

E-PROCUREMENT SYSTEM IN ALBANIA, IMPACT AND LESSONS LEARNED

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ABSTRACT. In the framework of measures towards transparency increasing and the fight against corruption, on the public procurement system in Albania, from 2009, all public procurement procedures are performed through e-procurement system.

The e-procurement system offers a secure, efficient and transparent preparation and administration of all tender-related documents, removing unnecessary paper work and providing secure data flow throughout the entire process.

A key finding of the research is that the entire system should be designed; reflecting in all its functionalities, the respective legislation framework in place, otherwise the implementation of the system will not be successful.

This paper has been developed through collecting and analyzing of information, data and statistics from Contracting Authorities and the electronic database of the e-platform.

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INTRODUCTION

In the framework of thorough reform of the public procurement system in Albania and more specifically, in the framework of measures towards transparency increasing and the fight against corruption, the Public Procurement Agency supported by the Millennium Challenge Threshold Agreement Programme for Albania, component “Reform in Public Procurement”, managed by USAID, set up an electronic procurement system.

Usage of e-procurement system brought great improvements, such as transparency’s increasing, efficacy, and reduction of corruption. Prior to the application of e-procurement, the Albanian procurement system had some major problems which affected directly the quality and effectiveness of procurement. One of the biggest problems was the very limited access of private business/community on tender documents and procedures performed by Contracting Authorities. This was closely related to the lack of transparency in the procurement process (World Bank Study Strengthening Country Procurement Systems: Results and Opportunities. Capacity development- Country Case: Albania). By that time, Contracting Authorities were obliged to publish only the contract notices and after that they could start the preparation of the relevant tender documents. All interested parties had to buy tender documents in hard copy by the Contracting Authority. Quite often Contracting Authorities had no “good will” to sell the documents. In the best of the scenarios, economic operators could access such documents only few days before the opening of the tender, thus not having the necessary time to prepare their offers. The lack of transparency used to make it impossible for economic operators or other interested parties, to access the following steps/phases of the procurement process, leading directly to high levels of corruption. Although contracting authorities were obliged by law to keep written records on every step of the procedure, there have been many cases when documents were taken off from the folder or added later. Also the evaluation phase was not transparent at all.

The 2006 CPAR (World Bank Albania Country Fiduciary Assessment, August 2006), found that the procurement legislation had improved somewhat since 2001, but there had been little or no improvement in

other areas. Moreover, private sector confidence in the system had decreased with 32% of firms saying bribery was frequent to obtain government contracts in 2002, rising to 41% in 2005.

The use of innovation can be very powerful. By using modern tools such an electronic procurement system, Albania was able to achieve goals in a way that would have been impossible back in 2001 (World Bank Study Strengthening Country Procurement Systems: Results and Opportunities. Capacity development- Country Case: Albania).

METHODS

The aim of this study was to indentify impact of using e-procurement system in Albania and lessons learned. For a better identification and analyzing of such impact, were taken into consideration several documents such as, reports and studies done on this topic. First of all the Annual Reports of Public Procurement Agency (PPA) were consulted. Annual Reports of PPA reflect and analyze all data and statistics on complains, public procurement procedures awarded, average of economic operators participating in a procedure, procured funds, etc. Further on, references about the system have been gathered from associations and representatives of economic operators as well as from Contracting Authorities. Information and data from European Commission' Progress Reports and from studies conducted by NGOs and donors on e-procurement system in Albania has been consulted.

RESULTS

Application of e-procurement system has been a big challenge and a great achievement at the same time, for Albanian public procurement system, comparing to the paper-based, model.

The electronic procurement platform is a centralized web-based application, supporting the automation for public procurement procedures of all the Albanian contracting authorities. This system enables secure transactions among Albanian public institutions and national and international business community.

The new system provides an electronic marketplace, allowing registered suppliers to view all released government tenders. The EPS allows suppliers to bid for, and view the progress of, tenders to the point of final award. This process is free of charge for participating suppliers. Reducing paper, streamlining government contracting and opening the process to public scrutiny have all improved the process of procurement within the country. (Case study: Albania e-procurement leader; Procurement Intelligence Unit).

The system offers a secure, efficient and transparent preparation and administration of all tender-related documents, removing unnecessary paper work and providing secure data flow throughout the entire process. All the tender documents from contract notice to winner notice and further more to the notice of the signed contract are available in the electronic public procurement system, and all transactions, starting from the download of documents till the bidding by electronic means, may be done at anytime and anywhere the economic operators are in all over Albania.

The electronic public procurement system reduces the application time, facilitates and standardizes the process of introduction with the tender conditions. 82% of EOs considers that the cost (human and financial) of participating in a procurement procedure through EPS has been reduced compared with the paper-based procurement system (American Chamber of Commerce in Albania, 2010).

Likewise, it guarantees the secrecy of offers, and at the opening time of the procedures, allows the simultaneous publication of the offers.

Even though the data is public, PPA has configured a SSL encryption protocol that provides security in communication or data transfer over the network. SSL encrypts network segments, providing the secure exchange of confidential information between contracting authorities and economic operators.

Moreover, the electronic system does generate reports enabling ulterior inspections, ex post monitor of procedures and reducing the possibility of corruptive deviations. It is constructed in such a way as to maintain at all times a copy of all data and all actions performed on it. The automatic recording of transactions is done in a separate server called "Black box", which is located in a completely different

place from the main server and in which, moreover, none of the EPS administrators can enter. Meanwhile, the information in the "black box" is available to inspection authorities such as: Procurement Advocate, Supreme State Audit and Department of Internal Control and Anti-corruption in the Council of Ministers" (according to Decision of Council of Ministers no. 659/2007).

The system provides a greater participation of the economic operators in the public procurement procedures, since they can submit their offers by electronic means, from their workplace, and having information on the procurement procedure they have applied on real time basis, without being necessary to be present at the Contracting Authorities. According to the Am. Cham. Survey, 70% of respondents said that using EPS has increased the number of procurement procedures for which they submitted bids in 2009, as compared to the paper-based system.

The Albanian economic operators, which are registered at the National Registration Center of Businesses, can apply to be registered in the electronic procurement system, as well. Once they are registered, they have always the possibility to participate to the public procurement procedures and submit their offers electronically. The foreign economic operators should also be registered and be provided with a user name and password, in order to access the electronic procurement system. Registration can be done on-line by registering as an economic operator, or directly at the Public Procurement Agency. Registration is valid for bidding in all public procurement procedures delivered in Albania, at any time.

According to PPA in 2010, 336 new economic operators were registered, out of which 114 foreign economic operators, while in 2011, 347 new suppliers were registered with the electronic procurement system, out of which 119 foreign suppliers (Public Procurement Agency of Albania 2010, 2011). The considerable number of foreign suppliers registered with the system in 2011, as compared to the number of Albanian suppliers registered in the course of the same year, shows the high level of trust created by this system not only for domestic operators, but also for foreign businesses. Also this figure can be explained by the facility of

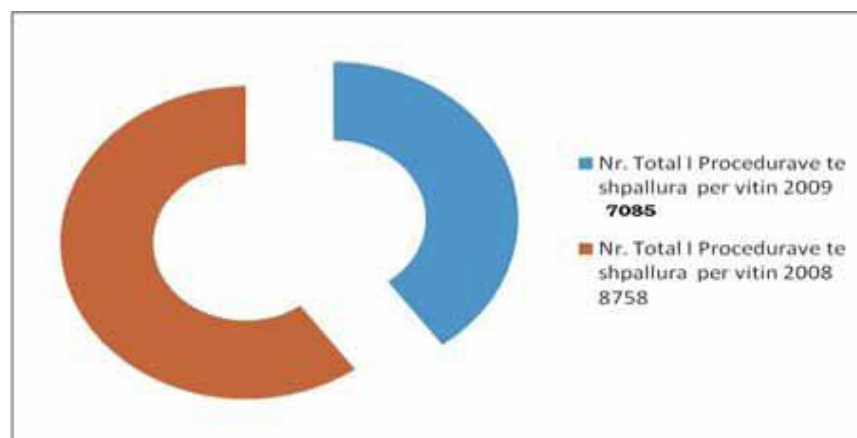
interaction provided by this system to tender in public procurement procedures from outside Albania.

Currently the total number of foreign and local suppliers, registered with the electronic procurement system is 109,369 (Public Procurement Agency of Albania, 2011).

Except all above mentioned, benefits of using e-procurement system are also measurable in concrete terms. Analysis of data related to limit funds saved in electronic procedures in a three years period using e-procurement, shows a saving of budget of 15% for the year 2009, 12% for the year 2010 and 20.1% for the year 2011 (Public Procurement Agency of Albania, 2009, 2010, 2011).

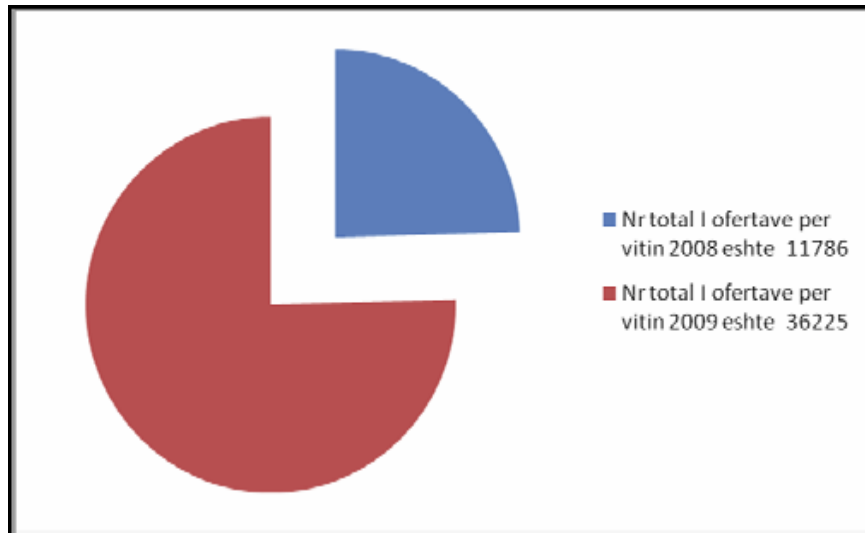
Number of bidders from paper based procedures to electronic procedures has increased from 2.3 to 7.7 bidders. This is one of the strongest impacts of using e-procurement system in Albania. Again, a comparative view, especially between number of bidders in 2008 and 2009, which is the first year of application of EPS, makes clear the difference. To analyze the average number of offers in a procedure, we have to consider first the number of procedures in a year.

The graphs as provided hereunder present the procedures, which were published in PPA's website in 2009 compared to 2008:

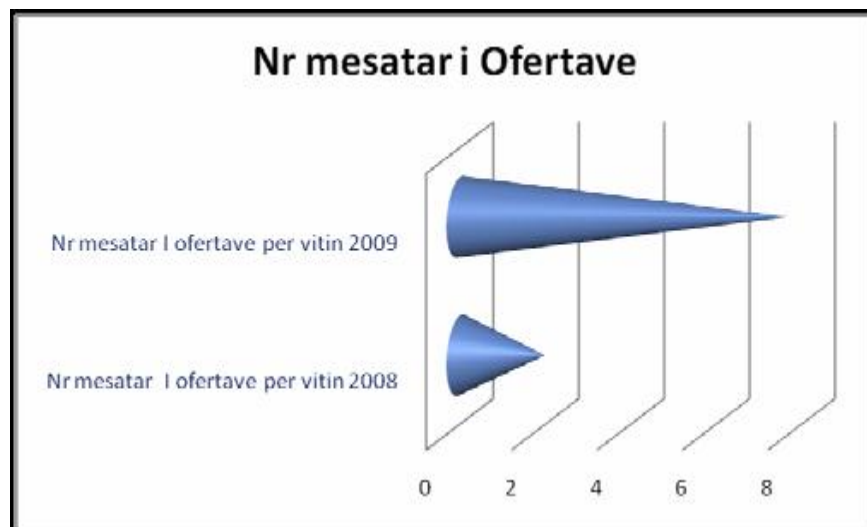


Translation of the graph: [blue section] – **7085** total number of procedures published in 2009, [Red section] – **8758** - total number of procedures published in 2008

Total number of bids in the Public Procurement Agency website in 2009 compared to 2008 and the average of bids per procedures are presented as follows:



Translation of the graph: [Blue section] – 11786 – Total number of



Translation of the graph: Nr. mesatar i ofertave – Average number of bids

Nr. mesatar i ofertave per vitin 2009 – Average number of bids for 2009

Nr. mesatar i ofertave per vitin 2008 – Average number of bids for 2008

bids in 2008 [Red section] – 36225 - Total number of bids in 2009

As shown by the graphs, even though the number of paper based procedures performed during 2008, is higher than the number of procedures performed electronically during 2009, the number of offers in 2009 is much higher than in 2008. This is a clear indicator of a higher access in public procurement procedures. Higher participation of economic operators leads to higher competition and savings.

Using e-procurement system does help all interested parties and stakeholders to generate data and statistics for the procurement system in general. This is very helpful for the policy-makers to assess the system and to work for further improvements when and where needed.

The impacts of performing public procurement procedures through the use of information technology, has been really good and positive even in the perspective of the Contracting Authorities, as compared to the paper-based procurement procedures.

First of all it is less expensive, after the avoidance of excessive paper documents. The electronic public procurement system does allow the good management of the space dedicated to the tender, reduces the application time, and eliminates unnecessary documents. According to the Am. Cham. Survey, CAs said that use of EPS has increased the procurement procedures' efficiency. There are no longer unnecessary delays, and the procedures are completed in a short time. Compared with paper-based procurement procedures, communication between CAs and EOs is flowing much faster.

Using EPS facilitates the work of procurement officers of the contracting authorities which submit electronically the tender dossier. When performing the procurement procedures through e-procurement system, procurement officers, do not need to take written evidences on the workflow of the process. The system itself, does keep this records (article 52/6 of PPL 9643/2006).

On the other hand, through the on-line publication of these procedures, all economic operators have the opportunity to get

informed on procedures of their interest. They may download the complete documentation of the tender and participate in a tender by submitting an offer electronically through their accounts. According to the Am.Cham. Survey, 91% of Tirana-based businesses and 77% of those outside Tirana use their company's office to interact with EPS. Interestingly, 11% of the interviewed businesses outside Tirana rely on third parties who provide service to complete a procurement procedure. Also, 8% of non-Tirana based businesses vs. 4% of Tirana businesses use internet cafes to access EPS.

CA's cost of conducting procurement procedures and time needed, is significantly lower as compared to the previous paper-based system. With EPS, CAs do not incur costs for postage, and they save on time and travel costs, while before they would often send specialists to PPA in Tirana to ensure the delivery of procurement-related documents. Currently, procurement procedures documents and records are for the most part retained only in electronic form.

EPS provides for appropriate procedures to audit all CAs, due to the fact that everything is recorded in the EPS.

The usage of EPS has shortened the time limits of the procedures. According to article 43/8 of PPL 9643/2006, time limits for open procedures are shortened with 7 days, and for the restricted and negotiation with prior publication, with 5 days, in case they are performed through the EPS. Shortening the respective time limits, means that CAs, can finish the procurement procedure and conclude the respective contract, faster than it used before.

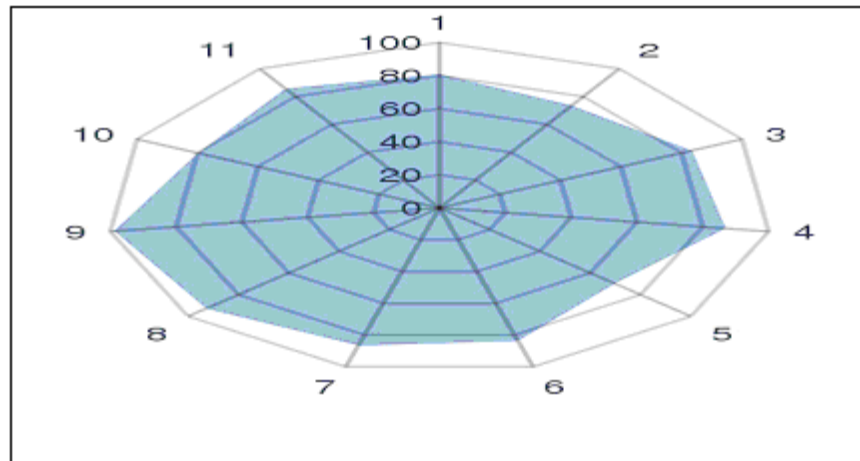
Using e-procurement system reduces the possibility of corruptive deviations. Possibility of individual contacts among economic operators interested to bid in a tender is avoided, which logically reduces the possibility of collusions. On the other hand performing procedures through the system, eventually avoids individual contacts of contracting authorities officials and bidders, reducing the possibility of corruptive actions. According to the AmCham Survey, 71% of the interviewed businesses said that they communicate only via EPS with respective procurement specialists of the CAs to which

they submitted bids. Only 7% of the surveyed EOs still relied on personal contacts with CAs.

EPS has increased the procurement procedures effectiveness. There are no more delays and the procedures are completed in a short time. Compared to paper-based procurement procedures, communication between CAs and EOs is flowing much faster. Fair competition in procurement procedures is now guaranteed to the maximum. Potential bidders are not known ahead of time because participation in a given procedure is anonymous until the bid opening day.

EOs have no way of finding, through official channels, information about other potential bidders. At the same time, OEC members feel that the burden of unofficial and undue interventions by potential bidders has been lifted from their shoulders, as nobody has information about the bids that have been submitted, before the bid opening day.

According to the EBRD 2010 Regional Assessment of Public Procurement Legal Frameworks, Albanian PPL promotes uniformity, integrity and competition in public procurement, thanks to the eProcurement platform. This perception is shown better in the chart below.



1. Accountability 2. Integrity 3. Transparency 4. Competition 5. Economy of the process 6. Efficiency of public contract 7. Proportionality 8. Uniformity 9. Stability 10. Flexibility 11. Enforceability

Source: EBRD Public Procurement Assessment 2010.

The chart shows the score for extensiveness and comprehensiveness of national PP practice in for the country in the region. The scores have been calculated on the basis of a practice questionnaire, based on the EBRD Core Principles on for an Efficient Public Procurement Framework. Total scores are presented as a percentage, with 100 per cent representing the optimal score for these benchmark indicators (EBRD 2010 Regional Assessment of Public Procurement Legal Frameworks, pg. 17).

The overall impact of this initiative is transparency. The electronic system is transparent, since it provides the increasing of information passing through it, and the most important, it enhances the responsibility in relations between the contracting authorities and economic operators, enabling a more effective and efficient use of the tax payers' money. Using EPS has improved access to information and reduced procedural costs (Commission of the European Communities, 2009).

Certainly during the big challenge of implementing this initiative, there were some lessons learned.

One of main lessons learned is that without a consensus and decisiveness from the political leadership to apply this electronic system, it would be difficult to overcome the difficulties of a country with a poor infrastructure.

A key driver triggering the faster pace of procurement capacity development in Albania has been the political will unleashed by the goal of EU membership. Since 2006 the Government of Albania has shown commitment to address identified weaknesses in the public procurement system, both politically and in terms of providing additional funding to ensure the roll-out of the e-GP system. (World Bank Study Strengthening Country Procurement Systems: Results and Opportunities. Capacity development- Country Case: Albania)

Another lesson learned is that without the commitment and the good will of the business community, this application would not be successful. This can serve as a good example for other developing countries.

Another important lesson is that the entire system should be designed, reflecting in all its functionalities, the respective legislation framework in place (respective steps for different procurement procedures, respective time limits for each procedure, etc), otherwise the implementation of the system will not be successful.

At the actual stage of the e-procurement system in Albania, we may say that after 3 years of intensive work, the big challenge we had at the beginning is exchanged now in a big success for the Albanian public procurement system.

DISCUSSION

The electronic procurement system in Albania was part of the Albanian initiative for the e-government supported by the two years Agreement (2006-2008) of the Millennium Challenge Threshold for Albania (MCATA) between Albanian Government and the Corporate of the Millennium Challenge, administered by USAID, which among others, helped and assisted the reform on public procurement system, offering technical solutions and legislative improvements.

This system was implemented for the first time in Albania, in 2008. This year was considered the first phase of the implementation of the EPS and was considered as a testing phase. A restricted number of Contracting Authorities that were able both in technical capacities and administrative capacities/human resources were selected to test the system. 15 Contracting Authorities performed their procurement procedures through e-procurement system. Thus, during 2008, 2.1% of procurement procedures were performed electronically (Public Procurement Agency of Albania, 2008).

Considering the result achieved during 2008, (cost savings, increased number of bidders etc), after some necessary improvements, reflecting the problems which came up during the testing phase (Public Procurement Agency of Albania, 2008), at the beginning of

2009, the Council of Ministers decided that all Contracting Authorities in Albania, should perform their procurement procedures through e-procurement system. This signed the second phase of the implementation of EPS (Decision of Council of Ministers no. 45/2009). The system allows for all types of procurement procedures to be performed electronically, except for the “negotiation without prior publication” procedure and small value procurement (the value of such kind of procedure is up to 3.000 euro).

The main stakeholders of this initiative were Albanian Government, all Contracting Authorities in Albania and all the private/business community, and also the citizens (public interest). The Albanian Government was the main initiator of this system, and at the same time the main stakeholder. The Contracting Authorities and Economic Operators were directly affected by this system in their everyday activity on public procurement sector. They made it functional, by using it, and at the same time they benefits from it. Citizens also showed great interest, as the system, while assuring a transparent procurement process, leads directly to cost savings, affecting indirectly their personal finances.

Establishment of e-procurement platform was very important and essential for the success of the coming phase, implementation. The implementation of this initiative was a big challenge on its own. E-procurement system was a totally new system for both the Albanian public administration and the business community. In this regard, the implementation of e-procurement system had to deal also with the “working mentality” of the stakeholders. Taking into consideration that this system was new not only in the procurement sector, but was one of the first electronic services offered by government, its implementation required a good strategy, aiming positive results at the end of the process.

A primary step of the strategy was to divide implementation of the system in two main phases. The first phase was to be implemented through a restricted number of Contracting Authorities, which had to be equipped with good technical infrastructure and good administrative capacities. A crucial topic in this initiative is the identification of the minimal technical infrastructure, needed for

implementation of EPS from both Contracting Authorities and economic operators.

The Albanian Electro Energetic Corporate (AEEC) was the very first Contracting Authority which tested for the first time e-procurement system with a procurement procedure for buying electric power. To test the system in November 2007, AEEC procured buying of energy both in paper based and electronically, being the paper based procedure the official version. This signed the first real test on the EPS, which resulted successfully (Public Procurement Agency of Albania, 2007).

During 2008, 15 Contracting Authorities agreed to perform their procurement procedures only electronically. These Contracting Authorities went through a special training program, how to use e-procurement system.

As the procurement procedures need the input of both Contracting Authorities and economic operators, the success of e-procurement, requires their full engagement. The year 2008 served as a testing period for both the system and the main stakeholders; how much operational and well-constructed it was; conditions and criteria required to access it; was it considered user friendly by the procurement officials, and how was this system perceived and “accepted” by the business community. This signed another key development on e-procurement system. In this regards, several improvements have been made to the system, during 2008, including improvement of some functions and increase and improvement of technical capacities. Considering the fact that the active contribution of business community is crucial in this initiative, creation of a user-friendly environment, was very important and one of the key points for the successful implementation.

Finding the tender notice and STD, as well as uploading bid documents are two of the most important stages in a procurement procedure. According to the Am.Cham. Survey, the majority of the interviewed businesses (90%) said that it was ‘easy’ or ‘very easy’ to find the tender notice and Standard Tender Documents on EPS.

Another key issue for the successful implementation of EPS was delivering an appropriate training program how to use this system. In this regards, two training modules, one for public administration and one for business community were prepared. Delivering a training program both for CAs and business community was very important, because to use this new system, previous experience on procurement and previous knowledge on procurement legislation was not enough. Also this is a very good approach if it is intended to make the use of EPS mandatory to all CAs. Trainings were delivered during the second half of 2008, as shown on the table below:

Data on the number of trainings delivered during 2008

Number of trainings: 76
Number of participants: 1.454 personas
Number of CAs: 690 (358 out of which were local units)
Number of Economic Operators: 277

Source: Public Procurement Agency of Albania, 2008

If the e-procurement initiative started with a two years Agreement (2006-2008) of the Millennium Challenge Threshold for Albania (MCTA) and the first phase was strongly supported from the project, the second phase, required a strong commitment by the Albanian Government to follow up with implementation of the EPS, and further on to expand it to full usage. This commitment took into consideration four main components, aiming the implementation and sustainability of this initiative: financial support, technical infrastructure, regulatory framework and capacity building components. Let's deal with each of them separately:

- Sufficient financial support is crucial to the functioning of the system. Financial means should be adequate as to cover

costs of maintenance and improvement of the e-procurement platform. By the end of 2008, the Albanian Government accorded a specific budget to cover: (i) improvement of some functionalities of EPS, and (ii) increase of its capacities. A certain fund was allotted for contracting a specialized company, which would ensure the good functioning of the system and which would provide for technical improvements to the e-procurement system (Public Procurement Agency of Albania, 2009).

- Improvements made to the EPS assure its sustainability. Such improvements include:
 - ✓ prevention of delays in secure data transmitting;
 - ✓ increase of technical capacities on uploading the documents;
 - ✓ assure the confidentiality of the information;
 - ✓ increase the parameters of internet connection;
 - ✓ add technical capacities, with new technologies;
 - ✓ management of the space in the system, assuring the continuity of the work;
 - ✓ required parameters for internet connection for PPA (E-procurement system is web-based, so the internet connection is needed within the required parameters as high speed, wide bandwidth, good sustainability of the internet connection, etc. This is necessary for an interactive and real-time communication among Contracting Authorities and economic operators, through the system itself.

- Another key issue which helps to assure the sustainability of the system is the regulatory framework. The implementation of the EPS should be accompanied with a regulatory framework, which explains in details all roles involved as well as all steps they should follow during the performance of a procedure. At the time when started the implementation of the EPS, PPA prepared detailed instructions addressing both

Contracting Authorities and Economic Operators (PPA website: <https://www.app.gov.al/legislation>).

- Regarding the human resources engaged at the initial stage, the input of PPA staff was mainly in legislative frame work, because except of technical quality, a key issue of the system was the compatibility of the functions of the system with the public procurement legislation in force. During the process of creation of the e-procurement system, the staff of Public Procurement Agency, mainly the IT staff and lawyers, has closely worked with the Project staff, mainly for adopting the Albanian procurement legislation in programming language terms. The PPA staff was the first one that has been trained on e-procurement system, its functionalities, and roles of Contracting Authorities and Economic Operators on it (Public Procurement Agency of Albania, 2007). This helped to assure the transfer of the knowledge from them who created it, to the PPA staff that will be the key point of its implementation in the future. The next step on transferring the knowledge on EPS was the continuous trainings delivered for procurement officers of the Contracting Authorities and for business community. The transfer of knowledge is necessary to assure the sustainability of the institutional capacities on e-procurement system.
- Three years of past experience (2009-2011) served also as a learning phase for all actors involved in this process. By the end of 2010, there were two main issues coming out from the application of e-procurement system in Albania: first, a need for decentralization of the role of administrator of the EPS for each Contracting Authority and second an urgent need for an electronic archive (Public Procurement Agency of Albania, 2010).

Following some improvements to the EPS platform, these two issues were thoroughly addressed. Each Contracting Authority has its own account for the administration of the system, in relation to proper procurement procedures. Through this “administrator account”, a contracting authority is able to create accounts and assign roles for Procurement Unit’ officers, members of the Offers Evaluation

Commission, auditing officers, etc. Such feature of the EPS has saved time and facilitated the work of the Contracting Authorities, as now they do not need to communicate in paper base with PPA, to get accounts assigned for their officials, each time they perform a procurement procedure. Procurement officers operate through accounts in the EPS as e-signature is not yet implemented (Public Procurement Agency of Albania 2011).

The other challenge, PPA was facing after two years using EPS, was the need for an electronic archive. By the end of 2011 it was managed to set up a fully functional electronic archive in the system. Creation of this electronic archive does make the operation on the EPS easier, as it has reduced the amount of data in the working server. On the other hand archived procedures are accessible to auditors.

Setting up the electronic archive, required an increase of the hardware capacities by two servers, loaded with procedures which were for two years online in the operational database. This way was implemented the division of the operational database from the archive database. Transfer of data from the operational database to the archive database is done in real time and both databases are on line (Public Procurement Agency of Albania 2011).

Along with technical improvements of the EPS, PPA has issued several instructions on how procurement officers should operate inside the EPS platform, when conducting, or auditing a procurement procedure (<https://www.app.gov.al/legislation>).

In the focus of Albanian Government and Public Procurement Agency (as stated in the PPA's Annual Report for 2011) for the year 2012 shall be done further improvements to the EPS, such as: Implementation of the Frame work agreement modules in the system; or Designing of the e-auction on the EPS;

Using the e-procurement system for Contracting Authorities and Economic Operators in Albania, now days it's no longer a challenge, but rather a normal way of conducting procurement procedures. On the other hand, the e-procurement system remains always a challenge in the view of continuous improving.

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