

Reading 1 > Basic Public Administration Terms

Administrative law

Administrative law arises from the activities of **administrative agencies** of government. It is applied to the process of decision-making of these agencies.

Civil servants

Civil servants are public employees whose job is to **uphold** (= maintain) **the rule of law** and to **implement** (= put into operation) **government policies**.

Civil society

Civil society refers generally to the voluntary **civic and social organisations** functioning in society, also called **non-governmental organisations (NGOs)**. They are often defined in opposition to the structures of the state, which are backed by force (army, police, etc.). The term 'civil society' encompasses all forms of collective action grouped around shared interests, purposes and values, of which the government is not the driving force.

Local government

Local governments are administrative offices of an area smaller than a state. They are defined as opposed to offices at state level, which are referred to as the **central government** or **national government**.

Municipal autonomy

The question of **municipal autonomy** is concerned with the powers granted to local governments. It describes how much power and in which areas the local governments exercise. Local governments tend to have less powers than national governments, although they usually have some power to raise taxes.

'Public'

The adjective 'public' refers to, broadly speaking, matters of concern to all members of the society or provided for all of them: 'public transport' or 'public money' (i.e. tax money) are examples of such use. In a slightly different sense, 'public' often denotes 'government', so a 'public office' is a job in national or local government.

Public administration

The term **public administration** is taken to refer mainly to government bureaucracy. Public administration is assumed and supposed to act for the **public good**.

Reading 2 > Tendering

Internal memo

To: All Staff of the Institute
Ref: Procurement procedures

After the discussion stage and draft design stage, carried out in the years 2000–2005, the Institute is now ready to commence the execution stage of its plan to construct a new auditorium, as well as to refurbish and re-equip the older buildings housing the Institute's research facilities.

The Institute is a **publicly funded body**. Therefore, it is of crucial importance that any **procurement function discharged** by the Institute is discharged fairly, while at the same time securing **best value for public money**. As a public body, we are bound to uphold the highest standards of **probity** and **integrity**.

to fund sth = to provide money to pay for it
to procure sth = to obtain / purchase it

to discharge a duty / function = to perform it
probity = complete honesty
integrity = the quality of being honest and having strong moral principles

It has been brought to my attention that doubts have been expressed as to whether public tendering constitutes the best manner of satisfying our current **purchasing needs**. Various other methods have been indicated as potentially faster and more effective. The purpose of this memorandum is to **reiterate** the many reasons why tendering procedures of various kind provide the most appropriate method of selecting suppliers and contractors, as well as to outline the specific approaches that the Institute intends to apply.

to purchase sth = to buy it
to reiterate sth = to say something again, possibly in different words

In a great majority of cases, best value for money in public procurement is achieved through a **competitive process** carried out in an open, objective and **transparent** manner. Therefore, the Institute feels it will most effectively achieve its aims through the use of tendering procedures. Under the relevant legislation of the European Union, the Institute may award contracts on the basis of the **lowest priced tender** or the **most economically advantageous tender** – **MEAT** – where, in addition to price, other criteria are specified, such as for example running costs, servicing costs or environmental characteristics. In the case of MEAT selection, a **scoring system** based on the relevant weighted criteria will be used in order to ensure full transparency and objectivity.

transparent = clear and easy to understand
advantageous = beneficial
a tender = a formal offer to supply goods or perform work for an agreed price
to score sth = to evaluate it, to give it marks

European Union directives permit four types of tendering procedures:

- **open**, where all interested parties may **submit tenders**,
- **restricted**, where only those parties who **meet minimum requirements** in regard to professional, technical or financial capability to carry out the project in question are **invited to tender**,
- **competitive dialogue**, where the contracting authority must (1) advertise its requirements and enter into dialogue with interested pre-qualified parties, (2) identify arrangements or solutions that meet its requirements, (3) specify such arrangements and solutions and invite at least three candidates to submit tenders (the most economically advantageous tender will then be selected),
- **negotiated**, which is an exceptional procedure and may be used only in very limited circumstances. It has been decided that the Institute will not be using this type of procedure as there is no need that could be satisfied only in this manner.

According to the regulations, even in the open tender information on the tenderers' capacity and expertise may be sought. Only tenders meeting minimum requirements are evaluated. Should the institute attempt to find contractors in such a manner, the minimum requirements will always be made clear in the **request for tenders (RFT)**, to spare unqualified **bidders** the expense of preparing and submitting tenders.

a request = when someone officially asks for something

to bid = to offer a particular amount of money for something which can be obtained and to compete against others to obtain it

a bidder = a person / company who bids

The regulation also state that **unsuccessful tenderers** for contracts must have the opportunity to have a contract award decision **rescinded** if they believe their rights have been infringed. In order to make any such proceedings smoother, and in order to avoid any misunderstandings or accusations of **bias**, unsuccessful tenderers will be notified and **debriefed** as soon as possible after the closing of the relevant stage of the tendering procedure. They will be informed, as far as possible without disclosing **commercially sensitive information**, of the reasons of such an outcome of the tendering procedure.

a tenderer = a person / business who participates in a tendering procedure

to rescind a decision = to make a decision no longer have any legal power

a bias = a tendency to support or oppose a particular person, business, point of view, etc.

to debrief sb = to exchange information about something after it has been completed

sensitive information = information that is considered by a company to be confidential, to constitute its trade secret, etc.

To further guarantee proper ethical standards, **project specifications** and **criteria** will be as open and **generic** as possible, with a view to avoiding **favouring** one solution or one company. We must also ensure that tenderers observe the statutory provisions relating to minimum pay and health and safety issues. A reference to the need for **compliance** with such provisions will be included in all tender documents.

to specify = to describe something clearly and exactly

a criterion (plural: criteria) = a standard by which you judge something

generic = typical; relating to a whole group of items rather than to a particular item

to favour sth = to give preference to it

to comply with sth = to act in accordance with a law, a rule, etc.

Should the Institute staff not feel satisfied with the reasons outlined herein, I will do my best to justify the choices the Institute has made in person. Please feel free to see me and discuss the option you see fit. I understand it is the Institute's welfare that motivates your

concerns about the decisions which have been made. I would like to assure you once again that it was this exact motivation that stood behind our choice.

On behalf of the Management Board –

Jonathan Lethle

Chancellor

EU Directives referring to public procurement are Directive 2004/18/EC, which covers the procurement of public sector bodies, and Directive 2004/17/EC which refers to the procurement of entities operating in the utilities sector. Both of these Directives were published in Official Journal of the European Union No. L 134 (30 April 2004). The EU Public Procurement website can be found at <http://simap.europa.eu>

Exercise 1

Re-arrange the listed words to put them in proper order to create correct, sensible sentences. In each set, use all the words given. Do not add any words. Do not change the form of the words given.

Example:

in tender be requirements made for all clear request tenders the should

All tender requirements should be made clear in the request for tenders.

1. of arises regulatory agencies from the activities law government of administrative

.....
2. are often institutions of society defined structures to force-backed of civil in state the the the opposition

.....
3. autonomy concerned the governments of is to municipal the issue granted local with powers

.....
4. procurement funded should bodies discharge transparency with their publicly and probity function

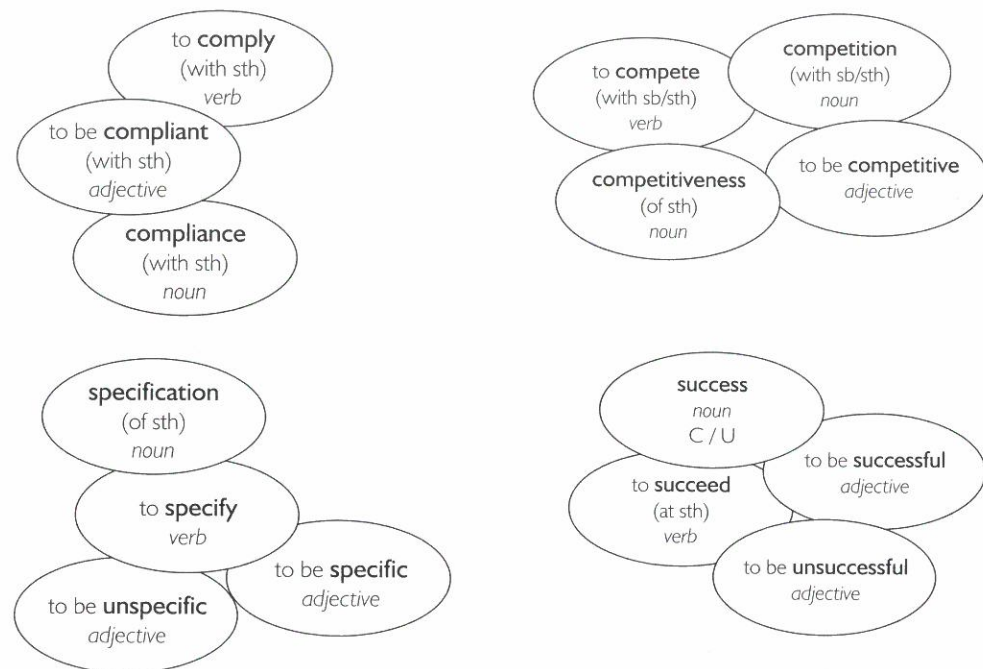
.....
5. economically the can lowest on basis tender tender the priced awarded or most be contracts of advantageous the

.....
6. rescinded tenderers the contract opportunity to award have the decision unsuccessful had

.....
7. must criteria project generic be as possible as specification

.....

Wordbuilding > Word Families



Exercise 2

Use the words listed above in Wordbuilding > Word Families to complete the gaps in the sentences below.

Example:

She is a very successful businesswoman; she runs her own PR company.

1. It is difficult for women to in industries dominated by men.
2. Please be more: how many items exactly do you wish to have delivered?
3. It is necessary to amend our procedures in order to make them with EU regulations.
4. The company was completely re-organised and over 30 people were made redundant in an effort to raise the of the business.
5. Graduating from a prestigious university helps to be in business.
6. Our letter contains a detailed of our requirements.
7. Their attempt to take over their competitor was
8. His description of the office building was rather and we weren't able to make an informed decision on its basis.
9. Using the newest technologies gives us a advantage.
10. It is essential for our suppliers to with all legal obligations.

Alphabet Words > Letter S

Exercise 3

Study the examples provided. They show the usage of the words listed; from the sentences, it is also possible to guess the meaning of the words. Match the words with the definitions below.

S

sanction

- New sanctions were imposed on the regime for repeatedly violating human rights.
- After sanctions were threatened, the illegal strike was called off.

self-defence

- He shot and wounded the robber in self-defence.
- Citizens are allowed to keep firearms at home for the purpose of self-defence.

sequester

- Due to the heavy publicity surrounding the trial, the jurors were sequestered in a remote location.
- The illness may be contagious so we should sequester the sick.

settle

- Two days before the case was due to go on trial they decided to settle out of court.
- It is better to settle the matters ourselves rather than have somebody do it for us.

solvent

- The business is solvent and operating at a profit.
- The payments due are so large that we may have problems remaining solvent.

statutory

- There are statutory restrictions as to the level of exhaust fumes emissions.
- Statutory provisions aside, simple human decency forbids taking another person's property uninvited.

submit

- The students need to submit the final essay by Friday at the latest.
- You must submit all the necessary documents to the registrar of companies if you want to establish a new company.

subpoena

- The subpoena was delivered to her, according to which she was to appear in court on 7 January.
- The defence asked the court for a subpoena to be served on a new witness.

substantive

- We studied substantive and procedural criminal law last semester.
- It is a matter to be decided under the provisions of substantive civil law.

suppress

- The motion to cross-examine the witness was suppressed.
- The recording of the conversation was suppressed after it was discovered it had been obtained illegally.

1. use of force to protect oneself, one's family or property from harm
2. created or defined by the law
3. to find agreement in a litigation without the need for a court's decision
4. a penalty used as a means of enforcing a law
5. to separate
6. having enough money to pay its liabilities
7. to forbid the use of evidence at a trial because it is improper or was improperly obtained
8. an order to appear at court and testify
9. (about law) pertaining to rights and obligations of those who are subject to it
10. to present something for someone's approval, to file

Exercise 4

Choose the best word to complete each gap. Refer to Alphabet Words > Letter S if you need help deciding which answer will fit. Only one answer in each set is correct.

Example:

The company offersA..... products such as pepper sprays and knives.

- A) self-defence B) sanction C) solvent

1. out of court tends to be less expensive than a trial.

- A) Subpoena B) Sanction C) Settling

2. Disputes between merchants are solved by arbitration under rules created and supported by all merchant associations.

- A) suppress B) substantive C) solvent

3. Washington has recently imposed new against Tehran.

- A) solvent B) substantive C) sanctions

4. Click here if you wish to an online application.

- A) submit B) sequester C) settle

5. Criminals are placed in prisons in order to them from society.

- A) sequester B) self-defence C) statutory

6. This evidence was by the prosecution at the time of trial.

- A) subpoena B) solvent C) suppressed

7. A will tell you the names of the parties to the dispute, the date, time and place where you will need to appear.

- A) settle B) subpoena C) sanction

8. There are certain benefits that every employee must receive.

- A) sequester B) solvent C) statutory

9. The force used in must reasonably appear necessary to prevent the threatened attack.

- A) sanction B) self-defence C) settle

10. The company remained in spite of the depression.

- A) solvent B) suppress C) statutory

Idioms > Choosing and Deciding

To: chattylawyer1@legalenglish.pl
From: chattylawyer2@legalenglish.pl
Subject: Keep your fingers crossed!

Hi Tasha,

Big news here: the contractor for the Music Auditorium has finally been selected! After seven - no, eight! - eight years of trying and trying, starting procedures where nobody was interested, then selecting a company that looked great on paper but went bankrupt before any work was started, then having lots of people interested and everybody disagreeing with the contract award decision - well, now it's over! As a last resort, we hired a consultant to help us carry out the whole process. We were really reluctant to do it because our experience had been that nine times out of ten, consultants do more harm than good - but I must admit, this time it was different. The consultant helped us zero in on the criteria that were most important to us. He produced a set of criteria for us that on the face of it looked too short and too simple, but once we had a careful look at it we discovered that it did indeed include everything we needed.

As the consultant pointed out, the aim of the exercise was to find somebody who would do a good job, and not to produce a fantastically long list of criteria that nobody could meet. The company we selected now is quite reputable; I think it is a safe bet. It was not the cheapest one (they came second on price) but they offered very good servicing after the construction is completed, and that's what convinced us. After all, better safe than sorry: we need to take precautions now for what might happen in the future, don't we?

I can't tell you how relieved I am that this stage is over. Keep your fingers crossed now, for when we actually start digging the foundations!

Take care,
Martha

Exercise 5

Match the idioms underlined in the e-mail in Idioms > Choosing and Deciding with explanations of their meaning. Refer to the text of the message if you need help deciding which definition goes with which idiom – the context will make it easier for you to find the correct answer.

IDIOM

EXPLANATION OF MEANING

- | | |
|-----------------------------------|--|
| a) to keep your fingers crossed → | 1. to hope that things will happen in the way you want them to |
| b) to look great on paper | 2. to focus on something |
| c) as a last resort | 3. the reason why something is done |
| d) nine time out of ten | 4. something that is certain to happen |
| e) to zero in on sth | 5. to appear to be good/true in theory but not necessarily so in a real situation |
| f) on the face of sth | 6. after superficial examination (but not when you look deeper) |
| g) the aim of the exercise | 7. a saying; it is best not to take risks even if it seems difficult to be careful |
| h) a safe bet | 8. if all other methods fail |
| i) better safe than sorry | 9. almost always |

Exercise 6

In each of the sentences below, one word has been used incorrectly. Find the incorrect word and replace it with another one to make the sentences correct and sensible.

Example:

Your business plan looks good on face paper, but I doubt it can be followed in practice.

- As a last safe, we can always ask your father to lend us the money.
- His qualifications look amazing on fingers, but does he have the know-how to actually advise the customers?

- I don't believe in machines that have a million functions; nine times out of paper, they don't perform any of these functions very well.
- Keep your resort crossed – I am taking my final exam tomorrow!
- It's time to forget about the petty squabbles and exercise in on what we have in common.
- The plan looked good on the bet of it, but we discovered plenty of mistakes and inadequacies once we started studying it in depth.
- We didn't find a solution that would be acceptable to everybody, but we managed to show them that we were interested in a settlement which, after all, was the aim of the whole ten.
- Will we get there by 7 pm? Let's say 7:30, that's a safe face.
- I always get insurance before going skiing; better zero than sorry is my motto.

Revision of Unit 10

Exercise 7. Legal vocabulary

In each of the sentences below there is one more word than necessary. Eliminate the unnecessary word.

Example:

Are these regulations in municipal compliance with the new EU directive?

- Regulatory law arises from the civic activities of administrative agencies of government.
- Civil servants are public employees whose job is to uphold the discharged rule of law.
- The structures of the procurement state are usually backed by force in the form of the army and police, etc.
- Local governments usually have power to raise probity taxes.
- Best autonomy value for money is achieved through a competitive process carried out in an objective manner.
- Tendering procedures of various NGO kinds provide a cost-effective method of selecting suppliers and contractors.
- Public institutions may award contracts on the scoring basis of the lowest priced tender or the most economically advantageous tender.
- In a restricted tendering procedure only those parties who meet minimum submit requirements are invited to tender.
- Minimum requirements must be made clear in the bidder request for tenders.
- Unsuccessful tenderers must have the opportunity to implement have a decision rescinded if their rights have been infringed.
- All tenderers will be notified of the results of the procedure as soon as possible after the social closing thereof.
- Project purchasing specifications should be as open and generic as possible.
- Tenderers must observe statutory provisions relating to minimum sensitive pay.
- Witnesses in the case are sequestered in a remote subpoena location for the time being.
- The rules of solvent procedural law help apply substantive regulations to real-life situations.

Exercise 8. Prepositions

Fill the gaps in the text with appropriate prepositions (for example ON, OF, UNDER, etc.).

Example:

The contract looks fine, at least on the face of it.

1. Administrative law is applied the decision-making process of government agencies.
2. The term 'civil society' refers to all forms of collective action grouped shared interests.
3. Local authorities are defined as opposed the national government.
4. The adjective 'public' refers to services provided all members of the society.
5. The authorities should always aim to obtain best value public money.
6. Tendering procedures should be carried out an objective manner.
7. Unsuccessful tenderers should be informed the reasons of such an outcome of the tendering procedure.
8. Project specifications are generic rather than product-specific a view to avoiding favouring any tenderers.
9. The device is fully compliant all regulatory requirements.
10. Small companies often find it difficult to succeed winning big government contracts.
11. A number of international companies compete local offices on the legal services market.
12. It is important to zero in the fairness and probity of the tendering procedures.

Exercise 9. Translation

Translate into English the following excerpt from a report of the Head of the Polish Civil Service.

Sformułowanie dotyczące „realizacji zadań służby cywilnej” przychodzi w pierwszej chwili na myśl rozliczne zadania, które wykonuje ponad 100 tysięcy członków korpusu służby cywilnej zatrudnionych w ponad 2,5 tys. urzędów administracji rządowej. Są one jednak w istocie tożsame z zadaniami organów administracji rządowej, dla obsługi których utworzono te urzędy. Sprawozdanie z realizacji tych zadań musiałoby więc w praktyce stać się całościowym sprawozdaniem z realizacji zadań administracji rządowej lub zestawieniem sprawozdań o działalności poszczególnych organów, resortów i urzędów. [...]

Z pomocą przychodzi tu artykuł 153 Konstytucji RP i artykuł 1 Ustawy o służbie cywilnej. Wskazują one jako cel ustanowienia służby cywilnej – a zatem i jej szczególne zadanie – „zapewnienie zawodowego, rzetelnego, bezstronnego i politycznie neutralnego wykonywania zadań państwa”. W tych zatem wymiarach: zawodowości (profesjonalizmu), rzetelności, bezstronności i neutralności politycznej należy opisywać i oceniać realizację zadań służby cywilnej.

Cytat ze Sprawozdania Szefa Służby Cywilnej o stanie służby cywilnej i o realizacji zadań tej służby za 2005 r., za: <http://www.usc.gov.pl>

Unit 10 Wordlist

- administrative law** – prawo administracyjne
bias – stronniczość
bidder – oferent
civic – obywatelski
civil servant – urzędnik państwowy
civil society – społeczeństwo obywatelskie
competitive – konkurencyjny
comply (n. compliance) – przestrzegać (prawa), być w zgodzie (z prawem)
debrief – omówić wyniki (po zakończeniu procesu)
discharge a function – wykonywać, pełnić funkcję
favour – faworyzować
generic – typowy, ogólny
implement – wprowadzać w życie
integrity – uczciwość
invitation to tender – wezwanie do składania ofert przetargowych
local government – samorząd terytorialny
municipal autonomy – autonomia samorządu terytorialnego
non-governmental organisation (NGO) – organizacja pozarządowa
policy – polityka (np. społeczna, gospodarcza)
probity – uczciwość
procure (n. procurement) – nabywać
project specification – specyfikacja projektu
purchase – nabywać
reiterate – powtarzać
request for tenders (RFT) – ogłoszenie o przetargu
rescind – unieważniać
rule of law – rządy prawa
sanction – sankcja
scoring system – system oceny (np. punktowy)
self-defence – samoobrona, obrona własna
sequester – odseparować, odosobnić
settle (n. settlement) – pójść na ugodę (ugoda)
social – społeczny
solvent – wypłacalny, mający płynność finansową
statutory – ustawowy
submit – składać
submit a tender – składać ofertę
subpoena – wezwanie do stawienia się w sądzie
substantive – materialny (np. o prawie, przepisie)

suppress – zakazać

tender – oferta

tenderer – składający ofertę

tendering – procedura przetargowa

transparent – przejrzysty

uphold – podtrzymywać, dbać o

Public administration on the Web

– European Institute of Public Administration

<http://www.eipa.nl>

– the UK Civil Service

<http://www.civilservice.gov.uk/>

– a vast resource on EU public procurement policies

<http://simap.europa.eu>

– a UK guide to tendering for government contracts

http://www.sbs.gov.uk/SBS_Gov_files/services/tender.pdf