

# Follow-up audit on the implementation of recommendations in the area of procurement

## Office of the Attorney General of Switzerland

### Key facts

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The Swiss Federal Audit Office (SFAO) conducted a follow-up audit at the Office of the Attorney General of Switzerland (OAG) on the implementation of recommendations made in 2019<sup>1</sup>.

The Criminal Justice Authorities Act, which came into force in 2011, made the OAG a self-governing authority outside the Federal Administration. As a contracting authority, the OAG is subject to the Public Procurement Act (PPA Art. 4 para. 1 lit. c). It is not subject to the Ordinance on the Organisation of Federal Public Procurement and therefore does not have to procure through the central federal procurement offices.

The OAG's procurement volume in 2022 amounted to around CHF 23 million (incl. VAT)<sup>2</sup> with a total functional expenditure (global budget) of around CHF 77.6 million.

Five recommendations were reviewed as part of this follow-up audit, of which four have been fully implemented and are closed, and one recommendation remains open.

### Successfully implemented recommendations

Recommendation 19242.001 concerning the performance of needs and procurement market analyses has been implemented. In future, attention should be paid only to ensuring that the procurement market analysis for open procedures is sufficiently in-depth.

Recommendation 19242.002 has been implemented. The OAG uses the model templates for contracts from the Federal Office for Buildings and Logistics and supplements them according to its specific needs. The SFAO considers this to be appropriate.

Recommendation 19242.003 is closed in view of the content of recommendation 19242.005. The OAG has formalised signature and competence regulations for procurements and contracts. These include the relevant information regarding signatures of the approving authorities.

Recommendation 19242.004 has been implemented. Declarations of impartiality from the members of the evaluation teams were available for all cases audited. Care should be taken to ensure that the persons providing signatures (approving bodies) can also provide declarations of impartiality.

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<sup>1</sup> The "Procurement audit" report (mandate 19242) is available on the SFAO website ([www.sfao.admin.ch](http://www.sfao.admin.ch)).

<sup>2</sup> Contracts starting in 2022

### **Necessary steps to implement the outstanding recommendation**

With recommendation 19242.005, the SFAO advised that the OAG's support process for handling procurements be defined in a binding manner and made accessible to employees. This has not yet been fully implemented. The OAG does have processes for handling procurements in the direct award and invitation procedures, which are also accessible to employees on the intranet. However, the OAG does not have its own process descriptions for open and selective procedures. These have yet to be drawn up.

The OAG makes use of the support of external partners in carrying out its procurements. Since 2019, the contract volume of the various service providers has amounted to around CHF 1.5 million. A framework agreement needs to be concluded here.

### **Digitalisation in the procurement process**

The OAG should examine which application it can use for a digitalised procurement process in order to make its process more efficient and thus economise on internal resources.

**Original text in German**