INTERNATIONAL PROCUREMENT COMMITTEE NEWSLETTER

About the International Procurement Committee Newsletter: The International Procurement Committee provides information and tracks developments in a number of areas: US procurement system for non-U.S. lawyers and practitioners; foreign procurement markets; multilateral development bank and international development procurement systems; foreign military sales and related programs; and international procurement reform and capacity development.

JANUARY-FEBRUARY 2016

1. Europe
2. Asia
3. Africa
4. North America

Europe

France/India: India and France have signed a Memorandum of Understanding towards an Inter-governmental agreement (“IGA”) to purchase 36 Rafale aircraft from Dassault Aviation. This agreement comes after almost a decade-long procurement process and negotiations between the two nations.


United Kingdom: In December of 2015, a Scottish court made UK legal history by becoming the first Court to grant a claimant the remedy of contractual ineffectiveness under the Scottish public procurement legislation. The remedy first became available in 2009.


Asia

India: India is currently considering changes to its procurement policy including increasing the threshold for mandatory offsets for overseas defense companies and modifying its current debarment regime.

India: The Cabinet Secretariat issued a new procurement guideline, changing—limiting—those allowed to purchase jammers. It states: "Jammers can be procured only by states’ police department and jail authorities, and central government security agencies like RAW and IB."


China: China's Ministry of National Defense confirmed new its new development and procurement department, which it said is geared towards responding to "unified" military requirements.


Qatar: The Qatar Ministry of Finance has announced plans to launch a new online platform in June 2016 to provide information on all public procurements and auctions. The initiative comes as part of government efforts to check on any possible riggings and manipulations in biddings and to ensure further transparency in the public procurement process.


Africa

Kenya: The Kenyan National Treasury has postponed the rollout of an e-procurement system until after March 2016. The delay was instituted to allow for agencies to properly set up the system, which is expected to curb corruption.


North America

Canada: Oshkosh Defense is challenging the Canadian Government’s decision to award a major vehicle contract to Mack Trucks. Oshkosh is asking a Canadian government trade tribunal to overturn the CAN $834 million (US $583 million) contract and order the restart of the program to supply the Canadian military with 1,500 trucks.


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Submissions
Please send draft summaries, case notes, other information, or suggestions for the Newsletter to kdahmann@gmail.com. The Deadline is the second Tuesday of the month, every other month, starting with February.