

Ten proposals for better transparency in Spanish public procurement

Jaime Gómez-Obregón

Engineer, programmer and computer activist for transparency and good management (Spain)



Abstract

In the last three years, I have worked on 1.9 million files from the Spanish Public Procurement Platform and transparency portals. I approached it with the tools of an engineer specialised in big data and the inquisitive gaze of a citizen interested in scrutinising public affairs. I returned from this adventure with these ten ideas to improve transparency in public procurement.



Opacity in public affairs encourages corruption. And when this corruption emerges and reaches the courts, the media and public debate, it causes disaffection among citizens towards the institutions and those who manage them. In turn, recent history shows us that this collective feeling is exploited by populists and extremists who put strain on the system and risk our ability to coexist. Transparency, therefore, protects democratic institutions from the risk of internal corruption and from those who seek to destabilise them from the outside.

The Spanish Golden Age brought the birth of the picaresque novel, a literary genre built around **the epic of the antihero**: marginal characters oblivious to any code of honour who exploit the established social system, hacking it without ethics for their own benefit. The highest peak of this unique mountain range, *The Life of Lazarillo of Tormes* (*La Vida de Lazarillo de Tormes*), is a monument to corruption erected in 1554. This seems to fix a date for the start of that kind of admiration that is still held today in some social circles towards those who show cunning to cheat the rules and prosper at the expense of everyone else.

It seems logical to think that if the problem of corruption has not been solved

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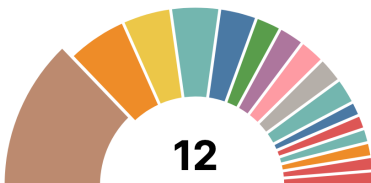
since then by any laws, governments, or judges, then none of these three powers of the State will solve it in the future. But modernity has given us powerful new tools: **data science and databases**. Armed with them, and with the inquisitive and irreverent gaze of a citizen determined to exercise their function of overseeing public affairs, I have scrutinised almost two million contracts from the Spanish Public Sector Procurement Platform and the autonomous regions' transparency portals. And from the years invested in this personal project, I have condensed the ten proposals that follow with the purpose of improving transparency in public procurement and, thus, better protect institutions from those who seek to abuse or discredit them.

Citizens can create technological tools to detect fraud and explore public procurement such as contratosdecantabria.es. But for that they need more open data.

1. Publish all bidders competing in a tender, not just the name of the successful bidder, as is usually done now. This would give technologists and data

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analysts the ability to use IT to detect signs of collusive practices. This is how I have been able to find and publicly show that there were **colluding bidders** or several companies controlled **by the same entrepreneur** in some contracts awarded by the Government of Cantabria. Or the award of a civil works contract to which two different promoters were bidding, which turned out to share the **same** registered office and telephone number.

2. Publish an open census of temporary consortia. How do we systematically connect a temporary consortium (Unión Temporal de Empresas or UTE) with each of the companies that make it up? In public procurement, the award of works and services to companies operating as a consortium (UTE) is not uncommon. But in Spain there does not seem to be a publicly accessible online census to know which companies are involved, once given the name of the UTE, and the percentage of participation of each one.

This lack of data makes it difficult to monitor the activity of public sector contractors, by hindering the incorporation of awards received by temporary consortia into the analysis.

3. Open the census of taxpayers of the Tax Agency. By examining the public records with automatic tools, I have verified that the name of the Spanish multinational company INDRA SISTEMAS, S.A. appears written in the contractor's profiles in up to 64 different ways. All kinds of typos and errors punctuate the official data of the Public Sector

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Procurement Platform, meaning that it is then impossible to obtain the contractor's canonical name.

One solution I have found to homogenise this mediocre quality data is to cross-check the Platform with the census of taxpayers of the Spanish Tax Agency. But the electronic model enabled for this, although publicly accessible, requires the prior identification of the researcher using their digital certificate. This allows the discretionary restriction of this valuable source of information at any time – something that the Ministry of Finance already does with its Official Register of Bidders (Registro Oficial de Licitadores) – while hindering free access to census data that is also useful for other purposes of verification and standardisation of names.

Despite this hurdle, I have successfully used this technique to **target errors** in the publication of contract awards reported on transparency portals.

How many different ways can the name of the same contractor appear in public records?

88) INDRA SISTEMAS, S.A. · INDRA CONSULTORES · INDRA SA · INDRA SISTEMA S.A. · Indra Sistema, SA · indra sistemas ITP · indra sistemas s.a. · Indra Sistemas S.A. · INDRA Sistemas S.A. · INDRA SISTEMAS S.A. · INDRA SISTEMAS S.A.Ç · Indra sistemas s.a · Indra Sistemas S.A · INDRA SISTEMAS S.A · INDRA SISTEMAS S · INDRA SISTEMAS SA. · indra sistemas sa · indra sistemas SA · Indra Sistemas SA · INDRA Sistemas sa · INDRA Sistemas SA · INDRA SISTEMAS SA · INDRA SISTEMAS SL · Indra Sistemas, SA. · INDRA SISTEMAS, S. A. · Indra Sistemas, S.A. (Oferta Básica) · Indra Sistemas, S.A., · INDRA SISTEMAS, S.A. · indra sistemas, s.a. · Indra Sistemas, s.a. · Indra Sistemas, S.A. · INDRA Sistemas, S.A. · Indra Sistemas, S.A · INDRA Sistemas, S.A · INDRA SISTEMAS, S.A · INDRA SISTEMAS, S.L. · INDRA SISTEMAS, SA, · Indra Sistemas, SA · INDRA SISTEMAS, SA · Indra sistemas, sociedad anonima · Indra Sistemas, sociedad anonima · Indra Sistemas,S.A. · INDRA SISTEMAS,S.A. · INDRA SISTEMAS,SA · INDRA SISTEMAS. S.A. · INDRA SISTEMAS.S.A. · INDRA SISTEMAS.S.A · indra sistemas · Indra Sistemas · INDRA SISTEMAS · INDRA SITEMAS S.A. · INDRA SITEMAS, S.A. · INDRA SOLUCIONES TECNOLOGIAS DE LA INFORMACION S.L.U. · INDRA Soluciones Tecnologías de la Información, S.L.U · Indra sistemas, sociedad anonima · Indra · INDRA · INDRAS SISTEMAS, SA · indrs sistemas s.a. · INGRA SISTEMAS, S.A. · NDRA SISTEMAS, SA...



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4. Stop deleting contracts from the procurement portals. The Spanish Law on Public Sector Contracts (Ley de Contratos del Sector P\u00fablico) stipulates in **Article 63** that the contractual activity in the contractor's profiles "shall be published in open and reusable formats, and shall remain accessible to the public for a period of not less than five years". In practice, some contracting authorities are removing records from their contractor profiles as soon as the minimum five-year deadline set by law is met.

Frequently, however, corruption has a life cycle of more than five years, which means that by the time the investigators – whether police or journalists – come to collect information, the details of the awards are no longer available unless a slow and bureaucratic prior request is made.

Another tool for visualising public purchases. In the image, the contracts of a company linked to corruption. Some contracts disappear from transparency portals as quickly as the law allows.

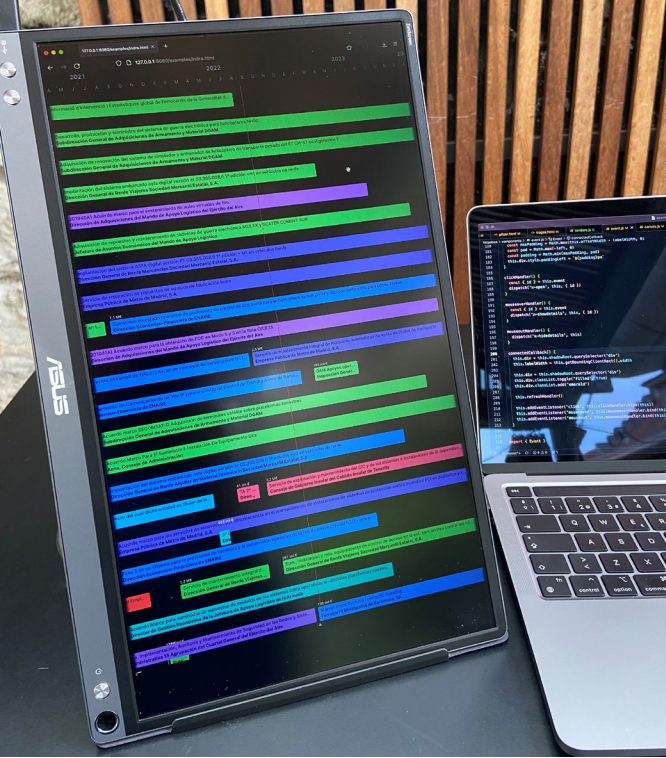
Some contracting authorities are removing records from their contractor profiles as soon as the minimum five-year deadline set by law is met

If any current laptop on the market today has enough capacity to store the public procurement records of Europe for an entire century, what technical reason is there then to erase so peremptorily the contracts of the much more capable servers of public bodies? I think there are no compelling reasons.

5. Publish e-invoices. It is common practice today for contractors to submit their invoices to the contracting authorities in electronic format. With XML being a structured markup language, it would be computationally trivial to subtract all sensitive data from the invoices and then be transparent with everything else.

The publication of electronic invoices on transparency portals and the State Procurement Platform would empower researchers, technologists and external control bodies to study deviations of budget and period, among other interesting audits, shedding more light on public procurement processes and the possibilities for their optimisation.

6. Release the Official Register of Public Sector Bidders. The Spanish Official Register of Bidders and Classified Companies (Registro Oficial de Licitadores y Empresas Clasificadas or ROLECE) provides valuable information to complement other sources of public procurement data. In addition to the list of registered bidders, it gives information on the companies that are prohibited from contracting with the public administration, generally for having committed fraud or



Complex technology is not needed to carry out a citizen audit of public contracts, but there is a need for more and better open data.



negligence in a previous contract, or for having been convicted in cases of fraud or corruption.

I found **a way** to massively download the registration certificates from this Register to cross-check them with the Platform files, but the Ministry has implemented a limitation on how many can be downloaded. I also found **a way** to massively download the list of contractors of the Centralised Procurement Board (Junta de Contratación Centralizada), a satellite search engine of the ROLECE, but when **I published the technique** along with all the data I downloaded – it is public data – the Ministry of Finance **immediately disabled the search engine**.

However, Article 344 of the Law on Public Sector Contracts establishes, in terms

of publicity of the Register, that “it shall be public and can be accessed openly, subject to identification of the person who wishes to access it”.

7. Reinvent the Public Sector Procurement Platform (Plataforma de Contratación del Sector Público or PLCSP).

The current official Platform suffers from **so many defects and limitations** that it deserves its own article in this journal. I will give just one – albeit representative – example: its search engine for contracting bodies is sensitive to written accents, so that a search for VALENCIA returns 176 results, VALÈNCIA gives 22 results and VALÉNCIA returns three; and no search returns all these results.

The Public Sector Procurement Platform should evolve into a service development tool, providing an open and free API for the exploitation of data and the construction of specialised applications

The PLCSP should evolve into a service development platform, providing an open and free API for the exploitation of data and the construction of specialised applications by researchers, academics, supervisory bodies, journalists and any citizen that may be interested.

For greater transparency and contact with the public, this Platform should be developed as an open-source project on GitHub – which is where we developers are – cultivating a specialised community of technicians and users.

8. Use unique universal bidder identifiers.

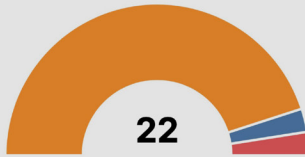
Surprisingly, on the Procurement Platform and the transparency portals that I have worked on, the Tax Identification Number (Número de Identificación Fiscal or NIF) **is not a unique identifier**: there are contractors

Historia electoral

- Candidato por el **PSOE** al Ayuntamiento de Puente Vieogo en 2019. Puesto 7º de la candidatura. [Fuente](#)
- Candidato por el **PSOE** al Ayuntamiento de Puente Vieogo en 2015. Puesto 7º de la candidatura. [Fuente](#)
- Candidato por el **PSOE** al Ayuntamiento de Puente Vieogo en 2011. Puesto 9º de la candidatura. [Fuente](#)
- Candidato por el **PSOE** al Ayuntamiento de Puente Vieogo en 2007. Puesto 11º de la candidatura. [Fuente](#)

► Información importante sobre la historia electoral

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- | | | |
|-----------|---|------------------|
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| 21 | Servicio de Mantenimiento ,Adecuación y Conservación de las Cuevas Prehistóricas de Cantabria Abiertas al Público
DIRECCIÓN GENERAL DE CULTURA > CONSEJERÍA DE EDUCACIÓN, CULTURA Y DEPORTE | 6107,67 € |
| 20 | Mantenimiento de Cierres de Diversas Cuevas.
DIRECCIÓN GENERAL DE PATRIMONIO CULTURAL Y MEMORIA HISTÓRICA > CONSEJERÍA DE UNIVERSIDADES, IGUALDAD, CULTURA Y DEPORTE | 5396,6 € |
| 19 | Servicio de Mantenimiento, Adecuación y Conservación de las Cuevas Prehistóricas de Cantabria -
DIRECCIÓN GENERAL DE CULTURA > CONSEJERÍA DE EDUCACIÓN, CULTURA Y DEPORTE | 19.326 € |
| 18 | Lijado Partes Oxidadas y Pintado con Pintura e Imprímación Incorporada en las Cuevas," el Castillo, las Monedas y Covalanas".
DIRECCIÓN GENERAL DE CULTURA > CONSEJERÍA DE EDUCACIÓN, CULTURA Y DEPORTE | 1841,62 € |

without a NIF – such as the temporary consortia (UTE), very often –, NIFs that belong erroneously to several contractors at the same time and NIFs that are simply wrong.

I have cross-checked the awards of contracts of the Government of Cantabria with the local electoral lists and thus seen 1.5 million euros awarded from the political sphere to political candidates and party militants. But this exercise in transparency is difficult to generalise without universal, unique contractor identifiers that prevent conflicts while cross-checking data.

9. Implement automatic validations of procurement data at source. Scrutinising the published data, I have found contracts whose date of signature is prior to the award date; in addition, Hotmail addresses as tax identifiers of contractors, million-euro purchases processed under the

The cross-checking of public contract awards with the electoral lists of political candidates yielded surprising results.

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A great deal of data is input onto the State Procurement Platform with errors that could be prevented at source through simple computer validations.

minor contract procedure, software acquisitions dated to the beginning of the 20th century, and contracts whose object is an indefinite generality, among others.

All of them are formally erroneous and could have been detected at source – where they are easier to correct – using simple computer checks. But these validations are not being carried out at data entry points, which significantly degrades the quality of public data and the reliability of the conclusions that any analysis yields.

10. Release the data from the Commercial Registry. The United Kingdom **has released** the commercial information of British companies. This is an initiative whose returns to society **are estimated** at between 1,200 and 3,600 million euros per year. This information is also freely available, for example, in **Germany** or the **Czech Republic**.

According to the Ministry of Justice, the purpose of the Spanish Commercial Registry is to “publicise the facts and acts relating to entrepreneurs and commercial companies so that they can be known”. And what better way to “publicise” this public data than simply publishing it openly? But this is not being done, and crucial data for transparency in commercial traffic and the prevention of corruption languishes in a walled enclosure with the corporatism of the registrars and the perennial inaction of the Ministry of Justice.

I think that addressing these ten proposals would bring public procurement significantly closer to citizens, providing greater transparency and deterring bad practices that cause disaffection towards institutions and which strain the democratic system. This would also boost the work of independent technologists and researchers, procurement supervision offices and external control bodies. ■

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