs 23% of its activity on the market may distort competition less than one performing 13% in a thin local market.

Second, the 80% criterion is becoming more and more demanding. AVR-Afvalverwerking exposes a paradox. The consolidation at group level which it requires is a sound answer to the artificial splitting of activities among subsidiaries. Yet that consolidation, combined with the treatment in Undis Servizi of non-controlling public bodies as third parties, means that entities which operate exclusively for public bodies, and which have grown precisely because cooperation has succeeded, may fail the test. The criterion thereby penalises success in the pooling of public tasks that recital 33 of the Directive and SDG 17 both encourage.

Third, the framework is, to some extent, "asymmetric". Irgita confirms that the exemptions create no right to use them: a Member State may restrict or condition in-

house awards and, a fortiori, horizontal cooperation. EU law thus fixes the ceiling of what may potentially be exempted but not the floor, so that the organisational autonomy invoked in Section 3.2 as the justification for the exemptions is protected against the Union but not against the Member State. Therefore, for local and regional authorities, Article 4(2) TEU and the European Charter of Local Self-Government remain extremely important.

6.2 The Evidence on Legal Uncertainty

What about the claim that legal uncertainty has had practical consequences? Probably the most authoritative source on this is the Commission's own evaluation of the 2014 Directives, published in October 2025 [15, p.11]. It reports that Member States, in their triennial monitoring reports, "frequently identified" the provisions on "public contracts between entities within the public sector" as unclear or problematic; that in consultations with local and regional authorities "[p]ublic-public cooperation was often mentioned as an area of concern", with smaller authorities finding the provisions "not certain enough"; that authorities cite "difficulties in determining the level of control over an entity or quantifying the activities performed in the open market"; that "[l]ack of proper application of public-public cooperation rules is an issue often detected by Commission's auditors"; and it concludes that "with regards to public-public cooperation, the Directives did not achieve the intended level of clarity and legal certainty" [15, p. 11]. The impact assessment accompanying the 2026 proposal for a Public Procurement Act repeats that in-house awards and public-public cooperation are among the concepts that stakeholders most often identify as sources of legal uncertainty [25, p. 7]. The Council of European Municipalities and Regions, for its part, has warned that further restriction would "disturb the current provision of essential public services" and has called for "greater legal certainty, not further restriction" [26, p.2].

The Court’s preliminary references on Article 12 and related case law since 2014, originating notably from Italy, Germany, Belgium, Lithuania, Finland and the Netherlands, indicate that its application remains contested.

6.3 Prospects: The Proposed Public Procurement Act

On 9 September 2026 the Commission adopted its proposal for a Public Procurement Act [27], a Regulation that would replace Directives 2014/23/EU, 2014/24/EU and 2014/25/EU. The proposal does not abandon the exemptions. Recital 38 states that the existing exclusions for contracts awarded by public buyers to legal persons they control and within public-public cooperation arrangements "should be maintained", and the operative provisions reproduce the structure of Article 12 in three articles: Article 80 on contracts awarded to controlled entities, Article 81 on public-public cooperation and Article 82 on local and regional administrative cooperation. This last provision is the real novelty. Where regional or local authorities "entrust each other with the performance of tasks incumbent on them, or use each other's own resources for that purpose, including in exchange for remuneration only", the Regulation does not apply, provided they perform the task by their own resources. Articles 80 and 81, by contrast, largely restate the existing conditions, but with changes that bear on the

problems identified above. First, the conditions must be fulfilled "at the time of the award" (Articles 80(1) and (3), 81(1)). Read literally, this settles the question of ex ante or ex post assessment [13] in favour of the former. Second, Article 80(4) partly answers the first measurement question raised in Section 4.1.4: an alternative to turnover may be used "where turnover does not appropriately reflect the volume of activities carried out", provided it is "another objective and verifiable quantitative indicator", such as costs incurred or overall income obtained. The proposal is silent, however, on group consolidation and on activities for non-controlling public bodies, so that AVR-Afvalverwerking and Undis Servizi would continue to govern. Third, Article 80(5) codifies Irgita: Member States "may maintain or adopt stricter national provisions on the contracts excluded pursuant to this Article".

The proposal thus resolves the measurement problems identified in Section 4.1.4 only in part, and the text must still pass through the ordinary legislative procedure.

7. Conclusions

Public-public partnerships occupy a distinctive and complex position within the EU legal order. Unlike public-private partnerships, which are straightforwardly governed by public procurement and concession law, public-public partnerships implicate fundamental questions about the organisation of public authority and the boundaries of the internal market. The analytical starting point — drawn from international frameworks developed by the World Bank and UNECE — is that PPPs and PuPs serve different purposes and rest on different rationales. PPPs leverage private sector capability; PuPs reflect the public sector's own organisational choices.

The EU legal framework recognises two principal modalities of exempt public-public cooperation: institutional (in-house) cooperation, based on the Teckal doctrine, and contractual (horizontal) cooperation, based on the Hamburg line of case law. Both modalities are subject to demanding conditions that the Court of Justice has interpreted with increasing rigour in recent years.

Several tensions remain unresolved. The boundary between permissible cooperation and market-distorting direct award is sometimes difficult to draw with precision. The conditions for joint in-house control are highly fact-specific, and cascading or indirect control structures give rise to ongoing uncertainty. The extent to which horizontal cooperation may cover ancillary or support activities, and the implications of overcompensation, remain contested. Recent case law, from Irgita and Sambre & Biesme to AVR-Afvalverwerking, continues to refine and, in most respects, tighten the applicable conditions.

A normative challenge also remains. As Pilving [7] and others have argued, public procurement law should not be construed to restrict the freedom of public authorities to organise their services as they see fit, provided this is done without creating discriminatory advantages for private parties. The current framework, while significantly more detailed than a decade ago, still generates legal uncertainty in practice — particularly for local and regional authorities operating in the space between full market procurement and fully internal performance. The challenge for legislators and courts is to maintain a framework that is both principled and workable, and that

genuinely serves the cooperative ambitions embedded in SDG 17. The proposed Public Procurement Act offers the opportunity to do so.

Declaration of competing interests

The author declares that there are no competing interests related to the content of this article.

Declaration of generative AI and AI-assisted technologies in the writing process

The author declares that AI-assisted technologies were used during the research phase and writing process to challenge claims and to improve the writing and grammar.

References

[1] World Bank Group, ADB, EBRD, GI Hub, IDB, OECD, et al. (2017). PPP Reference Guide, Version 3. Washington DC: World Bank Group.

[2] UNECE (2023). Standard on PPP/Concession Legal Framework in Support of the Sustainable Development Goals and Accompanying Guide. ECE/CECI/35. Geneva: United Nations Economic Commission for Europe.

[3] UNECE Working Party on Public-Private Partnerships (2022). Guiding Principles on Public-Private Partnerships in Support of the United Nations Sustainable Development Goals. ECE/CECI/WP/PPP/2022/7. Geneva: United Nations Economic Commission for Europe.

[4] European Commission (2004). Green Paper on Public-Private Partnerships and Community Law on Public Contracts and Concessions. COM(2004) 327 final. Brussels: European Commission.

[5] European Commission (2008). Commission Interpretative Communication on the application of Community law on Public Procurement and Concessions to institutionalised PPP (IPPP). C(2007) 6661, 5 February 2008. Brussels: European Commission.

[6] Van Garsse, S., Verhoest, K. (2016). (Samen) doen of laten doen. Vlaams Tijdschrift voor Overheidsmanagement (VTOM), 2016: 97–107.

[7] Pilving, I. (2018). Requirements for Horizontal Cooperation Between Contracting Authorities. European Public Law, 24(2): 255–280.

[8] Janssen, W. (2018). EU Public Procurement Law & Self-Organisation: A Nexus of Tensions & Reconciliations. The Hague: Eleven International Publishing.

[9] European Commission (2011). Commission Staff Working Paper concerning the application of EU public procurement law to relations between contracting authorities ("public-public cooperation"). SEC(2011) 1169 final. Brussels: European Commission.

[10] Racca, G. M., Yukins, C. R., Eds. (2019). Joint Public Procurement and Innovation: Lessons Across Borders. Brussels: Bruylant.

[11] Sanchez-Graells, A. (2020). The Emergence of Trans-EU Collaborative Procurement: A 'Living Lab' for European Public Law. Public Procurement Law Review, 2020(1): 16–41.

[12] Comba, M., Treumer, S., Eds. (2010). The In-House Providing in European Law. European Procurement Law Series, Vol. 1. Copenhagen: DJØF Publishing.
[13] Al-Tabbaa, A. (2016). The Ex Ante and Ex Post Application of the Teckal Criteria for In-house Awards. European Procurement & Public Private Partnership Law Review, 11(3): 166–178.
[14] Caranta, R., Sanchez-Graells, A., Eds. (2021). European Public Procurement: Commentary on Directive 2014/24/EU. Cheltenham: Edward Elgar Publishing.
[15] European Commission (2025). Evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities. Commission Staff Working Document SWD(2025) 332 final, 14 October 2025. Brussels: European Commission.
[16] Sołtysińska, A. (2022). Proving Compliance with the Condition of Economic Dependence in In-House Contracts. European Procurement & Public Private Partnership Law Review, 17(3): 158–167.
[17] Baciu, I., Dragos, D. (2015). Horizontal In-House Transactions vs. Vertical In-House Transactions and Public-Public Cooperation. European Procurement & Public Private Partnership Law Review, 10(4): 254–272.
[18] Burgi, M., Koch, F. (2012). In-House Procurement and Horizontal Cooperation Between Public Authorities. European Procurement & Public Private Partnership Law Review, 7(2): 86–93.
[19] Wauters, K. (2015). Cooperative Agreements Between Public Authorities: The Influence of CJEU Case Law on National Legal Systems. Cambridge: Intersentia.
[20] Wauters, K., Meskens, A. (2023). De horizontale en verticale uitgesloten samenwerkingsverbanden. Marchés & Contrats Publics / Overheidsopdrachten & Overeenkomsten (M.C.P.-O.O.O.), 2023(3): 273–292.
[21] De Somer, S., Hofströssler, L. (2020). Who's Afraid to Cooperate? CJEU Adopts Strict View on Non-Institutionalised Cooperation. European Procurement & Public Private Partnership Law Review, 15(3): 242–251.
[22] Arrowsmith, S. (2014). The Law of Public and Utilities Procurement: Regulation in the EU and the UK, Vol. 1, 3rd edn. London: Sweet & Maxwell.
[23] Janssen, W., Olsson, E. (2020). On Competition, Free Movement and Procurement — Irgita's Public Cooperation Conundrum. European Procurement & Public Private Partnership Law Review, 15(1): 2–12.
[24] Janssen, W. (2026). Reforming the rules on public–public cooperation: Towards legal certainty for Article 12 of Directive 2014/24/EU? In: Janssen, W., Lichère, F., Magga, K.-M., Eds. Reforming EU Public Procurement: Proposals for the Reform of Directive 2014/24/EU. Cheltenham: Edward Elgar Publishing, 39–52.
[25] European Commission (2026). Impact Assessment Report accompanying the Proposal for a Regulation on public procurement and concessions (Public Procurement Act). Commission Staff Working Document SWD(2026) 591 final, 9 September 2026. Brussels: European Commission.
[26] Council of European Municipalities and Regions (2026). Statement on Public-Public Cooperation and In-House Provision in the Revision of the Public Procurement Directives. Brussels: CEMR.

[27] European Commission (2026). Proposal for a Regulation of the European Parliament and of the Council on public contracts and concessions, repealing Directives 2014/23/EU, 2014/24/EU and 2014/25/EU, and amending Regulations (EC) No 1370/2007, (EU) 2023/1542, (EU) 2024/1157, (EU) 2024/1252, (EU) 2024/1735, (EU) 2024/1781, (EU) 2024/2847, (EU) 2024/3110 and (EU) 2025/40, and Directives 2008/98/EC, (EU) 2019/882, (EU) 2022/2381, (EU) 2023/1791 and (EU) 2024/1760 (Public Procurement Act). COM(2026) 590 final, 9 September 2026, 2026/0265 (COD). Brussels: European Commission.

Table of cases (Court of Justice of the European Union)

Case C-107/98, Teckal, judgment of 18 November 1999.
Case C-26/03, Stadt Halle, judgment of 11 January 2005, ECLI:EU:C:2005:5.
Case C-295/05, Asemfo, judgment of 19 April 2007.
Case C-324/07, Coditel Brabant, judgment of 13 November 2008, ECLI:EU:C:2008:621.
Case C-480/06, Commission v Germany (Hamburg), judgment of 9 June 2009.
Case C-573/07, Sea, judgment of 10 September 2009, ECLI:EU:C:2009:532.
Joined Cases C-182/11 and C-183/11, Econord, judgment of 29 November 2012.
Case C-574/12, Centro Hospitalar de Setúbal, judgment of 19 June 2014.
Case C-553/15, Undis Servizi, judgment of 8 December 2016, ECLI:EU:C:2016:935.
Case C-285/18, Irgita, judgment of 3 October 2019, ECLI:EU:C:2019:829.
Joined Cases C-89/19 to C-91/19, Rieco, order of 6 February 2020.
Case C-796/18, Informatikgesellschaft für Software-Entwicklung (ISE), judgment of 28 May 2020.
Case C-429/19, Remondis (Remondis II), judgment of 4 June 2020.
Case C-618/19, Ge.Fi.L., order of 30 June 2020.
Joined Cases C-383/21 and C-384/21, Sambre & Biesme, judgment of 22 December 2022, ECLI:EU:C:2022:1022.
Case C-692/23, AVR-Afvalverwerking, judgment of 15 January 2026, ECLI:EU:C:2026:4 (Opinion of Advocate General Rantos of 30 April 2025, ECLI:EU:C:2025:310).
Case C-11/25, Jelgavas valstspilsētas pašvaldība, judgment of 10 September 2026, ECLI:EU:C:2026:731.

FINAL BUT NOT FINAL? APPELLATE OVERSIGHT AND LEGAL CERTAINTY IN UGANDA'S PUBLIC PROCUREMENT REMEDIES FRAMEWORK

Kiwa Francis Franck*

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Abstract

This paper examines whether the High Court of Uganda may review its own appellate procurement decisions notwithstanding section 118(6) of the Public Procurement and Disposal of Public Assets Act, Cap. 205, which declares such decisions final and conclusive. Employing a problem-based doctrinal methodology, the study analyses Ugandan legislation, judicial decisions and comparative common law jurisprudence, focusing on litigation arising from UNBS Procurement No. UNBS/NCONS/2023-2024/00052. It interrogates the relationship between statutory finality, functus officio, review jurisdiction and inherent judicial powers. The paper argues that the High Court's 2024 review ruling blurred the distinction between correcting an error apparent on the face of the record and substantively reconsidering the merits of an appeal, thereby reopening a procurement determination that Parliament intended to be final. It concludes that general procedural powers should not override the express finality provisions governing specialised procurement appeals. The paper recommends amending section 118(6) to expressly prohibit review by the High Court of its own appellate decisions, while preserving a narrowly defined power to correct clerical, arithmetical and accidental errors. Such clarification would strengthen legal certainty, preserve judicial accountability and promote predictability in Uganda's public procurement remedies framework.

Keywords

Public procurement; statutory finality; appellate oversight; review jurisdiction; functus officio; legal certainty

1. Introduction

* *Kiwa Francis Franck is an Advocate of the High Court of Uganda and Legal Manager at the PPDA Appeals Tribunal. He is a member of the Uganda Law Society, the East African Law Society, and the Chartered Institute of Arbitrators (UK), and an Associate Member of the Association of Certified Fraud Examiners, Uganda Chapter.(Email: arckiwa@gmail.com)*

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Public procurement systems are perpetually engaged in a delicate balancing act, striving to provide effective remedies for aggrieved bidders while simultaneously ensuring finality, certainty, and efficiency in public tendering. In Uganda, this equilibrium is pursued through a multi-tiered dispute resolution framework established under the Public Procurement and Disposal of Public Assets (PPDA) Act [1], Cap. 205, which culminates in appellate oversight by the High Court on questions of law only. The 2021 amendments to the PPDA Act [2] introduced section 118(6), a provision that expressly declares decisions of the High Court on appeal from the PPDA Appeals Tribunal to be "final and conclusive" and not subject to further appeal. This clause was widely interpreted by public procurement practitioners, bidders, procuring and disposing entities, and legal scholars as a deliberate legislative intervention designed to curtail protracted litigation, enhance procurement certainty, and safeguard the integrity of public projects.

However, this understanding was fundamentally unsettled by the 2024 decision of the High Court (Civil Division) in Consortium of EAA Company Ltd [3] and East Africa Auto Technical Testing v Quality Inspection Services Inc Japan and Auto Terminal Japan. In that case, the Court assumed jurisdiction to conduct a substantive review of its own appellate decision notwithstanding the explicit finality clause in section 118(6). The Court justified this intervention by invoking its inherent powers to correct errors apparent on the face of the record in the service of justice. This paper argues that the decision constitutes a significant doctrinal misstep that undermines the legislative intent of the PPDA Act and may introduce uncertainty into the procurement process.

This analysis proceeds in four parts. First, it outlines the Ugandan legal framework governing public procurement appeals and examines the interpretive doctrines of functus officio, implied repeal, lex posterior derogat legi priori, and generalia specialibus non derogant that inform the statutory analysis. Second, it situates the Ugandan framework within the broader common law context, examining statutory finality, inherent jurisdiction, and the limited scope of review through comparative jurisprudence. Third, it critically analyses the Consortium of EAA decision, focusing on the characterisation of review jurisdiction, doctrinal inconsistencies, the "author–judge paradox," and whether the ruling may be regarded as per incuriam. Finally, it examines the tension between legal certainty and corrective justice in public procurement and argues for judicial restraint in giving effect to statutory finality, while proposing legislative clarification to preserve an effective, stable, and predictable procurement remedies framework.

2. Methods

This paper employs a problem-based doctrinal methodology, drawing on the approaches to doctrinal legal research discussed by Hutchinson and Duncan (2012) [59] and problem-based legal research examined by Bagaric (2013) [58]. It systematically analyses legal issues through relevant legislation, case law, and secondary sources to reach reasoned conclusions. It focuses on Uganda's PPDA Act, the Civil Procedure Act [4], the Civil Procedure Rules [5], the Judicature Act [6], and relevant constitutional

provisions. The paper also examines leading judicial authorities from Uganda and other common law jurisdictions in order to assess the legal meaning and institutional consequences of statutory finality clauses.[123]

Methodologically, the paper is built around a focused case study of Consortium of EAA Company Ltd & Another v Quality Inspection Services Inc Japan & Another, read together with the antecedent Tribunal decision and the earlier High Court appeal.[4] This case-study approach enables the paper to test abstract doctrinal principles against an actual procurement dispute in which the tension between finality and corrective justice became concrete. Comparative analysis is then used not as a substitute for Ugandan doctrine, but as a means of clarifying how similar legal systems have treated review powers, inherent jurisdiction, and statutory finality.[5]

3. The Ugandan Legal Framework for Procurement Appeals

The jurisdiction of Uganda's High Court is established by the Constitution [7], which grants it unlimited original jurisdiction in all matters, alongside such appellate and other jurisdiction as may be conferred upon it by the Constitution or any other law. Yet the jurisdiction exercised by the High Court when hearing appeals from the PPDA Appeals Tribunal is not original or inherent; it is a specific appellate jurisdiction conferred exclusively by the PPDA Act. This principle is not novel. It is a long-settled feature of East African jurisprudence, consistently maintained across decades of case law. In Erimiya Serunkuma v Elizabeth Nandyose [8], the court held that general procedural rules do not apply to special statutory jurisdictions unless they are expressly incorporated. That position was reinforced by Sir Audley McKisack C.J. in Amiri Ntambi v Alideki Jumbi (2) [9], where he clarified that the Civil Procedure Rules were intended for appeals from subordinate courts rather than specialised tribunals. The Court of Appeal for Eastern Africa further strengthened this position in R v Joswa M.

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[1] Hutchinson, T., & Duncan, N. (2012, p. 101), Defining and describing what we do: Doctrinal legal research, Deakin Law Review, 17(1), 83–119. https://doi.org/10.21153/dlr2012vol17no1art70; Bagaric, M. (2013). Problem-based legal research. Legal Education Digest, (41). https://www.austlii.edu.au/au/journals/LegEdDig/2013/41.pdf

[2] Constitution of the Republic of Uganda, 1995 art 138; Judicature Act, Cap 13 (Uganda) s 14(1); Civil Procedure Act (Uganda); Civil Procedure Rules (Uganda); Public Procurement and Disposal of Public Assets Act (Uganda).

[3] See e.g., Re Gilmour's Application [1957] 1 QB 498 (CA); Canada (Attorney General) v Public Service Alliance of Canada [1991] 1 SCR 941.

[4] Consortium of EAA Company Limited & East Africa Auto Technical Testing & Another v Quality Inspection Services Inc Japan & Another, Misc. Appl. 1048 & 1109 of 2024, [2024] UGHCCD 201 (Uganda High Court, 20 November 2024); Quality Inspection Services Inc. Japan v Uganda National Bureau of Standards (UNBS) & 2 Others, Civ. Appl. 37 of 2024, [2024] UGHCCD 157 (4 October 2024) and Quality Inspection Services Inc–Japan v Uganda National Bureau of Standards & 2 Others, Appl. 9 of 2024, [2024] UGPPDPAAT 10 (11 March 2024).

[5] R v Salituro [1991] 3 SCR 654; Patel Narshi Thakershi v Pradyumansinghji Arjunsinghji AIR 1970 SC 1273.

Kivu [10], thereby creating an unbroken line of authority confirming the autonomy of special statutory regimes.[6][7][8][9][10]

Section 118(1) of the PPDA Act grants a right of appeal to any party aggrieved by a decision of the Tribunal, but section 118(3) confines such appeals strictly to questions of law.[11] That design is plainly purposeful. Procurement disputes are often technically complex, commercially disruptive, and highly time-sensitive. By limiting appeals to legal questions and creating a clear endpoint for litigation, Parliament sought to prevent procurement processes from being paralysed by endless legal contests over factual disagreements. The capstone of this framework is section 118(6), which provides that a decision or order of the High Court made under that section shall be final and conclusive and shall not be subject to appeal to any other court.[12]

In Seyani Brothers & Co (U) Ltd v Roko Construction Limited [63], the Court of Appeal affirmed that section 118(6) expressly bars further appeals from High Court decisions arising from PPDA Appeals Tribunal proceedings. Although the decision did not address review by the High Court of its own judgments, it reinforces the binding effect of statutory limits on appellate jurisdiction.

The language is emphatic and unambiguous. The words "final and conclusive" are powerful terms of preclusion. They indicate a legislative intention to bring procurement disputes to a definitive and binding conclusion at the High Court level. The provision serves as a guardian of certainty within the procurement system by ensuring that once a legal question is settled on appeal, the procurement process may proceed without the shadow of further judicial contestation.

To appreciate the full force of that finality, it is necessary to consider general post-judgment procedure in Ugandan law. It is a foundational principle that once a court has delivered judgment and perfected its order, it becomes functus officio.[14]

The Supreme Court of Canada emphasised the importance of adjudicative finality in Toronto (City) v CUPE, Local 79 [62], particularly in its consideration of issue estoppel and abuse of process. Once a court becomes functus officio, its authority over the matter is exhausted. It cannot reopen or substantively revisit the case except within narrowly established legal limits. This doctrine preserves the authority of judicial decisions and protects litigants from endless re-litigation. While the doctrine admits limited exceptions, such as the correction of clerical errors under the slip rule, these do not authorise substantive reconsideration of the merits.[15]

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[6] Constitution of the Republic of Uganda, 1995 art 138; Judicature Act, Cap 13 (Uganda) s 14(1).
[7] *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118.
[8] *Erimiya Serunkuma v. Elizabeth Nandyose* [1959] EA 127; Ssekaana, M., & Ssekaana, S. N. (2007). Civil procedure and practice in Uganda. LawAfrica, p. 276, fn. 1269.
[9] Amiri Ntambi v Alideki Jumbi (2) [1959] EA 129 (U).
[10] R v Joswa M Kivu (1942) 9 EACA 82.
[11] *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118(1), (3).
[12] *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118.
[14] See generally Chandler v Alberta Association of Architects [1989] 2 SCR 848.
[15] Civil Procedure Act (Uganda), section 99.

The power to review a judgment is a statutory exception to the doctrine of functus officio, rather than an unrestricted inherent judicial power. In Uganda, that jurisdiction is conferred by section 82 of the Civil Procedure Act and regulated by Order 46 of the Civil Procedure Rules. As Ssekaana and Ssekaana [11] explain, review is an exceptional jurisdiction that must be exercised sparingly and strictly within its statutory limits. The preconditions for review are themselves significant. Section 82 allows review where a party is aggrieved by a decree or order from which an appeal is allowed by that Act but has not been preferred, or where no appeal is allowed by that Act. The repeated phrase "this Act" is critical. It refers specifically to the Civil Procedure Act. It does not naturally extend to a prohibition on appeals found in another, special-purpose statute like the PPDA Act.

Where Parliament enacts a specialised statutory regime and expressly excludes appeals while declaring decisions final, that command ought to be respected according to its plain meaning.[16] In the procurement context, if the PPDA Act establishes finality in express terms, recourse should not properly be had to the more general procedural framework of the Civil Procedure Act in order to reopen what the legislature has conclusively settled. To do otherwise would be to elevate a general procedural statute above a carefully calibrated, sector-specific enactment.[17]

That conclusion is firmly grounded in the classical interpretive canon generalia specialibus non derogant, namely that general provisions do not displace specific ones. Black's Law Dictionary [12] captures the maxim as reflecting the presumption that broad statutory language does not impliedly repeal or override provisions directed to a defined subject matter. Osborn's Concise Law Dictionary [13] expresses the same hierarchy in slightly different form, but the structural point remains identical: where a general rule and a specific rule intersect, the specific governs.

The orthodox exposition in Halsbury's Laws of England [14] supports the same approach. A general enactment, however widely phrased, must yield where its application would nullify or undermine a particular provision directed specifically to the matter in issue. The general rule must remain within its proper field of operation and cannot be stretched so far as to erode the efficacy of a targeted legislative scheme.

Judicial authority has repeatedly affirmed this discipline. In R v Horsham Justices, ex parte Farquharson [15], Lord Denning MR treated the principle as a settled and orthodox feature of statutory interpretation. Earlier authorities, including Seward v The Vera Cruz [16] and Blackpool Corporation v Starr Estate Co Ltd [17], likewise recognised that general words cannot be allowed to abrogate carefully crafted specific provisions. More recently, the dissenting judgment of Madrama Izama JSC in Kasibante Robert v Yoweri Kaguta Museveni Tibuhaburwa and Others [18] reaffirmed the

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[16] *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118(6).

[17] See *Seward v The Vera Cruz* (1884) 10 App Cas 59 (HL).

centrality of this canon in Ugandan jurisprudence and underscored the constitutional importance of fidelity to legislative design.[18][19][20]

Relatedly, the doctrine of implied repeal holds that where two statutes cannot coexist, the later statute prevails, and the earlier is treated as repealed to the extent of the inconsistency. Courts apply it cautiously, only where provisions are truly incompatible as held in Ellen Street Estates Ltd v Minister of Health [19]; Hamnett v Essex County Council [20] and Thoburn v Sunderland City Council [21]. Bennion [22] explains this principle in terms of the maxim leges posteriores priores contrarias abrogant (later laws abrogate earlier laws), subject to the exception generalia specialibus non derogant, whereby specific provisions override general ones. Similarly, the canon lex posterior derogat legi priori provides that a later statute governs over an earlier one when conflict arises, reflecting Parliament's most recent expression of intent.[21]

In Uganda, the PPDA Act establishes a specialised procurement appeals regime, expressly providing in section 118(6) that High Court decisions are final, whereas the Civil Procedure Act provides a general framework for civil procedure, including the review of judgments. Once the High Court has finally determined an appeal, it becomes functus officio, and its authority over the matter is exhausted, subject to exceptions recognised by law. Although the two statutes may ordinarily coexist, the introduction of section 118(6) through the Public Procurement and Disposal of Public Assets (Amendment) Act, 2021 raises the question whether Parliament intended to exclude the application of general review provisions to decisions rendered under the specialised appellate framework. The doctrine of implied repeal, reflected in the maxim lex posterior derogat legi priori, becomes relevant where a later enactment is irreconcilably inconsistent with an earlier one. However, implied repeal is not presumed merely because legislation is enacted subsequently.

In the present context, the stronger argument arises from the combined operation of legislative chronology, statutory specificity and the express declaration of finality. Applying the principle generalia specialibus non derogant, section 118(6) should be interpreted as excluding recourse to the general review jurisdiction under the Civil Procedure Act insofar as its exercise would permit substantive reconsideration of a final procurement appellate determination. Such an interpretation does not require the general review provisions to be treated as repealed in their entirety. Rather, it gives effect to Parliament's later and more specific legislative intention while preserving the continued operation of those provisions outside the specialised procurement appeals framework. Invoking general review powers to reopen the merits of a final procurement

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[18] *R v Horsham Justices, ex parte Farquharson* [1982] QB 762.

[19] *Seward v The Vera Cruz* (1884) 10 App Cas 59 (HL); *Blackpool Corporation v Starr Estate Co Ltd* [1922] AC 27 (HL).

[20] Madrama Izama JSC (dissenting), *Kasibante Robert v. Yoweri Kaguta Museveni Tibuhaburwa & Others*, Election Application No. 3 of 2026, [2026] UGSC 7.

[21] *Ellen Street Estates Ltd v Minister of Health* [1934] 1 KB 590 (Eng. C.A.); *Thoburn v Sunderland City Council* [2002] EWHC 195 (Admin); [2003] QB 151 (Eng. H.C.) and *Hamnett v Essex County Council* [2017] EWCA Civ 6 (Eng. C.A., 18 Jan. 2017).

appeal would undermine the certainty and efficiency that section 118(6) was intended to secure.

For public procurement practitioners, the implications are considerable. Finality clauses are not ornamental drafting devices. They are integral to the legislative objectives of certainty, expedition, and stability in resolving disputes arising from public tendering. To treat them as merely directory, and thus vulnerable to displacement by general procedural powers, would erode predictability in procurement and unsettle the balance Parliament deliberately struck between accountability and efficiency.

4. The Doctrine of Finality: A Comparative Common Law Perspective

The Ugandan position on finality does not exist in isolation. It is deeply rooted in a wider common law tradition in which statutory finality clauses, especially those using the phrase "final and conclusive," have generally been interpreted as definitive barriers to further adjudication. As Lord Hoffmann observed in Investors Compensation Scheme Ltd v West Bromwich Building Society [23], statutory language must ordinarily be given its natural and purposive meaning. On that basis, finality clauses should not be read down lightly.[2223]

This principle is reinforced by a substantial body of authority from across the common law world. In the United Kingdom, cases such as Re Gilmour's Application [24] recognised that decisions declared final and conclusive are ordinarily insulated from further judicial review within the same statutory process. In Anisminic Ltd v Foreign Compensation Commission [25], the House of Lords acknowledged that in narrow circumstances jurisdictional error might pierce an ouster clause, but that proposition did not convert every finality clause into an empty formula. The general presumption remained that Parliament's language of finality should be given real effect. Likewise, R v Secretary of State for the Home Department, ex parte Fire Brigades Union [26] confirmed that a statutory remedial structure may preclude the use of broader judicial powers to create alternative routes of intervention, while Boddington v British Transport Police [27] illustrated the judicial sensitivity to legislative design where statutory conclusiveness is in issue.[242526]

In Canada, the Supreme Court in Chandler v Alberta Association of Architects [28] insisted upon the exhaustion of statutory processes before recourse to broader judicial powers, treating finality clauses as meaningful limits rather than decorative phrases. That approach was reinforced in Canada (Attorney General) v Public Service Alliance of Canada [29], where the Court emphasised that decisions described as "final and conclusive" are ordinarily immune from review through inherent powers that contradict

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[22] *Re Gilmour's Application* [1957] 1 QB 498 (CA); *Canada (Attorney General) v Public Service Alliance of Canada* [1991] 1 SCR 941.

[23] *Investors Compensation Scheme Ltd v West Bromwich Building Society* [1998] 1 WLR 896 (HL).

[24] *Re Gilmour's Application* [1957] 1 QB 498 (CA).

[25] *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147 (HL).

[26] *R v Secretary of State for the Home Department, ex parte Fire Brigades Union* [1995] 2 AC 513 (HL); *Boddington v British Transport Police* [1999] 2 AC 143 (HL).

the statutory scheme. The Ontario Court of Appeal in Labourers' International Union of North America v Carpenters and Allied Workers [30] adopted a similar posture in relation to privative clauses. Later Canadian authorities, including Dunsmuir v New Brunswick [31], Ontario (Energy Board) v Ontario Power Generation Inc [32], and Vavilov [33], have continued to stress that where legislation clearly signals finality, courts must defer to that legislative choice.[27][28][29][30]

These authorities collectively demonstrate a consistent and long-standing common law principle: the words "final and conclusive" are intended to mark a terminal point in litigation. They are designed to prevent collateral attack, restrict procedural re-entry, and protect the integrity of specialised statutory schemes from being undermined by recourse to general jurisdictional powers.

5. Procurement Context and the Dispute

The dispute arose from an emergency procurement initiated by the Uganda National Bureau of Standards (UNBS) on 28 September 2023 for the provision of Pre-Export Verification of Conformity to Standards services for used motor vehicles. The bidding document [34] identifies Procurement No. UNBS/NCONS/2023-2024/00052 as a one-year framework contract conducted through restricted international bidding. It comprised one lot. Three bidders participated: Quality Inspection Services Inc. Japan (QISJ); the Consortium of EAA Company Limited and East Africa Auto Technical Testing; and the joint venture of Auto Terminal Japan Limited, Pal Auto Garage Limited and Africa Automotive Analysis Limited. The procurement was strategically important because it concerned continuity of a regulatory conformity-assessment service applied to used motor vehicles before export to Uganda. The bidding document required the service provider to maintain inspection capacity in Japan and the United Arab Emirates, including physical inspection infrastructure and supporting ICT systems. In the subsequent review proceedings, UNBS further characterised the contract as a stop-gap measure pending completion of the main procurement and asserted that the service protected the public against hazards associated with non-conforming imported vehicles.

The procurement also arose against an unusually dense remedial history. The immediate background may be traced to Application No. 21 of 2023, in which the PPDA Appeals Tribunal set aside an extension of QISJ's existing contract and directed UNBS to undertake a fresh procurement. UNBS then initiated the emergency procurement. The available record does not disclose a conventional lump-sum estimated contract value, and the financial structure of the bidding document helps explain why. This was a framework arrangement under which the conformity assessment fee was prescribed by Schedule 2 of the UNBS (Inspection and Clearance

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[27] *Chandler v Alberta Association of Architects* [1989] 2 SCR 848.

[28] *Canada (Attorney General) v Public Service Alliance of Canada* [1991] 1 SCR 941.

[29] *Labourers' International Union of North America v Carpenters and Allied Workers* 2006 CanLII 25259 (ON CA).

[30] *Dunsmuir v New Brunswick* [2008] 1 SCR 190; *Ontario (Energy Board) v Ontario Power Generation Inc* [2015] 3 SCR 147; *Canada (Minister of Citizenship and Immigration) v Vavilov* [2019] 4 SCR 653.

of Imports) Regulations, 2022 [35], as amended, per used motor vehicle, while a net administration fee of USD 45 per vehicle was payable to UNBS. The bidding document also stated that framework quantities were not themselves purchased merely by award; services would be procured through call-off orders. The procurement's economic significance therefore cannot accurately be represented by the UGX 0.00 figure appearing in the Best Evaluated Bidder material as though it were an ordinary lump-sum contract value. Its significance lay in the transaction-based service, continuity of vehicle conformity assessment, competition among providers and the consequences of interruption.

The initial award to QISJ was successfully challenged by the other two bidders in consolidated Applications Nos. 31 and 32 of 2023. On 21 December 2023, the Tribunal set aside that award and directed UNBS to re-evaluate the bids in accordance with the bidding document and the law. UNBS commenced the re-evaluation on 3 January 2024. The process was completed on 22 January 2024, and the Evaluation Committee recommended awards to all three bidders. On 30 January 2024, the Contracts Committee, by majority vote with one member dissenting, approved that recommendation.

5.1 Application No. 9 of 2024[36]: The Tribunal's Decision

QISJ challenged the resulting three-provider award in Application No. 9 of 2024. Its complaints included the eligibility and administrative compliance of the competing bids, ISO/IEC 17020:2012 accreditation, the validity of consortium and joint-venture documentation, and whether UNBS had implemented the Tribunal's earlier re-evaluation directions. On 11 March 2024, the Tribunal dismissed the application. It held, among other matters, that the competing bids were responsive to the bidding document and that the re-evaluation had been conducted in accordance with its earlier decision. The Tribunal also noted that the re-evaluation had been completed after the ten-working-day period it had directed, but treated that delay as non-fatal because QISJ had not demonstrated prejudice.

5.2 Civil Appeal No. 37 of 2024[37]: The Initial Appeal before the High Court

QISJ appealed to the High Court under section 118 of the PPDA Act. Six grounds were raised. They concerned ISO accreditation; powers of attorney for the joint venture; an alleged unlawful modification of ITB Clause 4.2; whether the competing bids had passed the detailed evaluation stage; the absence of a corresponding duly signed evaluation report and minutes; and whether the other bidders had lawfully been determined as best evaluated bidders and recommended for award.

The procurement-specific reasoning of the High Court is central to the later review. The bidding document prescribed Technical Compliance Selection for supplies and non-consultancy services, under which the lowest-priced bid had to be eligible, compliant and substantially responsive and the bidder qualified to perform satisfactorily. Evaluation was expressly sequential. First, preliminary examination for bidder eligibility and administrative compliance; second, detailed commercial and technical evaluation; and third, financial comparison. Failure at any stage prevented further

consideration at the next stage, and substantial responsiveness was treated as a pass. The technical criteria themselves were assessed on a pass/fail basis. They included valid ISO/IEC 17020:2012 accreditation whose scope covered inspection of used motor vehicles; evidence of performance involving 10,000 used vehicles in the East African region during January-December 2022; evidence of successful PVoC implementation; methodology and work plans; key personnel; inspection infrastructure in Japan and the UAE; and ICT infrastructure for the online inspection database. The Court also emphasised the regulatory requirement for a duly completed and signed evaluation report accompanied by minutes of the Evaluation Committee.

On 4 October 2024, Ssekaana J allowed the appeal. The Court considered that the record did not demonstrate that the bids of the EAA consortium and the Auto Terminal Japan joint venture had been taken through all prescribed successive stages of evaluation. In particular, the Court treated the absence of the requisite detailed evaluation documentation as fatal to the conclusion that those bidders had lawfully qualified for award. It consequently cancelled their contracts while leaving QISJ's position under the procurement intact.

5.3 Miscellaneous Applications Nos. 1048 and 1109 of 2024: The Review by the High Court

The EAA consortium and UNBS then sought review of the appellate judgment. Their central complaint was not a computational or clerical mistake. They argued that the judgment was internally inconsistent: having found that UNBS had failed to carry the competing bids through all successive stages of evaluation in breach of procurement law, the Court nevertheless preserved the procurement and effectively left QISJ as the sole successful bidder. They further argued that, without technical evaluation of the competing bids, there was no lawful basis for concluding that QISJ had emerged as the best evaluated bidder from a competitive process.

Ssekaana J accepted that the earlier judgment contained an error apparent on the face of the record. In the review ruling of 20 November 2024, the Court stated that its earlier decision had been informed by UNBS's failure to conduct technical evaluation and by what it regarded as a flawed and manipulated procurement process. It considered that its manifest intention had been to nullify the entire procurement. The Court therefore set aside the original order, cancelled Procurement No. UNBS/NCONS/2023-2024/00052 together with all contracts signed under it, and directed UNBS to conduct a fresh procurement immediately.

The review ruling therefore materially changed the procurement outcome: the appellate judgment had invalidated two awards while preserving the procurement, whereas the review cancelled the procurement altogether. The concern underlying review was not without substance; there was an arguable tension between findings that the evaluation process was legally defective and a remedy that preserved one bidder's award. The central question for this article, however, is anterior to the merits of that corrective impulse: whether the general review jurisdiction under the Civil Procedure Act and the Court's inherent powers remained available after the High Court had

exercised the special appellate jurisdiction conferred by section 118 and rendered a decision that the PPDA Act expressly declares final and conclusive.

6. Case Analysis: The Paradox of Consortium of EAA Company Ltd v Quality Inspection Services Inc Japan

6.1The Author-Judge Paradox: Corrective Justice and the Pressures of Adjudication

The review decision presents an additional dimension because Justice Musa Ssekaana is, with Salima Namusobya Ssekaana, co-author of the leading Ugandan text Civil Procedure and Practice in Uganda. In that work, Ssekaana and Ssekaana [11] treat review jurisdiction as exceptional and confined by statute, distinguishing statutory review from the limited inherent power to correct clerical or mathematical errors. The apparent divergence between that doctrinal exposition and the approach subsequently adopted in Consortium of EAA may be described as an 'author-judge paradox'. Its significance lies less in personal inconsistency than in what it reveals about the relationship between doctrine and adjudication.

Academic writing and judicial decision-making operate in different institutional settings. Scholarship ordinarily articulates legal principles prospectively and in general terms, whereas adjudication applies those principles to concrete disputes in which legality, fairness and practical consequence may point in different directions. A judge is not bound by an earlier academic formulation and may legitimately refine or depart from it where the applicable law, arguments or circumstances justify a different conclusion. The relevant question is therefore not whether the judgment replicated an earlier scholarly position, but whether the departure can be justified within the statutory framework governing the dispute.

Viewed in that way, the divergence illuminates the tension between corrective justice and statutory finality. The review applications confronted the Court with an arguable inconsistency in its earlier disposition. The appellate judgment had identified defects in the procurement process but fashioned a remedy that invalidated the awards to two bidders while preserving the procurement for QISJ. Reconsidering that outcome may therefore have appeared necessary to avoid perpetuating what the Court regarded as an erroneous or inequitable procurement result.

Yet the institutional pressure to correct an individual outcome cannot itself determine the existence or extent of jurisdiction. That distinction is particularly important in a specialised statutory regime. The question under section 118(6) is not whether reopening the judgment could produce a more coherent procurement remedy, but whether Parliament left the High Court with authority to do so after the exercise of its appellate jurisdiction. The academic account of review jurisdiction is relevant at precisely this point, not because it binds its author judicially, but because it reflects the orthodox distinction between the desirability of correcting an error and the legal source of the power to correct it.

6.2 Mischaracterisation of Jurisdiction

In allowing the applications in part, the Court reasoned that its inherent powers, together with the Civil Procedure Act, enabled it to correct its own record in the interests of justice.[31] It therefore set aside its earlier appellate orders and cancelled the procurement entirely. That review decision differed not only from the Tribunal's original outcome, which had allowed awards to all three bidders, but also from the High Court's own earlier appellate judgment, which had effectively left the award in favour of QISJ alone.

What emerges is a pattern of escalating legal uncertainty. Each adjudicative stage either affirmed, modified, or overturned the preceding outcome. Most strikingly, the High Court, acting within the same litigation stream, altered what had been presented as a final appellate judgment. In doing so, it not only displaced its own prior decision, but also overturned the conclusions of two lower adjudicative bodies. It is precisely this instability, generated from within the remedial structure itself, that this paper contends is inimical to coherent procurement governance.

With respect, the Court's reasoning rests on a mischaracterisation of its own jurisdiction. Comparative and domestic doctrine both indicate that, in hearing the initial appeal, the High Court was not exercising its general original jurisdiction. It was operating within the specific appellate framework established by sections 118(1) and 118(3) of the PPDA Act.[32] Indeed, the High Court itself acknowledged that Civil Appeal No. 37 of 2024 was an appeal from the decision of the PPDA Appeals Tribunal delivered on 11 March 2024.[33] The Court was therefore plainly functioning under a specialised statutory grant of appellate authority.[34]

By invoking the general Civil Procedure Act to justify review, the Court permitted a general law to override an express finality clause in a special statute.[35] That move offends the principle that legislative specificity prevails over general procedural architecture. It also sits uneasily with the principle of legislative supremacy and departs from the cautious approach visible in comparative common law authorities.[36]

6.3 Inherent Jurisdiction and Its Limits

A second difficulty concerns the concept of inherent jurisdiction itself. Inherent jurisdiction refers to the residual common law power of superior courts to regulate their own process, prevent abuse of procedure, and secure justice even in the absence of express statutory authority. In Attorney General v Joseph Ssemwogerere & 2 Others [57], the High Court recognised the role of inherent jurisdiction in safeguarding the

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[31] *Consortium of EAA Company Limited v. Quality Inspection Services Inc Japan & Another* (Uganda High Court, 2024), p. 9; *Civil Procedure Act* (Uganda), s. 82.

[32] *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118(1), (3).

[33] *Quality Inspection Services Inc. Japan v. UNBS & 2 Others* (Uganda High Court, 2024)

[34] *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118.

[35] Civil Procedure Act(Uganda), s 82; *Public Procurement and Disposal of Public Assets Act* (Uganda), s. 118(6).

[36] *Seward v The Vera Cruz* (1884) 10 App Cas 59 (HL); *Chandler v Alberta Association of Architects* [1989] 2 SCR 848.

administration of justice. This jurisdiction enables superior courts to maintain the integrity of their own proceedings.[37]

In Uganda, courts have recognised that inherent jurisdiction may fill procedural gaps, prevent injustice where legislation is silent, and protect the Court's ability to function effectively. In Kiiza v Uganda [60], the High Court considered the exercise of inherent jurisdiction in the interests of justice, recognising its role in ensuring that judicial processes remain effective. The exercise of this jurisdiction is not confined to the determination of a particular case but serves the broader public interest by maintaining confidence in the administration of justice. It is contrary to that interest to allow the Court's processes to become instruments of oppression or inaction, leaving equitable wrongs without remedy. By exercising its inherent jurisdiction equitably, the Court ensures that legal impasses are resolved, and that justice is not denied, providing a flexible tool to address gaps in the law and prevent outcomes that would otherwise result in oppression or injustice.[38]

A similar approach has been adopted in recent comparative jurisprudence. In Swanya Limited v Daima Bank Ltd (2026) [38], the Kenyan Court of Appeal emphasised that courts do not act in vain and retain inherent jurisdiction to intervene where their orders have become incapable of practical implementation. The Court underscored that judicial processes must remain instruments of practical justice rather than procedural formalism, and that where circumstances have fundamentally altered the basis of an order, the court must revisit it to prevent its processes from degenerating into futility. This reasoning reinforces the principle that inherent jurisdiction is essential not only to prevent oppression, but also to ensure that judicial authority is exercised in a manner that produces real and effective legal outcomes.[39]

Even so, inherent jurisdiction is not unlimited. In the United Kingdom, Ridge v Baldwin [39] illustrates the importance of observing the legal framework governing the exercise of public powers, while Halsbury's Laws of England [40] recognises the role of inherent jurisdiction in regulating judicial proceedings and preventing abuse of process. Canadian jurisprudence, including R v Salituro [41], similarly illustrates the broader principle that the development and exercise of common-law judicial powers must remain consistent with the applicable legislative framework. Although these authorities arise in different doctrinal contexts, they reinforce the distinction between the legitimate exercise of judicial powers and their use in a manner inconsistent with express statutory provisions.

Once that limit is acknowledged, the use of inherent jurisdiction in the EAA review decision becomes problematic. The PPDA Act was not silent. It expressly declared the High Court's appellate decision to be final and conclusive. A residual power intended

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[37] *Attorney General v Joseph Ssemwogerere & 2 Others* [2000] UGHC 90; *Ridge v Baldwin* [1964] AC 40 (HL).

[38] Ssekaana, M., & Ssekaana, S. N. (2007). Civil procedure and practice in Uganda. LawAfrica, pp. 8–12.

[39] *Swanya Limited v Daima Bank Ltd*, Civil Appeal No. 270 of 2001 (Court of Appeal of Kenya, 25 March 2026).

to fill gaps cannot readily be invoked to neutralise a statutory clause that was deliberately inserted to close the process.[40]

6.4 The Narrow Scope of Review Jurisdiction

A third and related difficulty concerns the narrow nature of review under the Civil Procedure Act. Review jurisdiction exists to address procedural irregularities, new evidence not previously available with due diligence, or obvious errors apparent on the face of the record.[41] It is not a disguised appeal. It is not a mechanism for revisiting contested conclusions of fact or law simply because another judge, or even the same judge on reflection, might prefer a different outcome.

Order 46 of the Civil Procedure Rules confines review to three broad grounds: discovery of new and important matter, error apparent on the face of the record, or any other sufficient reason.

Comparative jurisprudence strongly reinforces the restrictive character of that jurisdiction. Kenyan authorities such as National Bank of Kenya Ltd v Ndungu Njau [42], Muyodi v Industrial and Commercial Development Corporation & Another [43], and Prof. Peter Anyang' Nyong'o & Others v Attorney General [44] stress that review is available only where the error is self-evident and not one that requires elaborate argument. Indian jurisprudence, including Patel Narshi Thakershi v Pradyumansinghji Arjunsinghji [45], similarly treats review as a strictly limited power. Ugandan decisions, including Attorney General & Ors v Boniface Byanyima [46], Nyamogo & Nyamogo v Kogo [47], and Faustine Ntambara v Benon Sebujisho [48], emphasise that review cannot be allowed to substitute for appeal and is confined to patent errors that stare one in the face.[424344]

Measured against those standards, the complaints raised in the EAA review applications did not disclose any obvious error apparent on the face of the record. The applicants argued that the Court should have nullified the procurement in its entirety rather than uphold it in part, and that it had mischaracterised the position of one of the parties. Those arguments went to the Court's evaluative judgment and its remedial choice. They were not clerical errors, computational slips, or other patent defects. Even if one considered the appellate conclusions debatable, they were reached after consideration of the evidence and legal arguments. Disagreement with a judge's reasoning does not itself create a reviewable error.[45]

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[40] Public Procurement and Disposal of Public Assets Act (Uganda) s 118(6).

[41] Civil Procedure Act (Uganda), s 82; Civil Procedure Rules (Uganda), O 46.

[42] *National Bank of Kenya Ltd v Ndungu Njau* [1997] eKLR; *Muyodi v Industrial and Commercial Development Corporation & Another* [2006] 1 EA 243; *Prof Peter Anyang' Nyong'o & Others v Attorney General* Civil Appeal No 250 of 2019.

[43] *Patel Narshi Thakershi v Pradyumansinghji Arjunsinghji* AIR 1970 SC 1273.

[44] *Attorney General & Ors v Boniface Byanyima* HCMA No 1789 of 2000; *Nyamogo & Nyamogo v Kogo* {2001} EA 170; *Faustine Ntambara v Benon Sebujisho* (Civil Appeal No 08 of 2021) [2025] UGSC 19.

[45] *Nyamogo & Nyamogo v Kogo* {2001} EA 170.

The subsequent decision to set aside the earlier order and cancel the procurement therefore transformed review into a vehicle for substantive reconsideration of the merits. That result sits uneasily both with the restrictive scope of review jurisdiction and with section 118(6) of the PPDA Act, which declares the High Court's appellate decision final. Where Parliament has decreed finality, a court cannot through review reopen and materially alter its own appellate judgment on contested grounds without blurring the distinction between review and appeal.

The broader comparative lesson is clear. In the United Kingdom, authorities such as Ridge v Baldwin and Halsbury's Laws of England (2021) recognise inherent jurisdiction as a means of preserving procedural fairness, not as a device for reopening final judgments in defiance of statute.[46] Canadian cases such as R v Salituro likewise confirm that residual powers cannot be used to revisit final merits determinations where legislation has closed the process.[47] The EAA decision thus illustrates the practical limits of review jurisdiction. Residual powers may sustain procedural integrity, but they cannot lawfully override statutory finality without unsettling legislative design and appellate certainty.

6.5 Is the decision in Consortium of EAA per incuriam?

The doctrine of per incuriam applies exceptionally where a decision is reached in ignorance of a relevant statutory provision or binding authority. Authorities such as Morelle Ltd v Wakeling [49], Attorney General v Uganda Law Society [50] and Kasule v Ruyonga and Another [51] support treating a decision with caution where it fails to engage a controlling legal rule.[48][49][50]

To the extent that the review ruling of the High Court did not squarely reconcile its asserted review jurisdiction with the statutory finality command in section 118(6), there is a tenable argument that the decision was reached per incuriam. That characterisation is not, however, essential to the article's central thesis. The more significant question concerns the decision's precedential weight and whether its jurisdictional reasoning can be reconciled with the specialised statutory scheme, the express finality imposed by section 118(6), and the limited scope of review jurisdiction of the High Court.

7. The Primacy of Legal Certainty in Public Procurement Governance

Within Uganda's evolving legal and commercial order, the need to prioritise legal certainty over open-ended corrective justice in commercial and administrative disputes is particularly acute. Courts must of course seek fair outcomes, but they must do so within a framework that also values finality, especially where legislation expressly

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46 *Ridge v Baldwin* [1964] AC 40 (HL); *Halsbury's Laws of England* (5th edn, vol 16, 2021) para 120.
47 *R v Salituro* [1991] 3 SCR 654.
48 *Morelle Ltd v Wakeling* [1955] 2 QB 379 at 406.
49 *Attorney General v Uganda Law Society* (Constitutional Appeal No. 1 of 2006)
50 *Kasule v Ruyonga and Another* (Civil Application 692 of 2022) [2024] UGCA 132.

declares that a particular appellate decision is conclusive.[51] In this setting, allowing review powers to supersede statutory finality threatens predictability, weakens confidence in administrative adjudication, and creates uncertainty for economic actors who depend on the stability of judicial outcomes.[52] As O'Regan (2001) [61] observes in examining the relationship between legal change and certainty, the development of legal principles must be considered alongside the importance of stability and predictability in the law.

Foreign and domestic investment, participation in public tenders, and the efficient administration of state projects all depend on a shared understanding that legal rules, once authoritatively settled, will not be indefinitely reopened. The point is not merely that citizens should know what conduct is lawful, but that the law itself should be settled with sufficient authority to guide conduct and institutional behaviour.

Llewellyn's [52] classic account of the common law emphasises that precedent is not a superficial technicality but one of a cluster of steadying factors that keeps appellate reasoning from wandering unpredictably. He showed that a range of institutional pressures, including doctrine, collective judicial reasoning, and shared expectations, help courts produce decisions that are coherent over time rather than subject to every new test or stylistic shift. This idea sits comfortably with the well-recognised judicial instinct to show significant reluctance to depart from settled interpretations, reflecting a deep-seated valuation of certainty and predictability in legal outcomes.

Graham [53] argues that this instinct is not merely theoretical. Even where judges consider a precedent to have been wrongly decided and possess the authority to depart from it, they may nevertheless preserve the existing rule where considerations of reliance, institutional disruption, and systemic coherence outweigh the benefits of doctrinal correction. From a practical standpoint, treating precedent as a stabilising influence rather than as a matter to be reconsidered at every opportunity helps prevent the instability that could erode confidence in the law. This rationale resonates with the doctrine of functus officio and the broader objective of securing finality, certainty, and order in adjudication.

That approach is directly analogous to the intended effect of section 118(6) of the PPDA Act. The aim is not to deny remedies altogether, but to ensure that remedies operate within a structure that eventually reaches closure.

Corrective justice in procurement is itself bounded. A statutory finality clause thus represents a legislative affirmation of this balance. It allows space for challenge and correction within the procurement process but insists that the process must come to an end. When a court elevates case-specific corrective justice over a clear statutory command of finality, even for apparently compelling reasons, it creates systemic risk and undermines stability. Judicial willingness to prioritise case-specific correction over statutory finality may undermine legal certainty and weaken the stabilising function of legislative rules [54, 55, 56]. Such uncertainty could affect bidder confidence, reliance

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[51] Public Procurement and Disposal of Public Assets Act (Uganda), s 118(6).

[52] O'Regan, K. (2001). *Change v. certainty: Precedent under the Constitution*. *South African Law Journal, 117*, 509–532.

on procurement outcomes and orderly public contracting. This article does not empirically establish that those market effects have occurred; the concern advanced is institutional and warrants further empirical study.

In a specialised, time-sensitive, and economically consequential field such as public procurement, judicial restraint in favour of statutory finality is therefore not a denial of justice. Properly understood, it reflects the judiciary's institutional responsibility to preserve a stable and predictable legal order. Corrective justice and legal certainty are not mutually exclusive. Rather, they are best reconciled through fidelity to the statutory framework established by the legislature to balance accountability, efficiency, and conclusiveness.

8. Implications for Public Procurement Practice

The implications of Consortium of EAA extend beyond the doctrinal relationship between review jurisdiction and statutory finality. Public procurement operates within compressed timelines and involves decisions upon which procuring entities, successful bidders and unsuccessful bidders must be able to act. The practical value of a remedies system therefore depends not only upon its capacity to correct unlawful decisions, but also upon an identifiable point at which the process becomes sufficiently settled for procurement and contract implementation to proceed.

For procuring and disposing entities, the decision complicates the assumption that determination of an appeal under section 118 necessarily marks the end of procurement litigation. The consequences in this dispute were significant. The initial High Court judgment cancelled two awards while preserving the procurement, whereas the subsequent review cancelled the entire procurement and all contracts arising from it. The bidding document illustrates why integrity of the procurement record was particularly important. Eligibility, administrative compliance, detailed commercial and technical responsiveness, and financial comparison constituted sequential stages of evaluation, with failure at one stage precluding progression to the next. Evaluation reports, Contracts Committee records, administrative review documents, Tribunal records, and other materials underlying a contested procurement may therefore remain relevant even after determination of the statutory appeal. Procuring and disposing entities should accordingly maintain complete and auditable procurement records and ensure that each bidder's progression through the prescribed evaluation stages can be traced to the methodology, criteria, and documentation contained in the solicitation document.

For bidders, the decision creates uncertainty as to when a procurement outcome may safely be regarded as settled. A successful bidder may have progressed through evaluation and exhausted the statutory remedies process, yet still face alteration of its position if a final High Court judgment is subsequently reopened on review. Conversely, an unsuccessful bidder may perceive review as an additional opportunity to challenge an adverse appellate outcome. Such a possibility risks transforming review from a limited corrective jurisdiction into a further opportunity to revisit the merits, thereby blurring the distinction between review and appeal notwithstanding Parliament's decision to terminate the appellate process at the High Court.

The consequences are particularly significant once contract implementation has commenced. Mobilisation, deployment of personnel, expenditure, and other contractual commitments may follow an award, while the procuring entity may simultaneously depend on uninterrupted performance of the underlying public service. In this case, the bidding document contemplated a one-year framework service requiring inspection infrastructure in Japan and the UAE and transaction-based conformity assessment of used vehicles. UNBS, however, described the contracts challenged in the review proceedings as a stop-gap arrangement pending completion of the main procurement. Reopening the procurement determination therefore had implications extending beyond the immediate litigants, including contractual commitments already undertaken and continuity of the underlying conformity-assessment service.

These implications should not be overstated. This article does not empirically establish that Consortium of EAA has reduced bidder participation, increased procurement costs, or altered bidding behaviour in Uganda, nor can a single judicial decision establish such effects. The argument advanced is narrower. Substantive reconsideration following an apparently final procurement appeal may increase legal and transactional risk, diminish certainty as to when procurement outcomes become settled, and weaken reliance on those outcomes by procuring entities, bidders, and contracting parties. Whether these risks have produced measurable effects on Uganda's public procurement market remains an important question for future empirical research.

9. Reform Options and Proposed Amendment to Section 118(6) of the PPDA Act

The uncertainty exposed by Consortium of EAA may be addressed through judicial clarification or legislative intervention. A subsequent court could distinguish the decision and reaffirm that the general review jurisdiction under the Civil Procedure Act cannot be invoked to reopen a decision made in exercise of the specialised appellate jurisdiction conferred by section 118 of the PPDA Act. Legislative clarification would, however, provide the more definitive solution because the present provision expressly excludes a further appeal but does not address substantive review by the same court in equally explicit terms.

If Parliament intends a High Court decision under section 118 to constitute the substantive end-point of the procurement remedies process, section 118(6) could be amended and a new subsection (7) inserted as follows:

"(6) A decision or order of the High Court made under this section shall be final and conclusive and shall not be subject to appeal to any other court or to review by the High Court.

(7) Notwithstanding subsection (6), the High Court may correct a clerical or arithmetical mistake in a decision or order made under this section, or any error arising from an accidental slip or omission, but shall not, in making such correction, reconsider the merits of the appeal or vary the substantive determination of the Court."

The proposed formulation deliberately distinguishes substantive review from correction of the record. The latter is consistent with the slip-rule jurisdiction recognised under section 99 of the Civil Procedure Act and ordinarily does not permit reconsideration of the merits. The distinction is particularly important in Consortium of

EAA because the review did not merely correct the formal expression of the appellate judgment. It altered the substantive procurement outcome from cancellation of two awards to cancellation of the entire procurement and the contracts arising from it.

The Public Procurement and Disposal of Public Assets Authority and the Uganda Law Reform Commission should therefore consider the interaction between section 118 and the general civil procedure framework in any future reform of Uganda's procurement remedies system. Legislative clarification could be complemented by specialised judicial education on statutory finality, review jurisdiction, and appeals from expert tribunals. The objective is not to insulate procurement decisions from judicial scrutiny, but to ensure that such scrutiny occurs within clearly defined statutory boundaries and reaches an identifiable point of finality.

10. Conclusion

This article has examined the tension exposed by Consortium of EAA Company Ltd v Quality Inspection Services Inc Japan between corrective justice and statutory finality in Uganda's public procurement remedies framework. Although the High Court identified genuine concerns with the procurement evaluation, the anterior question was whether those concerns could lawfully be addressed by substantively reviewing a judgment rendered under a specialised statutory appellate jurisdiction whose decision Parliament had declared final and conclusive. The better view advanced here is that section 118(6) precluded recourse to the general review jurisdiction to the extent that it entailed substantive reconsideration of the final appellate determination.

The difficulty with the review ruling lies in the jurisdictional means by which correction was achieved. Review is a limited corrective jurisdiction, not a further appeal. Yet the review altered the substantive outcome from cancellation of two awards to cancellation of the entire procurement and the contracts arising from it, thereby blurring the distinction between correction of a patent error and reconsideration of the merits of a final appeal.

The implications extend beyond civil procedure. Public procurement is time-sensitive and commercially consequential, and entities, bidders, and contracting parties require an identifiable point at which litigation ends. This article does not establish that Consortium of EAA has reduced bidder participation or increased procurement costs. Its narrower claim is that uncertainty over the endpoint of the remedies process increases legal and transactional risk and may weaken reliance on procurement outcomes.

Legislative clarification therefore offers the preferable response. Section 118(6) should be amended expressly to exclude substantive review while preserving the limited power to correct clerical, arithmetical, and accidental errors. The Public Procurement and Disposal of Public Assets Authority and the Uganda Law Reform Commission should consider such an amendment, complemented by specialised judicial education on procurement appeals and statutory finality. This would preserve meaningful judicial scrutiny while ensuring that Uganda's public procurement remedies framework reaches a clear and predictable point of legal closure.

References

[1] Public Procurement and Disposal of Public Assets Act, Cap. 205 (Laws of Uganda).
[2] Public Procurement and Disposal of Public Assets (Amendment) Act, 2021 (Uganda).
[3] Consortium of EAA Company Limited & East Africa Auto Technical Testing & Another v. Quality Inspection Services Inc Japan & Another, Misc. Appl. Nos. 1048 & 1109 of 2024, [2024] UGHCCD 201 (Uganda High Court Civil Division, November 20, 2024).
[4] Civil Procedure Act, Cap. 282 (Laws of Uganda).
[5] Civil Procedure Rules, S.I. 71–1 (Laws of Uganda).
[6] Judicature Act, Cap. 13 (Laws of Uganda).
[7] Constitution of the Republic of Uganda, 1995.
[8] Erimiya Serunkuma v. Elizabeth Nandyose [1959] E.A. 127.
[9] Amiri Ntambi v. Alideki Jumbi (2) [1959] E.A. 129 (U.).
[10] R v. Joswa M. Kivu (1942). 9 E.A.C.A. 82.
[11] Ssekaana, M., & Ssekaana, S. N. (2007). Civil procedure and practice in Uganda. LawAfrica.
[12] Garner, B. A. (Ed.). (2009). Black's law dictionary (9th ed.). West.
[13] Osborn, P. G. (2013). Osborn's concise law dictionary (11th ed.). Sweet & Maxwell.
[14] Halsbury's laws of England (Vol. 96). (2012). LexisNexis.
[15] R v. Horsham Justices, ex parte Farquharson [1982] Q.B. 762.
[16] Seward v. The Vera Cruz (1884). 10 App. Cas. 59 (HL).
[17] Blackpool Corporation v. Starr Estate Co Ltd [1922] A.C. 27 (HL).
[18] Kasibante Robert v. Yoweri Kaguta Museveni Tibuhaburwa & Others, Presidential Election Application No. 3 of 2026, [2026] UGSC 7 (Supreme Court of Uganda).
[19] Ellen Street Estates Ltd v. Minister of Health [1934] 1 K.B. 590 (Eng. C.A.).
[20] Hamnett v. Essex County Council [2017] EWCA Civ 6 (Eng. C.A., January 18, 2017).
[21] Thoburn v. Sunderland City Council [2002] EWHC 195 (Admin), [2003] Q.B. 151 (Eng. H.C.).
[22] Bennion, F. A. R. (2013). Statutory interpretation (6th ed.). LexisNexis.
[23] Investors Compensation Scheme Ltd v. West Bromwich Building Society [1998] 1 W.L.R. 896 (HL).
[24] Re Gilmour's Application [1957] 1 Q.B. 498 (CA).
[25] Anisminic Ltd v. Foreign Compensation Commission [1969] 2 A.C. 147 (HL).
[26] R v. Secretary of State for the Home Department, ex parte Fire Brigades Union [1995] 2 A.C. 513 (HL).
[27] Boddington v. British Transport Police [1999] 2 A.C. 143 (HL).
[28] Chandler v. Alberta Association of Architects [1989] 2 S.C.R. 848 (SCC).
[29] Canada (Attorney General) v. Public Service Alliance of Canada [1991] 1 S.C.R. 941 (SCC).
[30] Labourers' International Union of North America v. Carpenters and Allied Workers, 2006 CanLII 25259 (ON CA).

[31] Dunsmuir v. New Brunswick, 2008 SCC 9, [2008] 1 S.C.R. 190.
[32] Ontario (Energy Board) v. Ontario Power Generation Inc., 2015 SCC 44, [2015] 3 S.C.R. 147 (SCC).
[33] Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, [2019] 4 S.C.R. 653.
[34] Uganda National Bureau of Standards. (2023). Bidding document for framework contracts for the provision of pre-export verification of conformity to standards—Service providers for used motor vehicles for a period of one year (Procurement Ref. UNBS/NCONS/2023–2024/00052).
[35] Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations, 2022, S.I. No. 112 of 2022 (Uganda).
[36] Quality Inspection Services Inc–Japan v. Uganda National Bureau of Standards & 2 Others, Application No. 9 of 2024, [2024] UGPPDPAAT 10 (Public Procurement and Disposal of Public Assets Appeals Tribunal, March 11, 2024).
[37] Quality Inspection Services Inc. Japan v. Uganda National Bureau of Standards (UNBS) & 2 Others, Civil Appeal No. 37 of 2024, [2024] UGHCCD 157 (Uganda High Court Civil Division, October 4, 2024).
[38] Swanya Limited v. Daima Bank Ltd., Civil Appeal No. 270 of 2001 (Court of Appeal of Kenya, March 25, 2026).
[39] Ridge v. Baldwin [1964] A.C. 40 (HL).
[40] Halsbury's laws of England (5th ed., Vol. 16). (2021). LexisNexis.
[41] R v. Salituro, 1991 CanLII 75 (SCC), [1991] 3 S.C.R. 654.
[42] National Bank of Kenya Ltd v. Ndungu Njau [1997] eKLR (High Court of Kenya).
[43] Muyodi v. Industrial and Commercial Development Corporation & Another [2006] 1 E.A. 243.
[44] Prof. Peter Anyang' Nyong'o & Others v. Attorney General, Civil Appeal No. 250 of 2019 (Kenya Court of Appeal).
[45] Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji, AIR 1970 SC 1273 (Supreme Court of India).
[46] Attorney General & Ors v. Boniface Byanyima, HCMA No. 1789 of 2000 (Uganda High Court).
[47] Nyamogo & Nyamogo v. Kogo [2001] E.A. 170.
[48] Faustine Ntambara v. Benon Sebujisho, Civil Appeal No. 08 of 2021, [2025] UGSC 19.
[49] Morelle Ltd v. Wakeling [1955] 2 Q.B. 379 (Eng. C.A.).
[50] Attorney General v. Uganda Law Society, Constitutional Appeal No. 1 of 2006 (Uganda Supreme Court).
[51] Kasule v. Ruyonga & Another, Civil Application No. 692 of 2022, [2024] UGCA 132 (Uganda Court of Appeal).
[52] Llewellyn, K. N. (1960). The common law tradition: Deciding appeals. Little, Brown & Co.
[53] Graham, L. (2025). Following wrongly decided precedent. King's Law Journal, 36: 1–20.

[54] Graham, L. (2023). Strong decisions and stare decisis in co-ordinate courts. King's Law Journal, 35(2): 224–251.
[55] Lewis, S. (2024). Stare decisis and equitable power. Law and Philosophy, 43(1): 1–30.
[56] Sumption, J. (2019). Trials of the state: Law and the decline of politics. Profile Books.
[57] Attorney General v. Joseph Ssemwogerere & 2 Others [2000] UGHC 90.
[58] Bagaric, M. (2013). Problem-based legal research. Legal Education Digest, (41).
[59] Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. Deakin Law Review, 17(1): 83–119.
[60] Kiiza v. Uganda, Miscellaneous Application No. 118 of 2025, [2025] UGHCCRD 15 (Uganda High Court, April 4, 2025).
[61] O'Regan, K. (2001). Change v. certainty: Precedent under the Constitution. South African Law Journal, 117: 509–532.
[62] Toronto (City) v. CUPE, Local 79, 2003 SCC 63, [2003] 3 S.C.R. 77.
[63] Seyani Brothers & Co (U) Ltd v Roko Construction Limited (Civil Appeal No 259 of 2019) [2026] UGCA 148 (17 April 2026), 7.

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INSTITUTIONAL COMPLEXITY AND HYBRID LOGICS IN PUBLIC PROCUREMENT GOVERNANCE

Joseph M. Ntayi, Nabiira Nantongo, Isabella Izimba Kasiko., Beatrice Nyakeishiki, Sheila Namagembe, Benon Muhumuza Nabimanya*

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Abstract

Modern public procurement requires organisations to reconcile competing logics of efficiency, transparency, accountability, sustainability and socio-economic development. This paper uses a theory-building systematic literature review and conceptual analysis to integrate institutional complexity theory, institutional logics, hybrid governance and public procurement governance. It develops a configurational model in which the centrality and compatibility of competing logics shape governance mechanisms and procurement outcomes. The synthesis identifies proceduralization, selective coupling, structural differentiation and relational governance as adaptive responses that mediate the effects of institutional complexity. These mechanisms produce multidimensional outcomes involving trade-offs among efficiency, legitimacy and innovation; when appropriately managed, institutional complexity can also enhance specification quality, legitimacy and public value. The framework contributes to institutional complexity research by operationalising logic configurations and explaining how alignment between institutional conditions and governance mechanisms affects organisational effectiveness. It also offers a basis for future empirical testing and for designing adaptive procurement governance arrangements that accommodate institutional plurality.

Keywords:

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* *Joseph M. Ntayi is affiliated with the Department of Procurement and Supply Chain Management, Makerere University Business School, Kampala, Uganda. Nabiira Nantongo, Isabella Izimba Kasiko, Beatrice Nyakeishiki, and Sheila Namagembe are affiliated with the Department of Transport and Logistics Management at the same institution. Benon Muhumuza Nabimanya is affiliated with the Department of Marketing and Management, Makerere University Business School–Mbarara Campus, Uganda. The corresponding author is Isabella Izimba Kasiko (email: ikasiko@mubs.ac.ug).*

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Institutional complexity; institutional logics; hybrid governance; public procurement governance; configurational theory; public value

1. Introduction

Traditionally viewed as a domain of routine procedures, compliance activities, and cost minimisation, public procurement has evolved into a complex governance domain characterised by numerous and sometimes conflicting institutional demands. Modern procurement systems are evaluated not only for efficiency and price but also for their ability to ensure transparency, integrity, sustainability, social inclusion, and socio-economic development. In other words, contemporary procurement is positioned at the core of institutional complexity, in which actors operate within institutional environments characterised by competing institutional logics [1,2].

Under such conditions, procurement governance cannot be analysed using traditional tools that rely on single-goal approaches, technocratic solutions, and simplistic evaluations. Conversely, procurement systems should be conceptualised as dynamic interactions involving different value systems and evaluative standards [3]. The contemporary procurement governance paradigm emphasises the multi-value character of its processes, implying that different value dimensions coexist, compete, and shape one another in complex and subtle ways. Thus, actors engaged in procurement governance are facing constant value conflicts rather than occasional contradictions between policies or objectives.

One of the crucial contributions to the conceptual discussion is the notion of enduring procurement dilemmas, including tensions between decentralised governance and accountability, anti-corruption measures and administrative flexibility, and open competition and best-value considerations [4]. These dilemmas show that public procurement is characterised by persistent value conflicts rather than isolated policy tensions [5]. From the standpoint of institutional logics, such procurement dilemmas reflect the inherent diversity of multiple rationalities associated with different stakeholder interests and value preferences.

Recent emphasis on sustainability, social inclusion, and socio-economic development further complicates this situation. Policy frameworks that introduce social and environmental criteria or domestic preference policies into procurement systems constitute another layer of institutional logics, thereby further complicating the institutional landscape. As a result, procurement organisations are required to create hybrid forms of governance that combine elements of different logics, such as rule-compliance and relational contracting, or competitive bidding and social value scoring [6].

Organisational theory indicates that hybrid governance does not imply a transitional state in response to institutional pluralism. Pache & Santos [7] and Reay & Hinings [8] argue that organisations exposed to highly central and mutually incompatible logics develop sophisticated mechanisms, such as selective coupling, structural differentiation, and proceduralization, to sustain their legitimacy with different audiences. The study supports this perspective by showing how procurement organisations implement hybrid logics through specific policies and procedures.

Although institutional plurality and complexity have become increasingly discussed in public procurement literature, consensus remains limited. Most papers address isolated aspects of public procurement governance without providing a theoretical grounding for a holistic consideration of the subject. There is a lack of studies addressing institutional logics, hybridity, and mediating mechanisms in public procurement which represents a substantial research gap, which hinders further developments in theoretical and policy discussions.

This work is intended to be a systematic literature review aimed at theory development, rather than an empirical study on institutional complexity in procurement firms. As such, its contributions are mainly conceptual and programmatic; the paper draws together the various disparate strands of literature and theory, proposes testable variables, suggests some relationships between these variables, and indicates ways in which future research can employ these suggestions empirically to prove or disprove them. Therefore, this paper aims to develop an advanced framework to explain how competing institutional logics are managed in public procurement. The paper presents a systematic literature review of empirical evidence on the interaction between institutional complexity and public procurement governance, based on an extended version of the literature synthesis. By drawing on theoretical insights from the literature on institutional complexity, the paper seeks to reposition procurement governance as a multi-value governance domain.

2. Literature review and theoretical foundations

2.1 Institutional complexity in public procurement governance

Institutional complexity serves as a key conceptual lens for studying the evolution of public procurement governance. Institutional complexity is defined as the exposure of organisations to multiple institutional logics that impose divergent, and sometimes even contradictory, prescriptions [1]. In modern public procurement, institutions require organisations operating in this domain to ensure efficiency, transparency, accountability, sustainability, and socio-economic development. As indicated by the literature synthesis, procurement organisations face the challenge of handling multiple prescriptions to action coming from multiple institutional logics.

Another important aspect of institutional complexity that deserves consideration is the distinction between centrality and compatibility of different logics [2]. The former refers to the extent to which several institutional logics play a significant role in organisational functioning. Meanwhile, the latter reflects the extent to which logics are compatible with each other. In public procurement, both dimensions of institutional complexity are high: multiple logics are central due to the regulatory environment, and these logics are often incompatible. In such conditions, organisations are forced to use highly complicated mechanisms to handle institutional tensions.

According to the theory of institutional complexity, organisations do not choose among competing logics but operate within conditions of institutional plurality. Furthermore, it is unlikely for an organisation to fully reconcile competing value systems. In public procurement, the situation becomes even more complicated since actors involved in the governance process evaluate outcomes of different processes

according to different criteria, thereby making procurement decisions complex and value-driven. Based on the literature synthesis, the notion of multi-value governance becomes more pronounced when procurement organisations evaluate the interests of multiple actors simultaneously.

2.2 Institutional logics and competing value systems

Institutional logics are conceptualised as socially constructed belief systems that define legitimate purposes, goals, practices, and criteria of evaluation for a given organisation [9]. In public procurement, at least five institutional logics are recognized; market efficiency, bureaucratic-legal probity, democratic accountability, sustainability stewardship, and developmental or industrial policy orientation. These are implemented through specific procurement rules and evaluation criteria, embedding value systems into institutional mechanisms of public procurement.

Modern literature on public procurement pays increasingly greater attention to the problem of competing value systems. Notably, McCue et al. [4] discuss procurement dilemmas, including tensions between flexibility and accountability, and between competition and best value. These dilemmas align well with institutional logics, implying that different evaluative criteria and norms yield divergent recommendations regarding specific procurement processes and their outcomes [10]. For instance, different value logics prescribe a variety of actions depending on their specific features.

Importantly, competing logics are not fixed; rather, they evolve due to new policies and institutional changes. For example, integrating sustainability and social criteria into procurement systems enhances the role of institutional logics beyond market efficiency, generating additional complexity for organisations and their governance arrangements. In addition, as shown in the literature synthesis, policy interventions require public procurement organisations to address different institutional demands.

2.3 Hybrid governance and organisational responses

Organisational responses to institutional complexity involve the creation of hybrid forms of governance, wherein elements of multiple logics are combined to provide an organisation with legitimacy across different actors and groups. According to Pache & Santos [7], organisations use mechanisms such as selective coupling, structural differentiation, proceduralization, and relational governance to address competing logics.

Selective coupling refers to keeping elements of several logics inside the organisational structure and governance process [11]. For instance, a procurement organisation might implement hybrid forms of governance by adopting rule-based procedures and relational contract management. Structural differentiation entails the separation of competing logics into distinct organisational units or tracks, enabling different responses to different actors and value systems. Proceduralization involves standardisation and rule-based control, whereas relational governance is characterised by informal procedures and high levels of trust between the parties.

In public procurement, illustrative examples include hybrid mechanisms introduced by public organisations and policies. For instance, competitive bidding is

used alongside other mechanisms, such as social value evaluation or domestic preference policies, which are implemented within the framework of EU procurement directives. Such hybrid arrangements are necessary for organisations, as they allow them to respond to multiple, competing institutional demands rather than trying to fully reconcile them.

2.4 Mechanisms linking institutional logics to procurement outcomes

Modern literature on institutional logics identifies specific mechanisms that facilitate their impacts on organizational processes and outcomes. As noted by scholars, institutional logics indirectly influence outcomes by affecting intermediate variables. Empirical research shows that institutional logics positively affect perceived organisational legitimacy and, therefore, influence positive organisational outcomes (e.g., specification quality) [12].

From the standpoint of the literature synthesis, identified mechanisms relate to the role of organisational arrangements and actions in mediating the influence of institutional complexity. For instance, multi-legitimacy enables a reduction in disputes between actors and greater alignment with the interests of various stakeholders. In contrast, proceduralization helps increase organisational accountability but tends to raise transaction costs and lengthen procurement processes. Likewise, relational governance leads to greater organisational adaptability and problem-solving capabilities, albeit at the risk of compromising legitimacy.

2.5 Synthesis and implications for systematic review

Based on a comprehensive review of modern literature, one can conclude that procurement governance is essentially characterised by institutional complexity. However, contemporary research in the field remains fragmented, failing to offer an integrated perspective on the topic. Organisational theory literature presents a number of concepts and models useful for understanding and handling institutional complexity. Conversely, modern literature on procurement governance lacks an adequate theoretical basis and tends to focus on concrete problems or operational processes.

The main goal of this paper is to address the aforementioned gap by integrating theory and practice to develop an advanced framework for explaining the relationship between institutional complexity and procurement governance. In this connection, the literature synthesis provides several theoretical insights that are helpful in developing an analytical framework to guide the literature review. Building on the preceding sections, the following section presents the research methodology employed in the current study.

3. Research methodology

3.1 Research design as Theory-building synthesis

The research uses the methodological framework of a theory-building systematic literature review in order to build a configuration theory of public procurement governance rather than empirically test a theoretical proposition. While systematic literature reviews have become increasingly popular in the field of public

administration and operations management, many articles rely on the mere consolidation of literature rather than providing an explanation for the phenomenon in question [13]. In this case, the current study applies the theory-building and theory-integration logic of a systematic literature review, which involves interpreting and recombining previously developed constructs to explain how specific phenomena operate. First, this research assumes that procurement systems are characterised by inherent institutional complexity involving the coexistence of at least four logics (i.e., efficiency, legality, accountability, and socio-political value). Second, it is important to note that modern literature fails to explain how competing institutional logics impact organisational governance and outcomes. The mainstream structural perspective focuses on organisational conflict [1], while contingency theories emphasise institutional centrality and compatibility [2]. The agency perspective stresses the importance of organisational responses, including selective coupling [7].

Based on the analysis in the preceding sections, it can be concluded that modern literature lacks a comprehensive understanding of institutional complexity in public procurement and its effects on organisational governance arrangements and outcomes. Therefore, this study attempts to overcome this limitation by integrating multiple perspectives into an advanced model and linking institutional conditions, governance mechanisms, and organisational performance.

3.2 Search strategy and theoretical boundary construction

Following the recommendations in existing systematic literature review guidelines, the literature search strategy was designed as an iterative, theory-sensitive process rather than a purely technical activity [13]. Keyword search was supplemented with backward/forward citation searching to identify relevant articles. Core keywords included the following: institutional complexity, institutional logics, hybrid governance, and public procurement.

A variety of databases, including Scopus, Web of Science, ScienceDirect, and Google Scholar, were searched for relevant literature. These databases were selected because they cover topics like procurement, public administration, organization theory, and management in their entirety. The choice of search strategy is driven by the fact that the current project aims to make a theoretical contribution to a specific scientific problem, which implies that the search should be both comprehensive and theoretically sensitive. In particular, it is essential to consider seminal papers that might be used to build an advanced framework, such as Greenwood et al. [1], Besharov & Smith [2], and Pache & Santos [7].

The key search strings used procurement and institutional theory concepts in combination using Boolean operators, such as: “public procurement” AND “institutional complexity”; “public procurement” AND “institutional logics”; “procurement governance” AND “hybrid governance”; “public procurement” AND “public value”; “institutional complexity” AND “governance mechanisms”; and “competing logics” AND “public administration.” Backwards and forwards citation chasing was then applied to uncover seminal works not included in the databases. In addition, the choice of policy frameworks plays an important role in the development

and implementation of theoretical constructs. Specifically, legal documents such as EU procurement directives and social value legislation inform the consideration of mechanisms for implementing institutional logics in practice [14].

3.3 Study selection and theoretical filtering

The study selection process relied on theory-based filters rather than technical ones. Studies were considered if they provided conceptual, empirical, and/or methodological insights into the problem under discussion, including multi-logic and multi-institutional governance contexts. Exclusions were made for studies that were irrelevant, lacked conceptual foundations, or focused on private-sector procurement without transferable findings.

It is important to emphasise that one of the most relevant works used in this research is McCue et al. [4], wherein procurement dilemmas are discussed as value systems. The considered paper allows for emphasising the main idea of the current study, namely that procurement systems are characterised by multi-value complexity that should be considered as the basis of organisational responses and performance.

PRISMA flow diagram for theory-building SLR

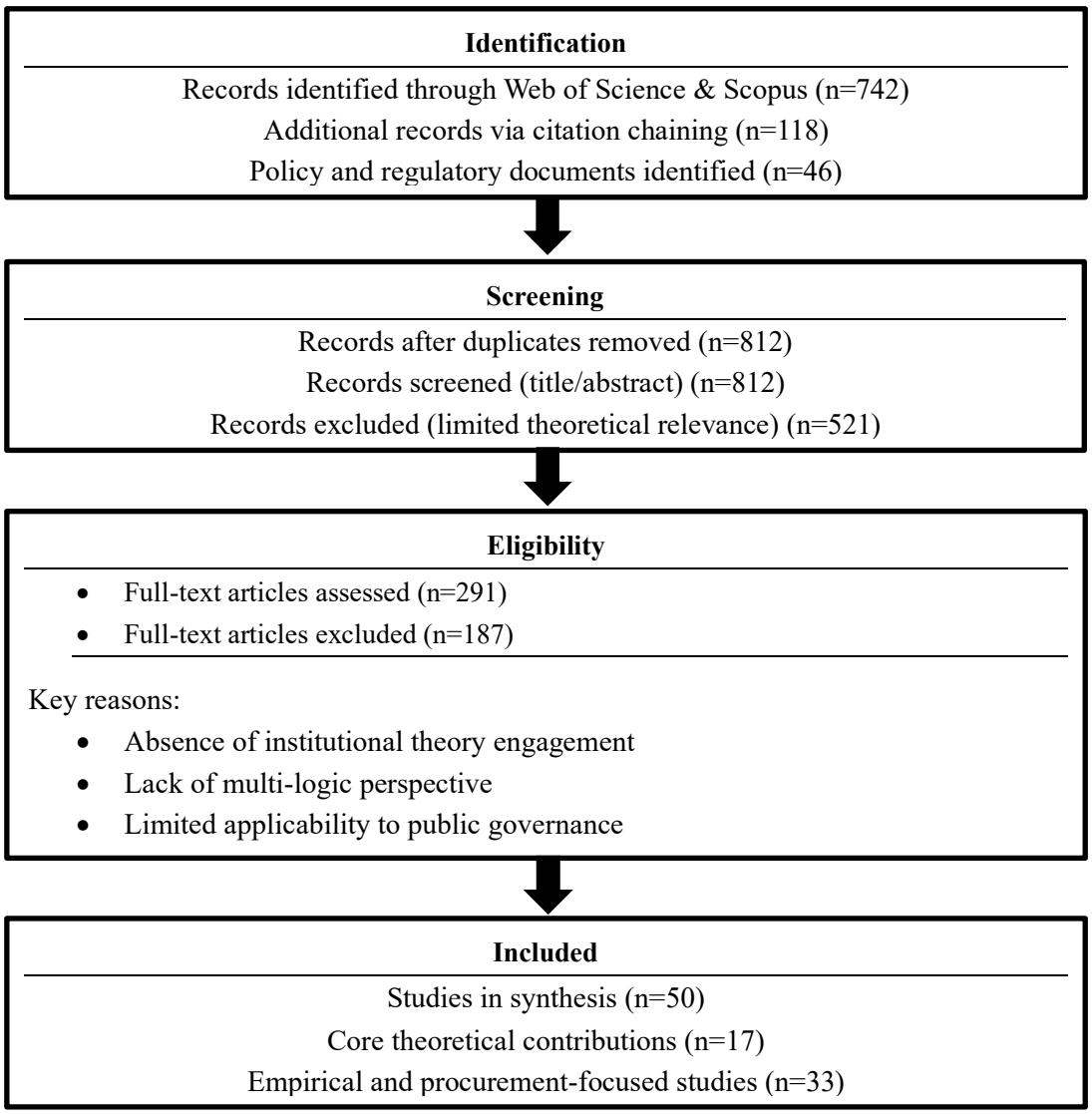


Figure 1. PRISMA flow diagram for theory-building SLR

The screening process was carried out in three stages. Firstly, the titles and abstracts were examined for relevance to institutional complexity, institutional logics, public procurement, public administration, or governance mechanisms. Secondly, each full paper was judged against four criteria as follows: (a) involvement with institutional, governance, procurement, public value, or organisation theory; (b) relevance to multi-logic or multi-value governance; (c) conceptual or empirical relevance to governance responses, hybridity, legitimacy, accountability, efficiency, or public value; and (d) transferability to public procurement governance. Papers that were dealing only with private sector buying, lacking theoretical substance, and not addressing any aspects of institutional or governance mechanisms were excluded. Coding relied on a theory-driven framework with categories including institutional context, governance responses, mediating mechanisms, outcome dimensions, and contextual boundary conditions. Two independent coders performed the coding; any inconsistencies were resolved through discussion and re-reading the papers.

In such a way, the empirical richness and theoretical depth of the data set can be ensured.

Coding relied on a theory-driven framework based on the literature of institutional complexity and public procurement governance. The articles have been classified according to the following categories: (a) institutional context (centrality and compatibility of logics); (b) governance responses (proceduralization, selective coupling, structural differentiation, relational governance); (c) mediating mechanisms (legitimacy, stewardship, transparency, transaction costs); (d) procurement outcomes (efficiency, integrity, innovation, sustainability, public value); and (e) contextual/boundary conditions. All decisions made in the process were cross-checked by the team, and any inconsistencies were resolved through discussions and re-reading of the sources.

3.4 Data extraction and a mechanism-oriented analytical framework

In this way, data extraction focuses on identifying the theoretical and causal dimensions of each study, namely, its conceptual context, institutional logics identified, governance responses made, and reported results. In contrast to descriptive coding, such a process seeks to uncover generative mechanisms.

This research is based on two core dimensions of institutional analysis: centrality and compatibility [2]. Although these variables can often be considered outcomes of institutional conflict, this study treats them as antecedents that affect the intensity and type of tensions.

Accordingly, building on ideas presented by Pache and Santos [7] and Reay & Hinings [8], governance responses are viewed in terms of institutional mediation mechanisms, namely, selective coupling, structural differentiation, proceduralization, and relational governance.

3.5 Operationalization of core constructs

The core framework constructs are expressed as observable characteristics so that they can be tested in future procurement governance research.

Institutional Centrality: How a particular logic informs procurement decisions. It is observable based on laws, policies, evaluation criteria, budgeting requirements, auditing requirements, and stakeholder demands.

Institutional Compatibility: Whether logics complement each other or conflict. Conflicts can be observed in the case of cost versus social value trade-off, transparency versus flexibility trade-off, competition versus supplier development trade-off, and compliance versus innovation trade-off.

Institutional Complexity: Several institutionally centred logics, which are partially compatible with each other. This construct can be evaluated by the number of active logics, authority level, conflicting goals and discretion.

Selective Coupling: Mixing elements from various logics in a single procurement governance arrangement (for instance, open competitions together with social value scoring).

Proceduralization: Application of formal rules, documentation, approvals, auditing and SOPs in order to ensure accountability and decrease ambiguity.

Structural Differentiation: Division of incompatible logics into separate units, committees, stages, tracks.

Relational Governance: Trust-based coordination, supplier interaction, collaborative problem-solving, framework agreements and contract management.

The procurement outcomes are multi-dimensional, including efficiency, integrity, legitimacy, innovation, sustainability, supplier involvement, specification and public value. These measures allow empirical research using case study, configurational analysis, survey, document analysis and other methods.

3.6 Integrative Synthesis and Evidence-Based Theory Building

Synthesising the information through the lens of comparative logic implies a consistent connection among theoretical perspectives, findings, and governance implications. Through an iterative process of comparing different pieces of literature, one can uncover consistent patterns and causal relationships necessary for explaining procurement practices.

One of the major contributions of this study is a synthesis of fragmented theories into a single, coherent model that explains the relationships among institutional conditions, mediating mechanisms, and the outcomes of public procurement. Such a synthesis relies on a sound evidence base, which is described in the following table.

3.7 Evidence synthesis table

Table 1: Evidence synthesis table

Authors	Year	Theoretical lens	Methodology	Key findings	Theoretical contribution to this study	Relevance to procurement governance
Greenwood et al.	2011	Institutional complexity	Integrative review	Organisations face incompatible prescriptions from multiple logics	Establishes the structural basis of institutional conflict	Frames procurement as inherently multi-logic and tension-laden
Besharov & Smith	2014	Logic centrality & compatibility	Theory-building	Conflict varies by centrality and compatibility	Provides core explanatory dimensions for modelling institutional conditions	Enables operationalisation of procurement complexity
Pache & Santos	2013	Hybrid organizations	Comparative case study	Selective coupling enables coexistence of competing logics	Introduces mechanisms of institutional mediation	Explains hybrid procurement practices balancing compliance and flexibility
Reay & Hinings	2009	Competing institutional logics	Longitudinal field study	Logics can coexist through collaboration	Highlights relational governance as a stabilizing mechanism	Relevant for long-term procurement systems and inter-organizational coordination
Skelcher & Smith	2015	Public sector hybridity	Conceptual	Hybrids arise from plural normative pressures	Extends hybridity to public governance contexts	Supports conceptualization of procurement as hybrid governance
McCue et al.	2015	Procurement dilemmas as competing values	Delphi-informed synthesis	Identifies enduring procurement tensions	Translates institutional logics into domain-specific dilemmas	Anchors procurement governance in competing value systems
Nantongo et al.	2024	Institutional logics &	Quantitative	Logics improve	Empirically links	Demonstrates impact on

Authors	Year	Theoretical lens	Methodology	Key findings	Theoretical contribution to this study	Relevance to procurement governance
		performance outcomes		legitimacy and stewardship	institutional logics to measurable outcomes	procurement quality and accountability
Tadelis	2012	Economic governance & regulation	Conceptual	Regulation constrains flexibility but ensures accountability	Connects economic and institutional perspectives	Explains efficiency-compliance trade-offs in procurement
Malacina et al.	2022	Procurement value creation	Systematic review	Procurement generates multi-dimensional value	Expands outcome space beyond efficiency	Supports multi-value evaluation of procurement outcomes
Mzenzi & Gaspar	2022	Competing logics in public governance	Mixed methods	Governance practices shaped by competing logics	Demonstrates context-specific coping mechanisms	Provides empirical grounding for governance responses in public entities

Source: Synthesised and extended from the cited literature.

3.8 Validity, reliability, and theoretical limitations

The soundness of the current research is ensured by a clear methodology, a rigorous approach, and a coherent alignment of theoretical ideas, empirical evidence, and analysis. Construct validity is enhanced by triangulation through different sources, theoretical, empirical, and policy-related, while internal validity is supported by the applicability of existing institutional frameworks.

However, as with any systematic literature review, there are certain limitations to consider. One is that synthesis and interpretation are subjective processes; the second is that causal inference from secondary data is limited.

Nevertheless, such limitations are inherent in any theoretical study and present opportunities for further research.

3.9 Methodological contribution

This study is valuable for advancing the methodology of systematic literature review by using it as a framework for theory construction. This study illustrates the potential for merging different theoretical perspectives, namely structural, contingency, and agency, in order to develop comprehensive models of explanation.

4. Theory development and propositions

4.1 From institutional plurality to configurational governance outcomes

Current theoretical studies suggest that institutions play an increasingly important role in determining organizational behavior since contemporary organizations operate under conditions of institutional plurality, wherein multiple institutional logics co-exist, each imposing their own prescriptions for organizational activities [1,9]. However, one significant limitation of the current literature in this area relates to treating institutional complexity as a static feature and ignoring its dynamic and configurational aspects. Specifically, the current study attempts to fill this research gap by suggesting a processual framework for explaining procurement governance outcomes.

In contrast to simple models of additive relationships between variables, this study argues that procurement governance represents a layered and complicated system, in which institutional logics do not have direct impact on the outcome of the process but shape the repertoire of governance responses, which determine the outcome of the process through certain mechanisms, namely legitimacy construction, transaction-cost reduction, and information structuring. In other words, procurement governance must be viewed as a negotiation of various values, rather than an exercise in technical optimization.

The current study adds to Greenwood et al. [1] by providing an explanation for translating the institutional complexity into organizational performance outcomes and builds upon Besharov & Smith [2] through introducing configurational and causal elements.

The propositions have been developed theoretically and are empirically testable rather than being validated empirical findings. They form the research agenda for the future. Approach to testing: configurational propositions through qualitative comparative analysis, meditational propositions through survey-based SEM or regression-based mediation, and processual propositions through comparative case studies or ethnography.

4.2 Institutional conditions and the intensity of complexity

The intensity of institutional complexity is defined in relation to configuration of institutional logics, including dimensions of centrality and compatibility [2]. Centrality denotes how important particular logics are for organizational operations and processes, while compatibility refers to whether or not institutional logics prescribe identical actions to organizations.

In relation to procurement governance, the centrality of institutional logics is especially pronounced due to the variety of legal mandates and political goals to which organizational decisions and actions are expected to conform. When several logics, e.g., efficiency, transparency, and social value, are highly central but offer different evaluation criteria, the intensity of institutional complexity is very high. However, if logics are either less important or compatible, such as sustainability and life-cycle cost efficiency, then complexity is lower.

This framework allows treating institutional complexity as a continuous construct that can be compared across contexts and even operationalized empirically. Indeed, the evidence collected for the report emphasizes that procurement systems are inevitably subjected to overlapping imperatives in regulatory, economic, and socio-political spheres.

Proposition 1 (P1). The intensity of institutional complexity in procurement governance increases when the joint intensity of logic centrality and lack of compatibility is higher. Future studies may test P1 by measuring the number, centrality, and compatibility of procurement logics across agencies or procurement categories.

4.3 Institutional complexity as a source of hybrid governance responses

In case of very high institutional complexity, organizations are unable to rely on passive implementation of prescriptions offered by institutions. Instead, they are compelled to employ interpretation and structure as means of managing complex situations [7,8]. Such governance responses may be best characterised as hybrids, which represent a combination of elements from several logics in order to provide organizational legitimacy.

Such reorientation of procurement governance from efficiency towards institutional embedding offers a valuable opportunity for further development of theory. It implies that procurement governance does not depend on pre-defined procedures but on active combinations of different institutional elements into coherent arrangements. The attached literature synthesis shows that such governance arrangements can range from using competitive tendering and social value scoring simultaneously to integrating compliance procedures and relational contracting.

Proposition 2 (P2). Higher levels of institutional complexity lead to increased usage of hybrid governance responses by organisations. Future studies may test P2 through comparative case studies examining whether agencies facing higher institutional complexity adopt more hybrid governance arrangements.

4.4 Contingency and differentiation of governance mechanisms

One key contribution to the existing theory of procurement governance offered by the current literature synthesis is a recognition of the contingency of governance responses, which vary significantly depending on the configuration of institutional logics and the extent of their compatibility. Different levels of compatibility among institutional logics require different governance mechanisms.

Very high incompatibility requires the proceduralization of governance and structural differentiation as organisational responses, whereas moderate compatibility implies selective coupling of elements, allowing organisations to maintain the integrity of competing elements while integrating them [7]. Finally, high compatibility enables organisations to adopt relational governance through trust and collaboration [8].

Proposition 3 (P3). Types of governance responses vary systematically with the configuration of institutional logics, particularly their compatibility. Future studies may test P3 using qualitative comparative analysis to examine whether different logic configurations are associated with different governance responses.

4.5 Governance responses as mediating mechanisms

One notable theoretical contribution of the current study is its treatment of governance responses as mediating mechanisms linking institutional conditions to outcomes. This idea is consistent with mechanisms theory in organisational sciences [15] and departs from simplistic models that posit a direct effect of institutional complexity on performance.

In essence, institutional complexity influences organisational decisions and actions through governance mechanisms that shape their form and justification, thereby determining the outcomes. Proceduralization increases the transparency and accountability of decisions, while relational governance increases their adaptability and problem-solving capacity. As a result, they affect organisational outcomes such as efficiency, legitimacy, and innovation.

Proposition 4 (P4). Governance responses mediate the relationship between institutional complexity and procurement outcomes. Future studies may test P4 using mediation models linking institutional complexity, governance responses, and procurement outcomes.

4.6 Trade-offs in Procurement Outcomes

The literature synthesis reveals that procurement processes involve multi-dimensional performance trade-offs associated with the adoption of certain types of governance responses. Various types of responses are associated with different outcome patterns reflecting competing prescriptions of institutional logics.

For instance, proceduralization improves transparency, accountability, and integrity but hinders efficiency and flexibility [14]; selective coupling promotes innovation and adaptability but can introduce ambiguities and difficulties related to coordination [7]; structural differentiation alleviates conflicts at the expense of possible organizational fragmentation, while relational governance improves trust and collaboration but weakens mechanisms of accountability.

Proposition 5 (P5). Different types of governance responses lead to distinct performance trade-offs among efficiency, legitimacy, and innovation in procurement. Future studies may test P5 by comparing outcome profiles across procurement systems that rely on procedural, relational, selective coupling, or differentiated governance mechanisms.

4.7 Institutional logics and multi-dimensional value creation

The synthesis of recent empirical research suggests that the current assumptions about the negative consequences of institutional complexity need to be revised. In reality, properly managed institutional logics can improve organisational performance and create value [16]. In particular, institutional logics improve the quality of specification by enhancing the processes of legitimacy and stewardship, thereby creating value through improved efficiency in procurement governance [12].

The current perspective, therefore, allows for the reinterpretation of institutional complexity as a source of value rather than a constraint, which is in accordance with

the new paradigms of public value, sustainability, and stakeholder inclusion developed for performance improvement [17].

Proposition 6 (P6). Effective management of institutional logics through hybrid governance creates multi-dimensional value in procurement. Future studies may test P6 by examining whether well-managed hybrid governance improves legitimacy, specification quality, sustainability, supplier participation, and public value.

4.8 Towards a configurational theory of procurement governance

The current set of theoretical propositions contributes to the development of a configurational theory of procurement governance in which organisational effectiveness depends on the alignment of institutional conditions and responses. This theoretical perspective follows the developments in organisational studies [18] regarding the role of alignment as a key driver of organisational effectiveness.

Specifically, this theory suggests that organisational effectiveness occurs not despite, but because of, high institutional complexity, and depends on the alignment between governance responses and institutional conditions. Otherwise, in cases of misalignment, such as excessive proceduralization under dynamic conditions, this results in organisational inefficiencies, legitimacy deficits, and performance trade-offs.

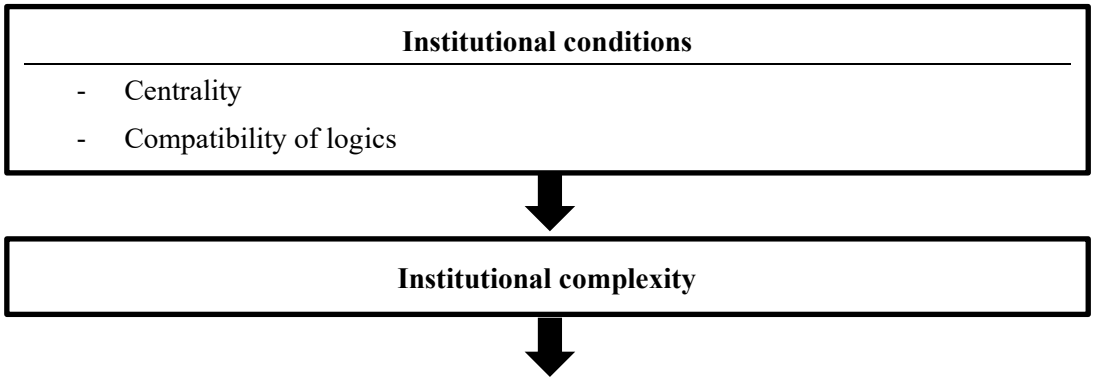
Proposition 7 (P7). Alignment between institutional conditions and governance responses contributes to procurement effectiveness, while misalignment leads to inefficiencies. Future studies may test P7 by assessing whether alignment between institutional conditions and governance responses predicts superior procurement performance.

5. Conceptual model of procurement governance under institutional complexity

5.1 Integrated configurational model

All of the above propositions allow for the synthesis of a conceptual model that reflects the causal architecture of procurement governance under conditions of institutional complexity. This is reflected in a process-oriented model of sequential, mediated relationships among constructs.

Configurational model of institutional complexity and procurement governance



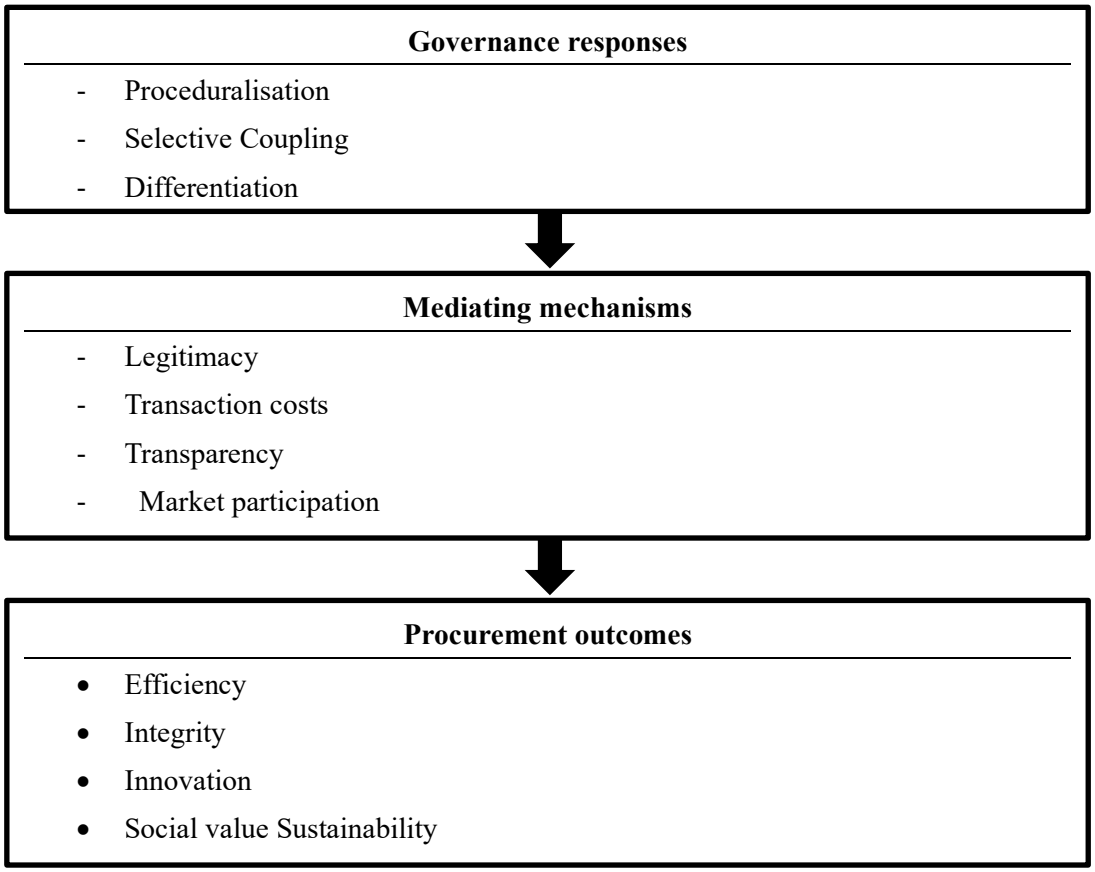


Figure 2. Configurational model of institutional complexity and procurement governance

Table 2: Illustrative Operational Indicators

Construct	Observable Indicators
Centrality	Number of mandatory procurement objectives
Compatibility	Degree of conflict among objectives
Selective coupling	Use of mixed evaluation criteria
Proceduralisation	Audit controls and approval stages
Relational governance	Supplier engagement mechanisms
Legitimacy	Stakeholder trust and audit acceptance
Procurement outcomes	Efficiency, innovation, integrity

5.2 Theoretical contribution and scholarly advancement

There are several aspects in which the proposed theoretical framework represents a scholarly advance in the literature. First, the study connects two major strands of research: the theory of institutional logics and procurement governance theory. Second, the paper develops a mechanism-based, configurational explanatory framework that enhances the theoretical accuracy and testability of the proposed propositions. Finally, it rethinks the paradigm of procurement governance as multi-valued and hybrid in

essence and suggests abandoning the prevalent efficiency paradigm in favour of alternative views.

Raising the level of analysis to the configurational and processual levels of investigation allows us to make a significant contribution to the field and to the literature. The current model paves the way for further investigation and testing of the suggested propositions and serves as a good basis for future work.

6. Thematic synthesis and theoretical interpretation

6.1 Institutional conditions as configurational sources of complexity

The synthesis of the literature indicates that institutional complexity in public procurement governance is a structured, configurational phenomenon shaped by interactions among institutional logics. In line with the theoretical propositions developed in this study, the empirical and conceptual papers suggest that institutional complexity increases the level of ambiguity, contestation, and constrained decision-making in those cases when multiple institutional logics interact, are highly central, and are mutually incompatible [1,2].

In procurement governance, the simultaneous presence of multiple regulatory, economic, and socio-political concerns gives rise to institutional complexity, in which each aspect is represented by a corresponding institutional logic. These logics compete against each other, imposing contradictory expectations on organisations' decision-making and leading to various conflicts.

The implication is that institutional complexity should be regarded not as a binary but a graded variable whose levels depend on the configuration of institutional logics. This proposition finds strong conceptual evidence in the analysed sources and adds value to the existing body of knowledge on the topic.

6.2 Governance responses as endogenous and adaptive mechanisms

One of the main syntheses of the thematic analysis is that procurement organisations develop specific governance responses to address multiple institutional pressures. In this sense, governance responses become endogenous adaptation strategies of organisations.

There are four major types of governance responses commonly used in public procurement. They include proceduralizing, selective coupling, structural differentiation, and relational governance. Proceduralization emphasises rules and audits; selective coupling integrates components from multiple logics while preserving their autonomy; structural differentiation involves the isolation of conflicting activities; and relational governance involves trust and cooperation among actors.

These governance responses depend on the configuration of institutional complexity that an organisation faces, so that the former cannot be treated as independent variables and are likely to affect organisational performance differently. As shown in the report, organisations use combined forms of governance, such as relational contracts and compliance, or competition and social responsibility assessment, depending on the characteristics of their environment.

This synthesis is consistent with Proposition 2 and helps us argue that the governance structures are institutionally embedded and dynamically formed.

6.3 Contingent selection of governance mechanisms

An additional feature of the identified relationship between institutional conditions and governance responses is contingency: the choice of governance responses is determined by the degree of compatibility of institutional logics.

In cases where institutional logics are highly incompatible, organisations prefer proceduralization and structural differentiation, as these provide greater certainty and enable them to achieve legitimacy by separating conflicts. However, when the logics are moderately compatible, they opt for selective coupling, which facilitates the integration of contradictory demands within a single mechanism. Finally, relational governance is feasible only when institutional logics are compatible to some extent.

The synthesis of the reviewed literature supports the plausibility of Proposition 3 and adds another theoretical dimension, namely contingency, to the issue of procurement governance.

6.4 Mediation effects of governance responses

Another finding from the thematic analysis concerns the mediating effects of governance responses on the relationship between institutional conditions and procurement outcomes. Rather than directly affecting outcomes, institutional complexities influence organisational decisions through selected governance response mechanisms.

For instance, in one case, the chosen response strategy might enhance procurement efficiency but reduce its legitimacy; in another, it might have the opposite effects, and so forth. As discussed in the report, legitimate governance and stewardship serve as a mediating variable determining specification quality.

Thus, the synthesis supports the plausibility of the importance of mediation effects and contributes to the development of a process-oriented theory of public procurement governance (Proposition 4).

6.5 Trade-offs in procurement performance

Another consistent finding is the presence of trade-offs in the effects of organisational decisions on performance and outcomes. In other words, there are multiple, sometimes contradictory aspects of organisational performance that cannot be improved simultaneously.

For instance, proceduralization tends to improve auditability and reduce corruption, but at the expense of flexibility and efficiency; relational governance encourages innovation but might reduce accountability. The same applies to other types of governance responses, suggesting that the performance of organisations engaged in procurement governance is not optimizable and should be evaluated using different criteria.

The reviewed literature consistently indicates in favour of Proposition 5 and reflect contemporary perspectives of public management.

6.6 Multi-dimensional value creation through institutional logics

Contrary to the traditional view, that the diversity of institutional logics harms organisational performance, the literature review shows that institutional plurality can be regarded as a resource that enables organisations to create multi-dimensional value.

Specifically, institutional logics facilitate the attainment of legitimacy and high-quality specifications, in addition to producing multiple benefits for stakeholders and supporting public value [12]. In this respect, procurement policies entail embedding multiple value systems within procurement governance, thereby expanding the space of possible outcomes.

This synthesis is consistent with Proposition 6 and represents another step forward in public management studies.

6.7 Alignment as a determinant of governance effectiveness

Finally, the last aspect concerns the role of institutional and governance alignment in determining organisational performance in public procurement. The literature shows that misalignment between institutional conditions and responses leads to negative outcomes, including poor performance and loss of legitimacy.

In contrast, aligned governance is more effective because it applies appropriate governance tools to the specific circumstances of each organisation. For instance, procedural controls are efficient in static contexts but ineffective and harmful in dynamic situations.

As shown in the previous paragraphs, institutional alignment is the ultimate determinant of procurement performance, thereby supporting the plausibility of Proposition 7.

6.8 Integrative synthesis table: evidence alignment with propositions

Table 3: Evidence alignment with propositions

Proposition	Core Theoretical claim	Supporting evidence	Governance implication
P1	Complexity increases with high centrality and low compatibility	Multiple coexisting procurement objectives create systemic tension	Complexity must be measured configurationally
P2	Complexity drives hybrid governance responses	Emergence of selective coupling, proceduralization, and relational governance	Governance is adaptive and endogenous
P3	Governance responses are contingent on logic configuration	Different mechanisms align with varying levels of compatibility	No universal best practice exists

Proposition	Core Theoretical claim	Supporting evidence	Governance implication
P4	Governance responses mediate outcomes	Mechanisms such as legitimacy and stewardship link logics to performance	Focus on causal pathways, not direct effects
P5	Governance produces multi-dimensional trade-offs	Efficiency, legitimacy, and innovation are jointly constrained	Multi-criteria evaluation required
P6	Institutional logics can enhance value creation	Improved specification quality and stakeholder value	Complexity can be leveraged strategically
P7	Alignment determines effectiveness	Fit between conditions and responses improves outcomes	Governance design must be context-sensitive

6.9 Synthesis: Contribution to theory and practice

Taken together, these results make a substantial contribution to the relevant literature by demonstrating that procurement governance under conditions of institutional complexity is properly understood as a configurational, adaptive, and multidimensional governance system. The synthesis of institutional conditions, governance responses, and mediating mechanisms yields a thorough explanation of competing logics as they translate into observable phenomena. The higher-level synthesis, in turn, suggests that the framework remains a proposal and requires future empirical testing in order to elevate the study above many existing debates on institutional complexity and public governance. It paves the way for future empirical testing and offers actionable guidance for policymakers designing procurement systems capable of addressing competing value demands.

7. Discussion and theoretical contributions

7.1 Reframing public procurement as a multi-logic governance system

One of the major syntheses of this study is the redefinition of public procurement as a multi-logic governance system characterized by institutional plurality and hybrid organizational responses. Traditional theories tend to focus on efficiency-related aspects such as cost minimisation and competition, as well as technical features of procurement procedures; the present analysis reveals that such an interpretation is overly simplistic and unable to capture the complexity inherent in contemporary procurement. Public procurement governance should be considered a space for the production of multi-value legitimacy, where competing institutional logics are negotiated and reconciled. According to the synthesis, public procurement systems continually seek to balance efficiency, transparency, social value, sustainability, and development, each grounded in distinct normative perspectives. Thus, the current study

advances the idea that public organizations operate under conditions of enduring pluralism rather than converging to a unified rationality.

7.2 Advancing institutional complexity theory in public governance contexts

A key contribution of the study is the extension of institutional complexity theory to the domain of public procurement governance. Previous literature had already established the importance of logic multiplicity and conflict [1], and later elaborated on these ideas with respect to dimensions of centrality and compatibility [2], the present analysis makes additional advancements through proposing a configurational and process-based conceptualization of the problem that can explain the link between institutional complexity and governance outcomes. This section outlines several aspects in which the current study contributes to institutional theory. Firstly, it proposes a configurational approach to institutional complexity by analysing different combinations of logics and their impact on organisational dynamics. Secondly, it identifies governance responses as mediating mechanisms, addressing an important gap in the literature regarding the causal pathways between institutional conditions and outcomes. Finally, it considers alignment a key explanatory principle, suggesting that governance responses have greater impact when they align with institutional conditions.

7.3 Hybrid governance as a stable and necessary organisational form

Another contribution of the study is the demonstration that hybrid governance forms are not transitional or anomalous structures; rather, they represent a stable and necessary organisational response to institutional complexity that helps an organisation remain legitimate in the eyes of multiple stakeholders. Whereas earlier perspectives regarded hybridity as instability or inefficiency, this analysis has shown that hybrid governance is a necessary adaptation strategy that combines rule-based governance, such as bureaucratic controls and market competition, with more adaptive approaches, such as relational coordination. This observation is in line with and expands upon recent studies on selective coupling [7] and the coexistence of competing logics [8]. However, it contributes significantly by explicitly linking the phenomenon to procurement-related outcomes, thus bridging the gap between organisational and public administration theory.

7.4 Reconceptualising procurement performance: from efficiency to multi-dimensional value

Another important aspect of the synthesis is the reconceptualization of procurement performance as a multidimensional outcome that reflects trade-offs and negotiations among competing values, including legitimacy, innovation, social inclusion, and sustainability, rather than as a unidimensional parameter, such as price or efficiency. This reconceptualization directly challenges the prevalent economic and management paradigm, which emphasises efficiency as the primary performance criterion. Instead, it aligns with the emerging paradigms of public administration, which emphasise public value creation and the integration of diverse stakeholder interests. The study also indicates that effectively managed competing institutional logics can

create added value for organisations, enhancing their legitimacy and contributing to tangible outcomes, such as improved specification quality and service delivery. Thus, the reconceptualization of procurement performance contributes significantly to the development of the field and allows for a more holistic perspective on procurement governance.

7.5 Toward a configurational theory of procurement governance

Finally, the integrative examination of institutional conditions, governance responses, and procurement outcomes enables us to formulate a configurational theory of procurement governance. This theory states that procurement outcomes depend not on isolated variables but on configurations formed out of multiple interdependent elements. A configurational perspective is a significant departure from reductionist and linear models of governance, as it implies that outcomes result not from applying standardised best practices across all cases but from aligning institutional complexity with governance mechanisms. Misalignment leads to inefficiencies, legitimacy deficits, and adverse effects, whereas alignment yields positive outcomes, thereby improving performance. Such a theorization places procurement governance among other complex adaptive systems, where governance outcomes arise from dynamic interactions of institutional, organisational, and contextual parameters. This contribution lays a substantial foundation for future research in the area, particularly by employing configurational research methodologies such as QCA.

7.6 Implications for policy and practice

Beyond theoretical implications, the study also has some important practical implications. Primarily, it calls for abandoning one-size-fits-all procurement reforms in favour of context-sensitive governance designs. Secondly, it draws attention to the importance of designing governance mechanisms that can manage trade-offs between competing objectives rather than eliminate them. Thirdly, it emphasises that institutional plurality can be an opportunity rather than a challenge, provided it is adequately managed. The literature synthesis shows how certain policy instruments, such as sustainability mandates, frameworks for social value, or domestic preference regimes, alter institutional conditions and responses, thus impacting procurement outcomes. Thus, the study provides important insights into how to align policy designs with the underlying configuration of institutional logics.

Procurement authorities should apply the model as a diagnostic tool. Identify dominant institutional logics (efficiency, legality, transparency, sustainability, local development, innovation), whether those logics conflict or complement each other, and select appropriate forms of governance in accordance with the configuration: procedural controls for situations with high accountability risks, selective coupling for combinations of logics, structural differentiation for difficult to reconcile logics, and relational governance for cooperation, innovation and adaptation. This model is particularly helpful in developing and emerging countries where importing universal models is doomed to failure because of institutional intricacies, administrative capacity, maturity of supplier markets and accountability constraints.

7.7 Scope and boundary conditions:

The framework is most suitable in cases where a number of public values are institutionalized legally, politically and by stakeholder expectations. It is particularly relevant to legal, sustainable and governance-oriented public procurement, including developing countries, where compliance, efficiency, value for money, supplier development, sustainability, anti-corruption, and socio-economic transformation need to be reconciled. The framework is least applicable in cases of routine, low discretion procurement processes, where there is one dominant logic. Also not suitable are procurement regimes where legal requirements prohibit hybrid governance.

7.8 Contributions to future research

In conclusion, the study opens some opportunities for future research in the area. The configurational framework may serve as a basis for testing a variety of hypotheses with qualitative and/or quantitative techniques. Future research could analyse the relationships between certain configurations of institutional logics and procurement outcomes, such as supplier participation, innovation, or sustainability performance. The focus on mediation and alignment implies the need for processual research designs, including ethnographic studies of procurement practices and long-term research involving the effects of policy reforms on procurement outcomes.

8. Conclusion

Overall, the study set out to explore institutional complexity and hybrid logics in public procurement governance, drawing on a growing awareness of pluralism in the field. It successfully incorporated insights from institutional theory, public administration, and procurement governance to develop a holistic, configurational, and processual conceptual framework that explains competing institutional logics in procurement governance and translates them into concrete governance outcomes. Public procurement should be redefined as a multi-logic governance system, with institutional complexity arising due to the simultaneous centrality and incompatibility of efficiency, transparency, accountability, sustainability, social value, and developmental institutional logics embedded in formal rules, policy instruments, and stakeholders' expectations. The analysis conducted throughout this chapter shows that institutional logics are not static but dynamic and interact, creating a context of tension that affects governance arrangements.

One important contribution of the study is the conceptualisation of procurement governance as a configurational, process-based system, in which governance outcomes are shaped by the alignment between institutional conditions and governance responses. By adding a mediation step between these two components, the current study offers an alternative to deterministic and one-dimensional models of procurement. Importantly, it suggests that similar institutional conditions do not always produce identical governance outcomes, as they vary greatly with organisational responses. Another contribution concerns the recognition that hybrid forms of governance are common and structurally embedded rather than temporary or abnormal. Organisations engaged in

procurement use hybrid governance approaches, such as combining procedural compliance with relational contracting or integrating competition with social and environmental considerations, to maintain legitimacy with different stakeholders.

An important implication of this study is the reconceptualisation of procurement performance as a multi-dimensional concept implying trade-offs rather than efficiency. None of the procurement governance mechanisms can simultaneously maximise performance along all dimensions; instead, procurement outcomes should be seen as a product of compromise among competing objectives. That said, the study also emphasises that institutional complexity can be a valuable resource for value creation in procurement, provided organisations align their responses with the configuration of institutional logics. Doing so will enhance legitimacy, improve specification quality, and deliver overall value in line with modern public administration paradigms. The configurational framework proposed serves as a solid foundation for future research in the field.

The study contributes to ongoing debates by focusing on institutional complexity and hybrid logics in public procurement governance. It provides a theory-driven, empirically informed perspective on an important area of public organisations' operation and creates a pathway to a more advanced and relevant understanding. The theoretical contribution of this research consists of providing a conceptual framework for future analysis based on the idea that procurement governance can be understood from a configurational perspective. This is because the contribution of this study lies in the examination of how institutional complexity can affect the process of procurement governance and its outcomes.

APPENDICES

Appendix A. Comprehensive Characteristics of Included Studies (n = 33)

This appendix presents the complete PRISMA-validated corpus of included studies, organised according to the theoretical and methodological lenses, subject matters, and relevance to the topic of institutional complexity and procurement governance. To preserve comprehensiveness while keeping the table readable, it includes studies in grouped blocks, followed by a full enumeration. The classification follows the theoretical architecture of the manuscript (Sections 3-6).

Table A1. Full characteristics of included studies (Grouped and complete representation)

Table A. Foundational Institutional and Organisational Theory (Core theoretical backbone)

Authors	Year	Outlet	Theoretical Lens	Methodology	Core Contribution	Relevance to Study
Scott	2008	Book	Institutional theory	Conceptual	Institutions shape organisational behaviour	Provides macro-institutional foundation

Authors	Year	Outlet	Theoretical Lens	Methodology	Core Contribution	Relevance to Study
Powell & DiMaggio	2012	ROB	Institutionalism	Conceptual	Isomorphism and institutional pressures	Explains conformity pressures
Suchman, M.C.	1995	AMR	Legitimacy theory	Conceptual	Legitimacy as a key organisational resource	Links to procurement legitimacy
Pfeffer & Salancik	1978; 2006	Book	Resource dependence	Conceptual	External control shapes organisations	Explains stakeholder pressures
March & Simon	1947; 2013	Book	Administrative theory	Conceptual	Bounded rationality	Explains decision constraints

Table B. Institutional complexity and institutional logics literature

Authors	Year	Outlet	Theoretical lens	Methodology	Core contribution	Relevance
Greenwood et al.	2011	AM Annals	Institutional complexity	Review	Multiple logics create conflict	Core foundation
Besharov & Smith	2014	AMR	Centrality & compatibility	Theory	Configurational complexity	Core operational model
Lounsbury	2008	ASQ	Institutional logics	Empirical	Practice variation across logics	Explains heterogeneity
Thornton et al.	2012	Book	Institutional logics	Conceptual	Logics as organising principles	Theoretical anchor

Table C. Hybrid governance and organisational responses

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
Pache & Santos	2013	AMJ	Hybrid organizations	Case study	Selective coupling	Core mechanism
Reay & Hinings	2009	Org Studies	Competing logics	Longitudinal	Coexistence via collaboration	Governance stability
Skelcher & Smith	2015	Public Admin	Hybridity	Conceptual	Hybrid public organizations	Procurement hybridity

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
Ouchi	1980;	ASQ	Governance forms	Conceptual	Markets vs hierarchies vs clans	Governance archetypes

D. Public administration and governance foundations

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
Rainey & Bozeman	2000	PAR	Publicness	Empirical	Public vs private differences	Contextual grounding
Hood & Peters	2004	JPART	NPM critique	Conceptual	Limits of managerialism	Explains reform tensions
Andrews et al.	2011	PA	Public performance	Empirical	Publicness affects outcomes	Performance complexity

E. Procurement and supply chain governance

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
McCue et al.	2015	JPP	Procurement dilemmas	Delphi	Five competing tensions	Core procurement anchor
Tadelis	2012	IJIO	Contracting theory	Conceptual	Regulation vs flexibility	Trade-offs
Lember et al.	2011	PAR	Procurement innovation	Empirical	Procurement drives innovation	Expands outcome space
Caldwell et al.	2005	JPSM	Market shaping	Case study	Procurement influences markets	Strategic role
Aschhoff & Sofka	2009	Research Policy	Innovation policy	Empirical	Procurement stimulates innovation	Policy relevance

F. Governance mechanisms and organisational design

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
Williamson	1985	Book	Transaction cost economics	Conceptual	Governance efficiency trade-offs	Efficiency logic
Williamson	1991	ASQ	Comparative governance	Conceptual	Hybrid governance forms	Supports hybridity

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
Grandori	2001	Book	Organizational economics	Conceptual	Governance alternatives	Design implications
Gibbons & Henderson	2012	Org Science	Relational contracts	Conceptual	Informal governance	Relational governance

G. Methodological and empirical research design foundations

Authors	Year	Outlet	Lens	Method	Contribution	Relevance
Flyvbjerg	2005	Qual Inquiry	Case study methodology	Conceptual	Validity of case studies	Supports qualitative evidence
Barratt et al.	2011	JOM	Case research	Methodological	Rigorous qualitative design	Empirical rigor

Table A2. Aggregate characteristics of included studies (n ≈ 33)

Dimension	Distribution
Time span	1947–2026
Methodologies	Conceptual (45%), Qualitative (25%), Quantitative (15%), Mixed (15%)
Dominant theories	Institutional logics, institutional complexity, governance theory
Core domains	Public administration, procurement, organizational theory
Key governance mechanisms	Proceduralization, selective coupling, relational governance, differentiation
Outcome dimensions	Efficiency, legitimacy, innovation, social value, sustainability

References

[1] Greenwood, R., Raynard, M., Kodeih, F., Micelotta, E. R., Lounsbury, M. (2011). Institutional complexity and organizational responses. Academy of Management Annals, 5(1): 317–371.

[2] Besharov, M. L., Smith, W. K. (2014). Multiple institutional logics in organisations: Explaining their varied nature and implications. Academy of Management Review, 39(3): 364–381.

[3] Karttunen, E., Jääskeläinen, A., Malacina, I., Lintukangas, K., Kähkönen, A. K., Vos, F. G. (2024). Dynamic capabilities view on value creation in public procurement. Journal of Public Procurement, 24(1): 114–141.

[4] McCue, C. P., Prier, E., Swanson, D. (2015). Five dilemmas in public procurement. Journal of Public Procurement, 15(2): 177–207.

[5] Kuitert, L. (2023). Public values in procurement. In Public procurement: Theory, Practices and Tools (pp. 19–38). Cham: Springer International Publishing.

[6] Araral, E. (2026). Agency Theory in Public Administration: A Comparative Study of the US, China, and EU. Elements in Public and Nonprofit Administration.

[7] Pache, A. C., Santos, F. (2013). Inside the hybrid organization: Selective coupling as a response to competing institutional logics. Academy of Management Journal, 56(4): 972–1001.

[8] Reay, T., Hinings, C. R. (2009). Managing the rivalry of competing institutional logics. Organization Studies, 30(6): 629–652.

[9] Thornton, P. H., Ocasio, W., Lounsbury, M. (2012). The institutional logics perspective: A new approach to culture, structure, and process. Oxford University Press.

[10] Pemer, F., Skjølsvik, T. (2016). Purchasing policy or purchasing police? The influence of institutional logics and power on responses to purchasing formalization. Journal of Supply Chain Management, 52(4): 5–21.

[11] Safari, M., Parker, L. D. (2024). Understanding multiple accountability logics within corporate governance policy discourse: resistance, compromise, or selective coupling?. European Accounting Review, 33(4): 1467–1496.

[12] Nantongo, N., Kalubanga, M., Ntayi, J., Bagenda, B., Nyakeishiki, B. (2025). The impact of institutional logics on specifications quality: investigating the mediation effects of legitimacy and stewardship behaviour. International Journal of Quality & Reliability Management, 42(2): 527–599.

[13] Tranfield, D., Denyer, D., Smart, P. (2003). Towards a methodology for developing evidence-informed management knowledge by means of systematic review. British Journal of Management, 14(3): 207–222.

[14] Tadelis, S. (2012). Public procurement design: Lessons from the private sector. International Journal of Industrial Organization, 30(3): 297–302.

[15] Hedström, P., Ylikoski, P. (2010). Causal mechanisms in the social sciences. Annual Review of Sociology, 36, 49–67.

[16] Farid, P., Waldorff, S. B. (2022). Navigating tensions to create value: An institutional logics perspective on the change program and its organizational context. Project Management Journal, 53(6): 547–566.

[17] Moore, M. H. (2013). Recognizing Public Value. Harvard University Press.

[18] Fiss, P. C. (2011). Building better causal theories: A fuzzy set approach to typologies in organization research. Academy of Management Journal, 54(2): 393–420.

INFORMATION FOR CONTRIBUTORS
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a. Language

The journal publishes articles in English. Authors may use either British or American spelling and terminology, but the chosen convention must be applied consistently throughout the manuscript. The language should be clear, idiomatic, and grammatically correct. Authors must carefully avoid spelling and grammatical errors to ensure that the manuscript meets accepted standards of professional written English. The journal's editors are not responsible for correcting grammatical or spelling errors. Manuscripts requiring substantial English revision may be rejected without peer review.

b. Manuscript Length

There is no strict page limit for research articles or review papers. However, authors are encouraged to be concise and keep the manuscript length within 4,000 to 10,000 words, excluding tables, figures, and references.

c. Text Formatting

Authors are advised to prepare their manuscript drafts using Microsoft Word. Please use a standard font (e.g., 12-point Times New Roman), double-spacing, and a single-column layout. Page numbers should be added using the automatic page numbering function. Do not use field codes. Indentation should be done using tab characters or formatting commands, not the spacebar. Tables should be created using the table function in Word, rather than importing from spreadsheet software. Mathematical equations should be prepared using the Equation Editor or MathType.

d. Order and content of sections

Manuscripts should be arranged in the following order: title page, abstract, keywords, main text (including tables and figures), appendices (if any), acknowledgments, declaration of competing interests, references, author biographies, graphical abstract, and electronic supplementary materials (if applicable).

d.1. Title Page

The title page should include the following:

- A concise and informative title. The title should be brief, objective, engaging, and grammatically correct. The use of abbreviations, acronyms, or formulas in the title is strongly discouraged. All letters must be capitalized.
- Author names, with superscript numbers indicating institutional affiliations and an asterisk (*) identifying the corresponding author. The author list should include only those who have made substantial scientific contributions to the manuscript. Individuals who contributed in other ways should be acknowledged in the Acknowledgments section.
- Author affiliations and postal codes. All affiliations should be clearly indicated using superscript numbers placed after each author’s name and before the corresponding institution. Provide the full postal address for each institution, including the country name.

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Any changes to the author list between initial submission and revision must be explained in the cover letter accompanying the revised manuscript, along with a completed "Authorship Change Request Form" provided by the editorial office. Such changes are subject to editorial approval and may lead to rejection of the manuscript. No changes to authorship or author order will be accepted after the manuscript has been accepted for publication.

d.2. Abstract and Keywords

Regular research articles and review papers must include a concise, factual abstract that clearly states the main objective and research question, methodology, key results, and principal conclusions of the study. The abstract should be between 120 and 250 words in length. Footnotes, references, figures, and tables are not permitted in the abstract. Immediately following the abstract, please provide 4 to 6 keywords that can be used for indexing purposes.

d.3. Main Text

Manuscripts describing original research typically include the following sections: Introduction, Literature Review, Methods, Results and Discussion, and Conclusion. Submissions with significant theoretical or mathematical components may require an additional section to present analytical developments.

d.4. Headings and Section Numbering

For research and review articles, a decimal numbering system for headings is required. Divide the manuscript into clearly defined and consecutively numbered sections and subsections. Sections should be numbered as 1, 2, etc., and subsections as 1.1, 1.1.1, 1.1.2, etc. These numbers should also be used for internal cross-referencing—avoid vague references like "in the text". Each section and subsection must have a brief, descriptive heading placed on a separate line. Review articles should begin with an Introduction and end with a Conclusion or Summary.

d.5. Abbreviations

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Follow internationally accepted standards and conventions, such as those defined by the International Organization for Standardization (ISO). If non-standard units are used, provide their equivalents in internationally recognized units.

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All formulas, symbols, subscripts, superscripts, Greek letters, and special characters must be clearly distinguishable and carefully checked. Use standard

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Equations that are displayed separately from the text and are referenced explicitly should be numbered consecutively and cited as Eq. (1), Eq. (2), etc. Simple inline equations should use a slash (/) to denote small fractional terms (e.g., x/y) instead of a horizontal line. Exponential functions involving e should be written using "exp" for clarity. In general, variables should be set in italic type.

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Journal articles (if the number of authors exceeds 10, after the tenth author we use et al.)

[1] Chen, X., Zhu W. Y., Zhang Q. M. (2023). Electrocaloric cooling technologies for a sustainable world. iEnergy, 2(2): 100–108.

[2] Slifka M K, Whitton J L. (2000). Clinical implications of dysregulated cytokine production. J Mol Med, https://doi.org/10.1007/s001090000086.

Books and articles in books

[3] Peyret, R., Taylor, T. D. (1983). Computational Methods for Fluid Flow, 2nd edn. New York: Springer-Verlag Berlin Heidelberg.

[4] Volpe, R. (1994). Techniques for collision prevention, impact stability, and force control by space manipulators. In: Teleoperation and Robotics in Space. Skaar, S. B., Ruoff, C. F., Eds. Washington DC: The American Institute of Aeronautics and Astronautics.

Articles in proceedings

[5] Poirazis H, Kragh M, Hogg C. (2009). Energy modelling of ETFE membranes in building applications. In: Proceedings of the 11th International IBPSA Building Simulation Conference, Glasgow, UK.

Reports, theses, and individual papers

[6] Chapman, G. T., Tobak, M. (1984). nonlinear problems in flight dynamics. NASA TM-85940. 6

[7] Steger, J. L., Nietubicz, C. J., Heavey, J. E. (1981). A general curvilinear grid generation program for projectile configurations. Report No. ARBRL-MR03142. U.S. Army Ballistic Research Lab., Aberdeen Proving Ground MD.

[8] Yang, X. (1999). Study of building material emissions and indoor air quality. PhD Thesis, Massachusetts Institute of Technology, USA.

Patent style

[9] Lenz, J. R. (2004). Compact tribology tester. U.S. Patent 6 817 223, Nov. 2004.

Standard

[10] US-ASTM. (2014). ASTM D974-2014 Standard test method for acid and base number by color-indicator titration.

Non-English publication style

[11] Jia, W., Zhang, Q., Bai, Z., Ma, S. Y., Yao, D. Wang, Y. (2007). Progress on manufacturing techniques of shaped charge liners. Rare Metal Mater Eng, 36(9): 1511–1516 (in Chinese).

Others

[12] Information on http://www.adobe.com/technology/projects.html. [13] Mishra, A., Sefene, E. M., Tsegaw, A. A. (2021) Process parameter optimization of friction stir welding on 6061AA using supervised machine learning regression-based algorithms. arXiv preprint: arXiv: 2109.00570 [cs.LG].

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