

Citation for published version

Miranzo-Díaz, J. [Javier], Cerrillo-i-Martínez, A. [Agustí], Galindo Caldés, R. [Ramón] & Castro Carranza, J. [Judith] (2022). Corruption risk analysis in local public procurement: a look at the Àrea Metropolitana de Barcelona. *International Review of Administrative Sciences*. doi: 10.1177/00208523221126860

DOI

<https://doi.org/10.1177/00208523221126860>

Handle

<http://hdl.handle.net/10609/147726>

Document Version

This is the Accepted Manuscript version.

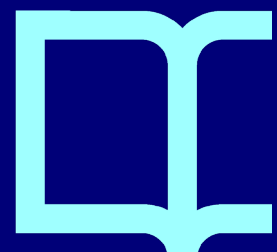
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Corruption risk analysis in local public procurement: A look at the Àrea Metropolitana de Barcelona

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Points for practitioners: this article explores the impact of the current anti-corruption legislation on local governments and public bodies. It analyses the state of development of four key public procurement areas of action within the Metropolitan Area of Barcelona, gathering 170 entities of different legal nature and size. The results show that the impact of European and national legislations seems to be still weak in local administrative structures, although the degree of development varies significantly among different types of entities.

Abstract:

In the past years the anti-corruption strategy in Public Administrations has been shifting from a formal way of control towards a risk management and assessment one. However, it is not clear whether these legal reforms at EU and at national level are reaching local institutions. The study evaluates the degree of compliance of the Greater Metropolitan Area of Barcelona by analysing a set of indicators divided in five main areas: codes of ethics, oversight bodies, transparency, conflicts of interests, and whistleblowing channels and protection. The results show that, even if there are also positive outcomes, the process of transforming the public administration and its contracting bodies towards a culture of integrity or risk management is still far from complete at local, and there are still institutional and normative shortcomings in terms of anti-corruption strategy and planning that should be promptly addressed.

Points for practitioners

Keywords: Public Administration, Public law, Regional and Local Government, Transparency.

1. Current state of affairs

The principle of integrity has gained increasing importance in public procurement in recent years (Huberts, 2018; Piga, 2011). Essentially, this is due to a change in perspective that has turned the public administration, which until fairly recently was only an object of oversight, into an active subject in the management and monitoring of corruption risks (Van Wart, 2013). The fluidity of the concept of corruption, its multifaceted nature and the unviability of dealing with it solely from a regulatory approach have given rise to a culture of risk self-management (Kerkhoff and Overeem, 2021).

In the field of public procurement, this trend has been embodied in regulatory measures (notably Directive 2014/24/EU on public procurement) and significant court rulings,¹

¹ See, most notably, the judgements handed down by the Court of Justice of the European Union (CJEU) in *Nexans France v Entreprise commune Fusion for Energy*, case T-415/10, of 20 March 2013, paras 116 and 117; and in *Intrasoft International v Commission*, case T-403/12, of 13 October 2015.

which in recent years have laid down new obligations and responsibilities for administrations (Miranzo Díaz, 2019b; Miranzo Díaz, 2020a).

The first step at the European level was to consolidate transparency as a fundamental principle underpinning all European law, making it a keystone in public procurement's legal architecture (Bovis, 1998: 220) that had its consequences in national legislations (Cerrillo i Martínez, 2018b; Casadesús de Mingo and Cerrillo-i-Martínez, 2018). Subsequently, the “fourth-generation” directives issued in 2014 introduced new rules on preventing conflicts of interest, giving contracting authorities new roles in preventing, detecting and correcting such conflicts (Soloveičik and Šimanskis, 2017). This legislation sought to establish specific responsibilities and incentives – effectively redistributing roles – so that contracting authorities would be obliged to implement detection measures and thus become an added layer of oversight in procurement procedures (Miranzo Díaz, 2020b).

This new role has recently come to the fore with the passing of the December 2021 deadline for national transposition of Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (Miranzo Díaz, 2019a). This Directive obliges local authorities to establish an internal reporting channel in municipalities with more than 10,000 inhabitants and public entities with more than 50 workers (Van Waeyenberge and Davies, 2021).

Finally, one cannot ignore the major impact that the approval of Regulation (EU) 2021/241 establishing the Recovery and Resilience Facility will have on local public procurement and public-private partnership arrangements, which places particular emphasis on integrity issues (Hillion, 2021) (Corti and Nunez-Ferrer, 2021).² In Spain, this requirement is embodied in Article 6 of Order HFP/1030/2021, of 29 September, which requires public administrations to approve an anti-fraud action plan (Gimeno Feliú, 2021). In fact, this new legislation takes the matter a step further (see Article 6 and Annex IV), obliging entities to (1) issue declarations of no conflict of interest signed by all parties involved at any stage in the procurement procedure (provided that they have had the opportunity to influence it in some way), in accordance with the definition of conflict of interest given in Article 24 of Directive 2014/24/EU; and (2) approve a procedure for declaring conflicts of interest (Miranzo Díaz, 2017).

This development should lead, as indicated above, to a paradigm shift in how integrity is conceived in public procurement management where each entity takes its own steps to actively prevent corruption (Baena García, 2019). This tendency is notably supposed to transform local and small Administrations (Masters and Graycar, 2016), which oversight frequently experiences problems to reach (Aranha, 2017), have fragile inter-institutional counterbalances (Beerli and Navot, 2013), and are specially exposed to corruption due to its exposure to direct political will (Beerli and Navot, 2013).

However, there are doubts within academia and the public sector about the real impact of these regulations, which is not always evident, especially in the local sector, small administrations and the institutional public sector (Volintiru et al., 2018; OECD, 2013; Schöberlein and Jenkins, 2019; MHCLG, 2020). As these studies suggest, the shift towards effective integrity management seems to be lagging behind in many local public

² Regulation Nos 883/2013, 2988/95, 2185/96, 2017/1939, 2185/96, 883/2013 and 2017/1939.

sector entities, where it faces more obstacles. The study evaluates the degree of compliance of the Greater Metropolitan Area of Barcelona by analysing a set of indicators divided in five main areas: codes of ethics, oversight bodies, transparency, conflicts of interests, and whistleblowing channels and protection. The results show that, even if there are also positive outcomes, the process of transforming the public administration and its contracting bodies towards a culture of integrity or risk management is still far from complete at local, and there are still institutional and normative shortcomings in terms of anti-corruption strategy and planning that should be promptly addressed.

2. Aims and structure

This article seeks to verify whether this hypothesis on the limitations of local administrations is true by analysing the state of development of the Barcelona Metropolitan Area's public sector. For that purpose, as outlined hereafter in section 4, the scope of study and the sample of institutions analysed cover a wide variety of administrations in relation to relevant features such as to type, size, and sector of specialization. Furthermore, the indicators elaborated to undertake the study, which have been demonstrated as valuable offering relevant results, meet global theoretical and legal standards of international literature, as explained in section 3. Consequently, the quantitative adequacy and qualitative relevance of the sample guarantees that the results, although based on particular local evidence, could easily be extrapolated to broader latitudes, specially to those presenting similar characteristics, such as Italy or France, where local governments concentrate a great deal of power in the hands of the mayor vis-à-vis both the political opposition and the local public officials (Magre and Pano, 2018).

To present the results, the study is divided in three main parts corresponding with the theoretical framework, the methodology, and the results. In the first one, we present the academic foundations for the elaboration of the set of indicators, the reasons for the categorization chosen and the main characteristics of the sub-criteria to be evaluated. Secondly, the methodology expresses the target of the study, its characteristics and the limitations faced. Finally, the results are visually presented together with a qualitative analysis of the main findings and its potential implications.

3. Theoretical framework: identifying the right indicators

The scientific literature about corruption is almost incomprehensible due to the many faces of the phenomenon and its permeability in various sectors (Campos and Pradhan, 2007), and there are almost as many risks and preventive measures identified as anti-corruption studies. Scholars have stated that the problem can be tackled through organisational (Lambsdorff, 2007) or social (Heath et al., 2016) reforms, communication mechanisms (Berti et al., 2020), political (Johnston, 2012), ethical (Bashir and Hassan, 2020) or educational measures (Agerberg, 2019), major criminal law reforms, etc. This shows a complex scenario that becomes so even more when we look at local governments, where ambitious preventing measures are difficult to implement due to limited resources, knowledge or tools (Quesada et al., 2013). However, it is also widely acknowledged that local authorities could have a great influence in addressing this problem (Doig, 2014).

A wide consensus among literature review suggests that corruption is determined by the underlying legal and institutional structures (Graycar and Prenzler, 2013), and conversely, that a cohesively built system can produce highly positive synergies in the

corruption risk management system (Beth, 2007). In this regard, codes of ethics, despite its critics (Fischer and Zinke, 1989), have been understood as appropriate tools to strengthen this institutional framework in local Administrations (Svara, 2014). Furthermore, these mechanisms can be adopted at administrative level and do not require of any express national or legal mandate. However, in order to be effective, codes require an implementation process, educational initiatives, and training for the employees (Plant, 2001). Additionally, the effectiveness depends also on the enforcement mechanisms of the code and of its normative or non-normative nature (Roberts, 2010). All these elements that are also taken into account in this study by evaluating visibility, concreteness, enforceability and training methods.

Similarly, it is agreed that other key element for the robustness of the institutional and integrity system is the existence of internal oversight bodies (Rendon and Rendon, 2015). Furthermore, this seems to be particularly true for local governments (Rendon and Rendon, 2015), where the effect of this bodies –if well designed– appears to be even greater (Badara, 2013). In Spain, there has been an increasing interest in these internal bodies over the last years, mostly known as ethics committees (García Pellicer, 2017).

They are collective bodies entrusted with advising public officials and/or employees on all matters related to the application of codes of ethics and conduct. Sometimes these committees are also responsible for monitoring compliance, which may involve receiving internal reports or providing assistance in the event of a conflict of interest (Smith, 2010). The functions they perform are many and include monitoring compliance with the code of ethics, receiving reports of non-compliance, training and awareness-raising. The more competences the oversight body assumes and the greater its power is, its effect on undermining corruption would be stronger (Makhado et al., 2012). Additionally, local governments are characterised by a reduced number of employees and potential close interaction among them, and this might engender a risk for the effectiveness of the oversight. Independency of the members –and of the body– can be evaluated by assessing whether they are composed by staff from the same public administration that created them, or whether well-renowned external experts are also brought in (Caramanis et al., 2015); or by analysing transparency of its functioning (members, vacancies, meetings, decisions, etc.). All these characteristics can vary the effectiveness of these public bodies and are consequently analysed in this work as indicators.

In a third pillar, the existing literature has identified transparency as closely related to the principle of integrity, as it makes it easier to monitor the activity of civil servants, senior officials and other persons involved in public procurement processes (Chen and Ganapati, 2021). Transparency is regarded not as an aim in and of itself (at least in part), but rather as an instrumental value required to achieve integrity and good governance (Cerrillo i Martínez, 2018a; Moreno Molina, 2006). And one of the objectives of transparency should be the detection of conflicts of interest within the procedure.

Conflicts of interest should be one of the main focuses of current and future integrity strategies in the field of public procurement. However, identifying and exposing conflicts of interest is extremely challenging without the necessary means and mechanisms to do so (Jurich, 2012). Because of the opaque nature of such conflicts, one of the system's main shortcomings is information asymmetry (Reed, 2008). As such, oversight managers and bodies are often left without the information they need to effectively control the risks of those involved in procurement procedures (Trepte, 2005). One of the key pillars of any

legal development must therefore be the creation of mechanisms to correct this anomaly (Auby et al., 2014). These risk situations need to be brought to light so that they can be acknowledged, assessed and tackled (or managed) by the contracting authority in question.

For this objective, it is vitally important create a coherent apparatus in which information channels incentivise those who speak up to enhance the visibility of risk situations (Georgieva, 2017). Studies have shown that internal channels are generally preferred by whistleblowers and prove more effective than external ones when it comes to employees accessing and using them (Mansbach and Bachner, 2010). According to (Kampourakis, 2021), who compared internal and external reporting channels in terms of their implementation, operation and adaptation to the EU's whistleblower protection directive (2019/1937), issues such as confidentiality, how reports are received and which body is responsible for receiving them must be addressed if these channels are to be effective. These characteristics are identified as indicators.

There are, as it has been showed, a good range of measures that can be taken by local authorities in order to reduce corruption in local public procurement; and this have been largely promoted by the EU institutions, the successive legal reforms and the academia. However, as pointed out before there are still concerns about whether local procurement bodies have capacity or commitment to build an effective ethical governance (Doig, 2014). In this study undertake a case analysis of this capacity within the framework of the Barcelona Metropolitan Area.

4. Methodology

The scope of our study was the local public sector in Barcelona's metropolitan area, understood here as the 36 municipalities making up the metropolitan public authority known as the Àrea Metropolitana de Barcelona (AMB), as well as the entities under their remit. Our sample thus consisted of 169 entities overall: 36 local councils, 16 autonomous agencies, 67 state-run enterprises or trading companies, and 50 other miscellaneous entities (consortia, foundations, municipality communities, associations and decentralised municipal agencies).

All 169 entities were analysed in the period between June and August 2021, based on 170 indicators on codes of ethics (37), oversight bodies (27), conflicts of interest (13), transparency and quality of information (42), reporting channels (43) and corruption risk management (8). The study was carried out by examining these 170 indicators on the entities' respective websites.

Our method was exhaustive, although not devoid of limitations. The first was the scarcity of resources available, which forced us to rely entirely on the entities' respective websites to explore all 170 indicators. Because the study was carried out by consulting the transparency pages and contractor profiles available on the entities' own websites, some indicators may not accurately portray the reality of our sample. This applies to indicators for which specific information is not necessarily made available on these websites. For instance, there is currently no regulation requiring administrations to publish information about the digital tools they use to detect conflicts of interest, and most do not, especially when these are employed in phases prior to the beginning of the procurement procedure. Even where such tools do exist, information may simply not be available.

We also encountered some specific challenges in the analysis process, such as the contradictory data published by various entities on their respective websites or e-offices, the total lack of updated information on some websites, and certain entities' confusion as to what information should be published where, thus hindering our access to it. This resulted in situations where the information was not in the right document or place, but could be located elsewhere.

Even so, the data we gathered cover not only local councils but the overall local public sector in the metropolitan area. Moreover, they are of sufficient quality and representation to provide a complete picture of the situation and information on general trends and anomalies that would be otherwise difficult to acquire.

5. Results and assessment

5.1. Codes of ethics

According to our data, 50% of the AMB's local councils have adopted a code of ethics. There is no substantial difference between the various types of entity in this respect, except for the miscellaneous "Other" group³, where the uptake of codes of ethics is considerably lower (34%). The results of our analysis show that codes of ethics are not sufficiently widespread among the local councils and other public sector bodies in the AMB. As showed in section 3, codes of ethics have already come a long way since they started to be first implemented and promoted by international organisations (Benson, 1989). And additionally, in Spain, national and regional governments have developed models of codes in an effort to facilitate its adoption by smaller authorities –such as the Xarxa de Governes Locals Transparents (Local Government Transparency Network)–. The fact that 55% of the entities studied do not still have one code of ethics after all the instruments provided shows either lack of commitment or shortcomings in the information channels towards the local framework. Additionally, we find that, among those approved, such codes include very few references to public procurement, which has been identified an area with ethical particularities that deserve specific attention (Hunsaker, 2009).

The positive findings are that, among those codes approved, most of them follow the existing samples and guidelines. In this regard, virtually all the codes of ethics have been adapted to the provisions of Catalonia's Law 19/2014. Likewise, many of them, especially those drawn up by the local councils (83.3%) and autonomous agencies (88.9%), follow the model developed by the Xarxa de Governes Locals Transparents (Local Government Transparency Network) in March 2017.

In order to ensure that codes of ethics are followed, the people they apply to and the general public must be aware of them. In this regard, 85.7% of the codes analysed were found to be accessible and visible on the entities' respective websites. In addition to publishing information online, many of the entities (70.1%) have specific plans in place to disseminate their code of ethics and raise awareness among public employees. However, as seen in Table 1, only 38.9% of the local councils have such internal

³ i.e. consortia, foundations, municipality communities, associations and decentralised municipal agencies.

dissemination plans, which is puzzling considering how high this figure is for the other types of entity, even reaching 100% in the case of autonomous agencies.

Table 1. Codes of ethics	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
The entity has a code of ethics. If so:	77	45.8	18	50.0	9	56.3	33	49.3	17	34.0
Adapted to catalan/spanish law	75	97,4	17	94,4	9	100,0	33	100,0	16	94,1
Follows the model from <i>Xarxa de Governants Transparents de Catalunya</i>	48	62,3	15	83,3	8	88,9	18	54,5	7	41,2
It makes reference to public procurement	70	90.9	17	94.4	9	100.0	30	90.9	14	82.4
It is accessible and visible on the website	66	85.7	16	88.9	8	88.9	31	93.9	11	64.7
It is regulatory in nature	39	50.6	9	50.0	8	88.9	15	45.5	7	41.2
There is a dissemination and awareness-raising plan for it	54	70.1	7	38.9	9	100.0	25	75.8	13	76.5
It is periodically reviewed and evaluated	45	58.4	7	38.9	8	88.9	23	69.7	7	41.2
The entity has a code of ethics for public procurement	24	14.3	1	2.8	8	50.0	8	11.9	7	14.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.

5.2. Oversight bodies

According to our data, 38.1% of the entities have their own oversight body to deal with matters of integrity. Focusing on the local councils specifically, we see that 15 have such a body, all of which are made up of multiple people. Most of these take the form of an ethics committee, while some are referred to by other names, such as ethics and good governance advisory committee, good governance code monitoring committee or simply monitoring committee. In other cases, general reference is made to the establishment of "internal control mechanisms". Finally, some entities have a body made up of a single person called the compliance officer.

As shown in Table 2 below, the responsibility most commonly given to these bodies is that of answering possible queries regarding the application or interpretation of the code of ethics (73.4%). In contrast, in none of the cases analysed was it observed that this body was responsible for deciding on or assisting in the declaration of conflicts of interest (0%).

Many of these oversight bodies are also entrusted to receive, assess and handle any reports made through the appropriate channel (40.6%). A considerably higher proportion of oversight bodies have this responsibility in local councils (60%) than in other entities, such as foundations or consortia, in the miscellaneous group (18.8%).

On another matter, our results show that the entities who have an oversight body rarely make information about it available on their respective websites (48.4%). Looking at Table 2, we see that only 20% of the local councils with such a body provide information about it online. That being said, this figure is notably higher for independent agencies (88.9%).

We argue that the overall scarce use of oversight bodies can be attributed here not only to a lack of commitment as with other measures, but also –and primarily– to the lack of resources of the different entities. Even though these oversight bodies do not always require full-time employees, they require at least some permanent staff and great organizational efforts, that can be seen as challenging by small-size organizations. In this regard, local authorities might also consider the possibility of creating a metropolitan –interinstitutional– oversight body to watch over all the local councils and entities under its remit, or those that choose to delegate this role to the metropolitan oversight body instead of creating one of their own. A third option in the particular case of the AM would be to assign oversight responsibilities to the Transparency Agency, an already existing body which is currently working to promote integrity within the AMB.

Table 2. Oversight bodies	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
The entity has its own integrity oversight body. If so:	64	38.1	15	41.7	9	56.3	24	35.8	16	32.0
Its responsibilities include:										
<i>Answering queries</i>	47	73.4	13	86.7	8	88.9	17	70.8	9	56.3
<i>Deciding on / assisting in the declaration of conflicts of interest</i>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<i>Receiving, assessing and handling reports</i>	26	40.6	9	60.0	0	0.0	14	58.3	3	18.8
<i>Tracking compliance with the code of ethics</i>	34	53.1	12	80.0	1	11.1	11	45.8	10	62.5
The website contains information about the oversight body. If so, it specifies:	31	48.4	3	20.0	8	88.9	14	58.3	6	37.5
<i>Its responsibilities</i>	27	87.1	2	66.7	8	100.0	11	78.6	6	100.0
<i>How often it meets</i>	2	6.5	0	0.0	0	0.0	2	14.3	0	0.0
<i>Its members</i>	29	93.5	2	66.7	8	100.0	13	92.9	6	100.0
<i>The regulations it abides by</i>	24	77.4	2	66.7	8	100.0	8	57.1	6	100.0
<i>The remuneration received by its members</i>	23	74.2	1	33.3	8	100.0	8	57.1	6	100.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.

5.3. Transparency and publicising information

The most positive results of the study are found in the area of transparency and the formal making public of information. Indeed, of the 169 contracting entities comprising the AMB, between 100 and 120 comply with basic publication obligations, such as having a contractor profile.

Table 3. Transparency and quality of information	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
Contractor profile available on the website	114	67.9	36	100.0	7	43.8	46	68.7	25	50.0

Contractor profile located. If so, its contents include:	120	71.4	36	100.0	13	81.3	45	67.2	26	52.0
Members of the contracting committees	103	61.3	33	91.7	12	75.0	40	59.7	18	36.0
Cancelled procedures	72	42.9	34	94.4	7	43.8	25	37.3	6	12.0
Contracts awarded to in-house resources > €50,000	32	19.0	27	75.0	1	6.3	2	3.0	2	4.0
Quarterly info. on contracts awarded to in-house resources > €50,000	6	3.6	4	11.1	0	0.0	2	3.0	0	0.0
Justifying report	19	11.3	3	8.3	0	0.0	12	17.9	4	8.0
Report on insufficient resources (contracting of services)	6	3.6	0	0.0	0	0.0	5	7.5	1	2.0
Justif. of the procedure (extraord. procedures)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Administrative specifications	116	69.0	36	100.0	13	86.7	44	65.7	23	46.0
Prior information notices	82	48.8	30	83.3	11	78.6	28	41.8	13	26.0
Invitations to tender	113	67.3	36	100.0	13	81.3	42	62.7	22	44.0
Award agreements	116	69.0	36	100.0	13	81.3	43	64.2	24	48.0
Amendment notices	4	2.4	4	11.1	0	0.0	0	0.0	0	0.0
Number and identity of tenderers	43	25.6	16	44.4	5	31.3	15	22.4	7	14.0
Internal procurement instructions	46	27.4	26	72.2	1	6.3	16	23.9	3	6.0
Information is structured and in a reusable format	112	66.7	36	100.0	11	68.8	44	65.7	21	42.0
Processed data:	24	14.3	10	27.8	1	6.3	11	16.4	2	4.0
Graphics and visual displays	8	33.3	5	50.0	0	0.0	3	27.3	0	0.0
Filter function	8	33.3	5	50.0	0	0.0	2	18.2	1	50.0
Annual plans	43	25.6	26	72.2	3	18.8	6	9.0	8	16.0
Evaluation of the plans	24	14.3	19	52.8	1	6.3	4	6.0	0	0.0
Place to request access to public information	69	41.1	34	94.4	4	25.0	19	28.4	12	24.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. *Source:* Authors' own work.

However, only 41.1% had a place on their website to request access to public information. If we break down this figure by entity type, we see that 94.4% of local councils, 25% of autonomous agencies, 28.4% of state-run enterprises and trading companies, and 24% of the entities in the miscellaneous group had this feature available.

The entities' level of compliance with regard to the content of their contractor profiles varies considerably depending on the material purpose of the information made public. This is the case for items such as lists of contracting committee members, administrative and technical specifications, invitations to tender, award agreements and assessment reports on the evaluation criteria used to make award decisions.

The entities display an intermediate level of compliance with respect to their obligations to publish prior information notices and cancelled procedures, the overall proportions of which stand at 48.8% and 42.9%, respectively. However, it should be noted that these figures drop to 26% and 12% for the miscellaneous "Other" group.

Finally, among the indicators showing the lowest rates of compliance we find “Number and identity of tenderers” (25.6%) and “Amendment notices” (2.4%), which both constitute basic and compulsory information as per articles 63(3)(e), 61(3)(c) and 63(3)(a) of Law 9/2017. It is particularly striking that none of the bodies has a section to justify its reasons for using extraordinary procedures (rather than open or restricted procedures) as is required by Article 67(3)(a) of the same law. Therefore, it can be said the local entities analysed experience problems even when complying with basic standards of quality of the information.

5.4. Conflicts of interest

A total of 15 entities have been identified as using declarations of no conflict of interest, which accounts for 9% of the entities in our study. Of these, four are local councils (11.1%), five are state-run enterprises or trading companies (7.5%) and six belong to the miscellaneous “Other” group of entities (12%). This is a very poor result as this is an instrument that has been promoted by the EU for decades and specially for the management of European Funds. Its use should be implemented in all procurement procedures as a compulsory part to be signed by everyone taking part in the procedure, including public employees, tenderers and external experts. Due to its simplicity and the availability of templates, its lack of use can only be attributed to lack of commitment within the institution.

Meanwhile, a relatively positive percentage in this category is that of the number of entities that have an approved procedure for declaring conflicts of interest. A total of 71 entities were found to have a procedure for this purpose (42.3%). This is less than half of the sample, but we assess it as partially positive given that, at the time of the study, this measure was not a regulatory requirement; in fact, it is only contained in the abstract exhortation in Article 64 of Law 9/2017 to “adopt measures”. If we break down this figure by entity type, we find that 63.9% of the local councils, 62.5% of the autonomous agencies, 38.8% of the state-run enterprises and trading companies, and 24% of miscellaneous entities have a procedure like this in place.

Finally, the results are particularly negative when it comes to the use of digital tools to identify possible conflicts of interest and other risks of corruption. Even though this is a priority for national and EU institutions, its implementation is still very limited at local level.

Table 4. Conflicts of interest	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
Binding standard on declarations of no conflict of interest	10	6.0	0	0.0	1	6.3	9	13.4	0	0.0
Information document on declarations of no conflict of interest	3	1.8	1	2.8	1	6.3	1	1.5	0	0.0
Use of declarations of no conflict of interest	15	8.9	4	11.1	0	0.0	5	7.5	6	12.0
Internal conflict of interest procedure	71	42.3	23	63.9	10	62.5	26	38.8	12	24.0
Use of a digital tool to detect conflicts of interest	6	3.6	0	0.0	0	0.0	6	9.0	0	0.0
Specific conflict of interest clauses	66	39.3	23	63.9	9	56.3	22	32.8	12	24.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.

5.5. Reporting channels

We first determined whether the entities had any sort of complaint, query or reporting channel in place, and analysed the main features of those we located. A total of 49 entities were found to have such a channel set up, which is 29.2% of our total sample and breaks down into 13.9% of the local councils, 56.3% of the autonomous agencies, 32.8% of the state-run enterprises and trading companies, and 26% of the entities in the miscellaneous group. Although this is not an excessively high proportion, it can only be interpreted in a positive light, insofar as the creation of this type of tool is not a legal requirement, beyond the general anti-corruption clause in Article 64 of Law 9/2017, as mentioned above.

Importantly, 40 of these channels (81.6%) are equipped with instruments that safeguard confidentiality, and 34 (69.4%) accept anonymous complaints or statements. These features are important for two reasons: first, because they encourage the use of these channels, and second, because they do not seemingly pose a risk to the system's guarantees.

We were able to verify a maximum response time in only three of the entities in our sample (6.1%). In some cases, moreover, it exceeded the maximum three-month period laid down in Article 9(1)(f) of Directive 2019/1937. This matter should be a matter of concern, for although the lack of transposition of the European Directive in Spain can justify these poor results of current implementation, it shows that there is a long way to go to incentivise and empower local entities to comply with the required standards.

Table 5. Reporting channels	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
There is some form of complaint, query or reporting channel. If so:	49	29.2	5	13.9	9	56.3	22	32.8	13	26.0
It is available to any citizen	38	77.6	5	100.0	9	100.0	12	54.5	12	92.3
It ensures confidentiality	40	81.6	1	20.0	9	100.0	18	81.8	12	92.3
Reports can be made anonymously	34	69.4	1	20.0	9	100.0	12	54.5	12	92.3
There is a receiving body	46	93.9	4	80.0	9	100.0	20	90.9	13	100.0
There is an obligation to reply	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
A maximum response time is given	3	6.1	0	0.0	0	0.0	3	13.6	0	0.0
Information is accessible prior to making the report	45	91.8	3	60.0	9	100.0	20	90.9	13	100.0
An internal reporting channel is available (for public employees).	6	3.6	0	0.0	0	0.0	6	9.0	0	0.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.

6. Findings and conclusions

Based the previous results we can affirm that the degree of development of local governments in the analysed sample is still poor and that there are still institutional and

normative shortcomings in terms of an anti-corruption strategy and planning at local level. Some well-known tools for the academia and for higher institutions, such as the codes of ethics, declarations of no conflict of interests or basic standards of publication, are still clearly underused by the entities analysed, suggesting a different –slower– speed of development at this administrative level. This situation, furthermore, cannot be generally attributed to a lack of means or resources, as these measures are low-cost in terms of time and human resources, and there have been efforts for its standardisation and promotion by different higher administrative levels. These shortcomings can only respond to lack of local commitment or to an unreasonable ignorance over the existing mechanisms.

In a second place, we should separately evaluate the results of the reporting channels and the procedure for conflict of interest declaration procedure. Even though the results are also generally poor –reinforcing the previously stated findings– the reasons for it might be slightly different. Even though such measures have been largely studied by academia, they have not been until recently brought up to legislation neither by European nor national lawmakers, and the institutional attention and efforts placed on them has been rather mild. Here, we can attribute the deficiencies to a lack of existing incentives or to a reasonable ignorance over the available tools due to their relative newness.

Thirdly, when it comes to independent oversight bodies or other organisational measures, to the previously stated reasons we can impute the lack of accomplishment to the scarce resources of most of the local entities analysed due to its lack of human and technical resorts. At this point, however, inter-administrative initiatives of cooperation can easily sort out many of these challenges.

As a complement to the main findings exposed, it should be noted that the results of our analysis on the rate of compliance reveal some differences depending on the type of entity and its level of subjection to administrative regulations, and there are significant asymmetries between local authorities. There is a higher rate of compliance among local councils and public administrations than among other public sector entities (trading companies, state-run enterprises and others). This reality is a consequence of the variable legal frameworks historically applicable to each kind of entity, even though in terms of public procurement the differences should not be such –or at least not so pronounced–, for this has been one of the main concerns of the EU for decades (Martin et al., 1999).

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported by the Transparency Agency of the Metropolitan Area of Barcelona.

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To be published online only

Corruption risk analysis in local public procurement: A look at the Àrea Metropolitana de Barcelona

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Supplementary Table 1. Oversight bodies	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
The entity has its own integrity oversight body. If so:	64	38.1	15	41.7	9	56.3	24	35.8	16	32.0
Its responsibilities include:										
<i>Answering queries</i>	47	73.4	13	86.7	8	88.9	17	70.8	9	56.3
<i>Deciding on / assisting in the declaration of conflicts of interest</i>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<i>Receiving, assessing and handling reports</i>	26	40.6	9	60.0	0	0.0	14	58.3	3	18.8
<i>Tracking compliance with the code of ethics</i>	34	53.1	12	80.0	1	11.1	11	45.8	10	62.5
The website contains information about the oversight body. If so, it specifies:	31	48.4	3	20.0	8	88.9	14	58.3	6	37.5
<i>Its responsibilities</i>	27	87.1	2	66.7	8	100.0	11	78.6	6	100.0
<i>How often it meets</i>	2	6.5	0	0.0	0	0.0	2	14.3	0	0.0
<i>Its members</i>	29	93.5	2	66.7	8	100.0	13	92.9	6	100.0
<i>The regulations it abides by</i>	24	77.4	2	66.7	8	100.0	8	57.1	6	100.0
<i>The remuneration received by its members</i>	23	74.2	1	33.3	8	100.0	8	57.1	6	100.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.

Supplementary Table 2. Transparency and quality of information	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
Contractor profile available on the website	114	67.9	36	100.0	7	43.8	46	68.7	25	50.0
Contractor profile located. If so, its contents include:	120	71.4	36	100.0	13	81.3	45	67.2	26	52.0
Members of the contracting committees	103	61.3	33	91.7	12	75.0	40	59.7	18	36.0
Cancelled procedures	72	42.9	34	94.4	7	43.8	25	37.3	6	12.0
Contracts awarded to in-house resources > €50,000	32	19.0	27	75.0	1	6.3	2	3.0	2	4.0
Quarterly info. on contracts awarded to in-house resources > €50,000	6	3.6	4	11.1	0	0.0	2	3.0	0	0.0
Justifying report	19	11.3	3	8.3	0	0.0	12	17.9	4	8.0
Report on insufficient resources (contracting of services)	6	3.6	0	0.0	0	0.0	5	7.5	1	2.0
Justif. of the procedure (extraord. procedures)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Administrative specifications	116	69.0	36	100.0	13	86.7	44	65.7	23	46.0
Prior information notices	82	48.8	30	83.3	11	78.6	28	41.8	13	26.0
Invitations to tender	113	67.3	36	100.0	13	81.3	42	62.7	22	44.0
Award agreements	116	69.0	36	100.0	13	81.3	43	64.2	24	48.0
Amendment notices	4	2.4	4	11.1	0	0.0	0	0.0	0	0.0
Number and identity of tenderers	43	25.6	16	44.4	5	31.3	15	22.4	7	14.0
Internal procurement instructions	46	27.4	26	72.2	1	6.3	16	23.9	3	6.0
Information is structured and in a reusable format	112	66.7	36	100.0	11	68.8	44	65.7	21	42.0
Processed data:	24	14.3	10	27.8	1	6.3	11	16.4	2	4.0
Graphics and visual displays	8	33.3	5	50.0	0	0.0	3	27.3	0	0.0
Filter function	8	33.3	5	50.0	0	0.0	2	18.2	1	50.0
Annual plans	43	25.6	26	72.2	3	18.8	6	9.0	8	16.0
Evaluation of the plans	24	14.3	19	52.8	1	6.3	4	6.0	0	0.0
Place to request access to public information	69	41.1	34	94.4	4	25.0	19	28.4	12	24.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.

Supplementary Table 3. Reporting channels	Total		LC		AA		SRE/TC		Other	
	Yes	%	Yes	%	Yes	%	Yes	%	Yes	%
There is some form of complaint, query or reporting channel. If so:	49	29.2	5	13.9	9	56.3	22	32.8	13	26.0
It is available to any citizen	38	77.6	5	100.0	9	100.0	12	54.5	12	92.3
It ensures confidentiality	40	81.6	1	20.0	9	100.0	18	81.8	12	92.3
Reports can be made anonymously	34	69.4	1	20.0	9	100.0	12	54.5	12	92.3
There is a receiving body	46	93.9	4	80.0	9	100.0	20	90.9	13	100.0
There is an obligation to reply	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
A maximum response time is given	3	6.1	0	0.0	0	0.0	3	13.6	0	0.0
Information is accessible prior to making the report	45	91.8	3	60.0	9	100.0	20	90.9	13	100.0
An internal reporting channel is available (for public employees).	6	3.6	0	0.0	0	0.0	6	9.0	0	0.0

Note: LC = local councils; AA = autonomous agencies; SRE/TC = state-run enterprises or trading companies. Source: Authors' own work.