

# Procurement audit

## Office of the Attorney General of Switzerland

### Key facts

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The Office of the Attorney General of Switzerland (OAG) is responsible for investigating and bringing charges relating to criminal offences that fall under federal jurisdiction. Since 2011, the OAG has been a self-governing authority outside the Federal Administration. However, the OAG remains subject to federal law on the submission of tenders. It carries out procurements largely independently, rather than through the central federal procurement offices.

For 2019, the OAG had a budget of around CHF 67 million at its disposal. In both 2017 and 2018, the OAG carried out procurements worth some CHF 7 million per annum. These mainly involved advisory services and supply contracts in the areas of organisational development and IT. The Swiss Federal Audit Office (SFAO) used case audits to examine 24 procurements over the 2014–2018 period. Their value amounted to some CHF 13 million in total.

### **Need to improve requirements planning and refine the foundations for procurement management**

The OAG is appropriately staffed to perform rule-compliant procurements. It endeavours to carry out its procurement projects in a correct and orderly manner, and to select the economically most advantageous bid. However, these efforts do not always bear fruit. Thus, in five audited contracts totalling around CHF 3.6 million, the wrong procedure was chosen owing to a lack of bundling. This is a breach of procurement law. To ensure that procurements are carried out successfully and in compliance with the rules, the SFAO has identified the following areas for improvement.

Firstly, in future, a needs and procurement market assessment must be performed for all WTO procurements, in order to meet the specific requirements for such procurements. This will enable the OAG to improve the general quality of service provision by service providers and, in turn, the economic efficiency of its procurements. In addition, there is no formal set of rules on signatures and responsibilities. This shortcoming should be rectified immediately.

Secondly, the OAG must ensure that internal stakeholders in a procurement are involved in a timely manner. For example, only the early involvement of Legal Services will make it possible to prevent contracts that are not legally compliant from being signed, and thereby avoid an increase in financial or reputational risks. In this regard, the OAG needs to introduce a robust process which describes the procedure and responsibilities in sufficient detail. Furthermore, the SFAO recommends that the rules of the Federal Procurement Conference be followed for external service providers too, and that a declaration of impartiality – a common anti-corruption tool – be introduced.

**Original text in German**