



سوروهنجاي قرسايعشن برونبي دارالسلام
COMPETITION COMMISSION
BRUNEI DARUSSALAM

PRESS RELEASE COMPETITION COMMISSION BRUNEI DARUSSALAM

Audit Department gets exposure on combating bid-rigging

Date: 02 August 2020

1. Bid rigging, also known as collusive tender, is agreements between bidders to eliminate competition in the procurement process, thereby raising prices and lowering quality. It is a major risk to the integrity and effectiveness of public procurement, and deprives the public sector of genuine opportunities to achieve value for money. Procurement units and their officials are therefore encouraged to learn and execute preventive measures to combat bid rigging.
2. Raising awareness of bid rigging risks has proven to be an important step to prevent the anti-competitive conduct, in ensuring value for money in public procurement, in line with Brunei Darussalam's national agenda to promote efficient use of public resources and prudent spending. This was highlighted by the Competition Commission Brunei Darussalam (CCBD) during a dialogue session with the Audit Department, Prime Minister's Office (PMO) that took place at Dewan Serbaguna, Bangunan Bahirah last week.
3. During the opening, the Executive Secretariat of the CCBD applauded the proactive move made by the Audit Department in requesting for the dialogue session to learn about the Competition Order, specifically, focusing on bid rigging prohibition.
4. More than 40 officials from the Audit Department were in attendance, led by the Auditor General, Yang Mulia Awang Haji Yusop bin Haji Mahmud. Representing the CCBD were Yang Berhormat Nik Hafimi binti Abdul Haadii, Chairperson of the CCBD, Commissioner Yang Mulia Pengiran Hajah Zety Sufina binti Pengiran Dato Paduka Haji Sani,

Permanent Secretary (Industry) at the Ministry of Finance and Economy, and Commissioner Yang Mulia Dayang Hajah Nor Hashimah binti Haji Mohd Taib, Deputy Permanent Secretary (Security, Enforcement and Law) at PMO.

5. The dialogue session discussed the key prohibitions of the Order, including prohibition on Anti-Competitive Agreements, which is already enforced since January 1, 2020; and shared recommendations consolidated from regional case studies; good practices from experienced competition authorities and; specific steps to render public procurement processes competitive in minimising risks of collusive tendering.
6. The Executive Secretariat of CCBD shared at great length on the different forms of bid rigging and the tools to detect and prevent bid rigging in public procurement. The session outlined some of the key measures to mitigate the risk of collusion, including, possessing market knowledge on a specific market; encouraging more bidders to participate in a tender; defining tender requirements clearly; and reducing communication amongst bidders. It is also important to include clauses stating bid rigging is an offence under the Competition Order in the tender document.
7. It was emphasised that procurement officials play a crucial role in bid rigging detection and should be vigilant on the warning signs of bid rigging, and to build a database to keep detailed records of bid documents. Any suspicious bidding patterns are to be reported to the CCBD, with substantial evidence, to enable investigation.
8. The session ended with an active dialogue deliberating on topics on the roles of the CCBD, application of the law, tender practices, as well as potential collaboration between the Audit Department and the CCBD in promoting competition in public procurement procedures and reducing the risks of bid rigging to ensure an efficient use of public resources.
9. The Executive Secretariat of CCBD can be reached through email at brunei.competition@jpes.gov.bn or call 2233344 extension 230, 341 or 343 for general inquiries and request for briefings on the Competition Order.

Executive Secretariat of Competition Commission Brunei Darussalam

*Department of Competition and Consumer Affairs
Department of Economic Planning and Statistics
Ministry of Finance and Economy*

Competition Commission Brunei Darussalam (CCBD)

By the consent of His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam, the Competition Commission of Brunei Darussalam (CCBD) was established on 1 August 2017 as an independent body that is mandated to promote business competition in Brunei's economic landscape through the enforcement of the Competition Order, 2015.

The Department of the Competition and Consumer Affairs in the Department of Economic Planning and Statistics, Ministry of Finance and Economy being the Executive Secretariat to the CCBD is responsible in carrying out Commission's functions such as advocacy, receiving complaints, reviewing markets and conducting investigations.



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SIARAN MEDIA SURUHANJAYA PERSAINGAN BRUNEI DARUSSALAM

Jabatan Audit mendapat pendedahan mengenai memerangi tipuan bidaan

Tarikh: 02 Ogos 2020

1. Tipuan bidaan, juga dikenali sebagai tawaran secara kolusif, adalah perjanjian di antara para penender untuk menghilangkan persaingan dalam proses perolehan, seterusnya menaikkan harga dan mengurangkan kualiti. Ianya merupakan risiko besar terhadap integriti dan keberkesanan perolehan awam, dan menyekat peluang sektor awam untuk mencapai *value-for-money*. Oleh itu, pegawai-pegawai perolehan adalah digalakkan untuk mempelajari dan melaksanakan langkah-langkah pencegahan bagi memerangi tipuan bidaan.
2. Meningkatkan kesedaran mengenai risiko tipuan bidaan telah terbukti menjadi langkah penting dalam mencegah amalan anti-persaingan berkenaan, ke arah memastikan *value-for-money* dalam perolehan awam, sejajar dengan matlamat Negara Brunei Darussalam bagi mempromosi penggunaan sumber awam yang cekap dan perbelanjaan yang berhemat. Perkara ini telah dibangkitkan oleh Suruhanjaya Persaingan Brunei Darussalam semasa sesi dialog bersama Jabatan Audit, Jabatan Perdana Menteri yang diadakan di Dewan Serbaguna, Bangunan Bahirah minggu lepas.
3. Pada sesi pembukaan dialog, Sekretariat Eksekutif Suruhanjaya Persaingan Brunei Darussalam memberi pujian terhadap langkah proaktif Jabatan Audit mengunggak dialog untuk mempelajari mengenai Perintah Persaingan dengan fokus utama larangan tipuan bidaan.
4. Lebih daripada 40 pegawai dari Jabatan Audit menghadiri sesi dialog, diketuai oleh Juraudit Agung, Yang Mulia Awang Haji Yusop bin Haji Mahmud. Mewakili

Suruhanjaya Persaingan ialah Yang Berhormat Nik Hafimi binti Abdul Haadii, Pengerusi Suruhanjaya Persaingan, dan Ahli-Ahli Suruhanjaya Persaingan, Yang Mulia Pengiran Hajah Zety Sufina binti Pengiran Dato Paduka Haji Sani, Setiausaha Tetap (Industri) di Kementerian Kewangan dan Ekonomi, dan Yang Mulia Dayang Hajah Nor Hashimah binti Haji Mohd Taib, Timbalan Setiausaha Tetap (Keselamatan, Penguatkuasaan dan Undang-Undang) di Jabatan Perdana Menteri.

5. Sesi dialog membincangkan mengenai larangan-larangan utama Perintah Persaingan termasuk larangan Perjanjian Anti-Persaingan, yang mana telah dikuatkuasakan bermula Januari 1, 2020; dan mengongsikan cadangan-cadangan dari kajian kes serantau; amalan terbaik dari autoriti-autoriti persaingan yang berpengalaman dan; langkah-langkah khusus untuk menjadikan proses perolehan awam berdaya saing bagi mengurangkan risiko tawaran secara kolusif.
6. Sekretariat Eksekutif Suruhanjaya Persaingan mengongsikan secara mendalam mengenai jenis-jenis tipuan bidaan dan alat bagi mengesan dan mencegah tipuan bidaan dalam perolehan awam. Sesi berkenaan juga menggariskan beberapa langkah utama untuk mengurangkan risiko pakatan, termasuk memiliki pengetahuan mengenai pasaran tertentu; menggalakkan banyak penender menyertai tawaran; menentukan syarat-syarat tawaran dengan jelas; dan mengurangkan komunikasi antara penender. Juga penting untuk memasukkan klausa mengenai kesalahan tipuan bidaan di bawah Perintah Persaingan, di dalam dokumen tawaran.
7. Turut ditekankan bahawa pegawai-pegawai perolehan memainkan peranan penting dalam mengesan tipuan bidaan dan harus berwaspada terhadap tanda-tanda tipuan bidaan, dan seterusnya menyimpan maklumat data terperinci mengenai dokumen tawaran. Sebarang keraguan mengenai tren bidaan boleh diadukan kepada Suruhanjaya Persaingan, dengan bukti yang kukuh, bagi membolehkan siasatan dijalankan.
8. Sesi diakhiri dengan dialog aktif membincang topik-topik berkaitan fungsi Suruhanjaya Persaingan, penerapan perundangan persaingan, amalan-amalan bidaan, serta potensi kerjasama di antara Jabatan Audit dan Suruhanjaya Persaingan bagi mempromosi persaingan dalam prosedur perolehan awam dan mengurangi risiko tipuan bidaan ke arah memastikan penggunaan sumber awam yang cekap.

9. Sekretariat Eksekutif Suruhanjaya Persaingan boleh dihubungi melalui emel di brunei.competition@jpes.gov.bn atau menghubungi talian 2233344 sambungan 230, 341, atau 343 bagi pertanyaan umum dan permohonan pemberigaan Perintah Persaingan.

*Sekretariat Eksekutif Suruhanjaya Persaingan Brunei Darussalam
Jabatan Persaingan dan Hal Ehwal Pengguna
Jabatan Perancangan Ekonomi dan Statistik
Kementerian Kewangan dan Ekonomi*

Suruhanjaya Persaingan Brunei Darussalam

Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan dan Yang Di-Pertuan Negara Brunei Darussalam telah memperkenankan penubuhan Suruhanjaya Persaingan Brunei Darussalam pada 1 Ogos 2017 sebagai sebuah badan bebas yang dimandatkan untuk mempromosi persaingan perniagaan di pasaran ekonomi Brunei Darussalam melalui penguatkuasaan Perintah Persaingan 2015.

Jabatan Persaingan dan Hal Ehwal Pengguna di Jabatan Perancangan Ekonomi dan Statistik, Kementerian Kewangan dan Ekonomi selaku Sekretariat Eksekutif kepada Suruhanjaya Persaingan adalah bertanggungjawab dalam melaksanakan fungsi Suruhanjaya Persaingan seperti pemberigaan, menerima aduan, mengkaji pasaran dan menjalankan siasatan.