

# Fighting Bid rigging: detection of collusion

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- > Bid rigging is a form of **cartel** that occurs in procurement.
- > Bid rigging consists in agreements (oral, written, formal, informal) among (actual or potential) **bidders** that:
  - > Fix prices, allocate markets and clients, and/or restrict output.
  - > Are secret and difficult to detect.
  - > Are prohibited by competition law.



# Collusion vs corruption

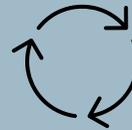
**Collusion and corruption** are different and independent but mutually reinforcing

## Collusion

- > Horizontal
- > Company-company
- > Restricts market competition

## Corruption

- > Vertical
- > Civil servant – Company
- > Misuse of public power



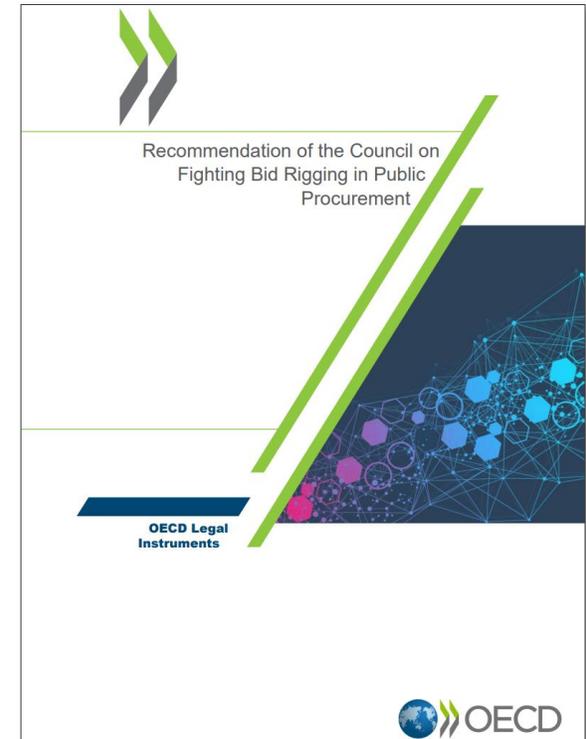
### Mutually reinforcing

- > Inefficient procurement
- > Lack of law compliance



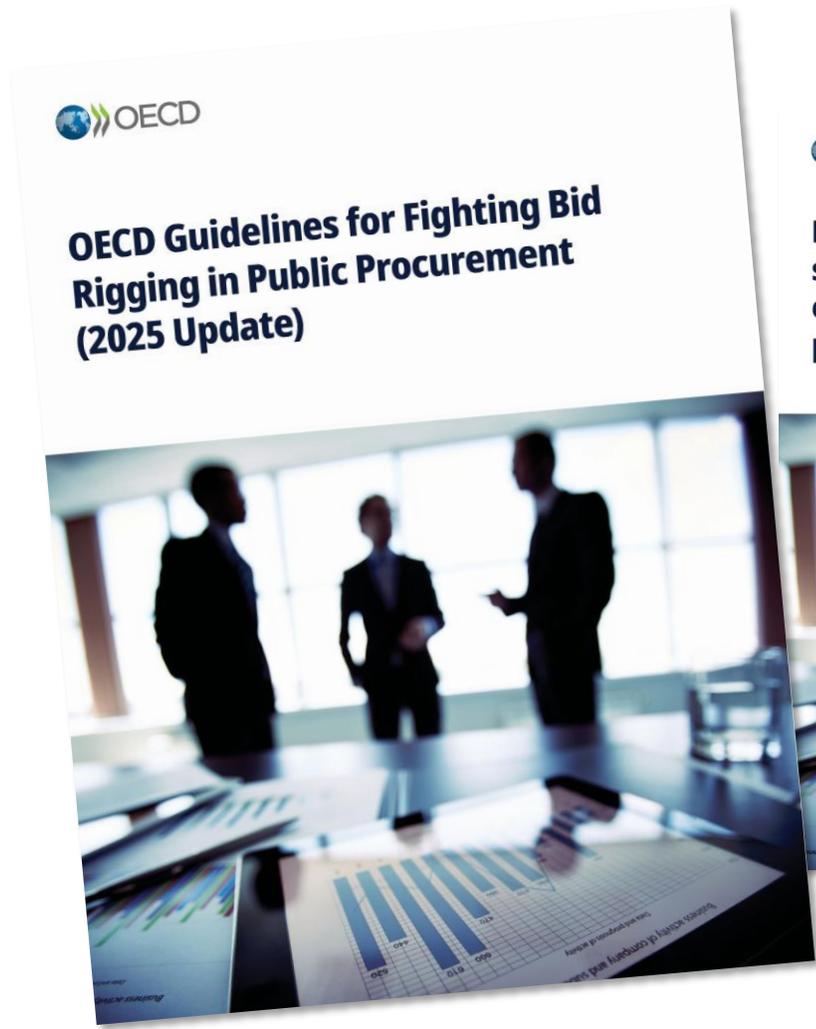
## 2012 Recommendation (amended in 2023)

Governments should assess public procurement laws and practices at all levels of government in order to promote more effective procurement and reduce the risk of bid rigging in public tenders.



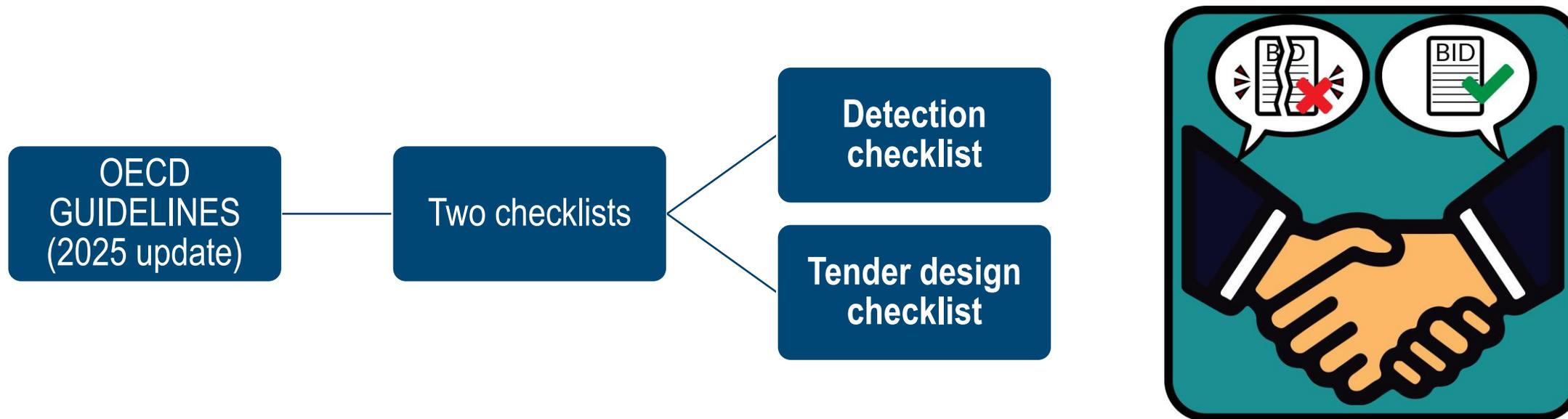


# Updated Guidelines for Fighting Bid rigging in public procurement (2025)



[oe.cd/gfbr25](https://oe.cd/gfbr25)  
[bit.ly/gfbr-is](https://bit.ly/gfbr-is)





- Non-binding, but reflect best practices of OECD member countries.

# OECD DETECTION CHECKLIST

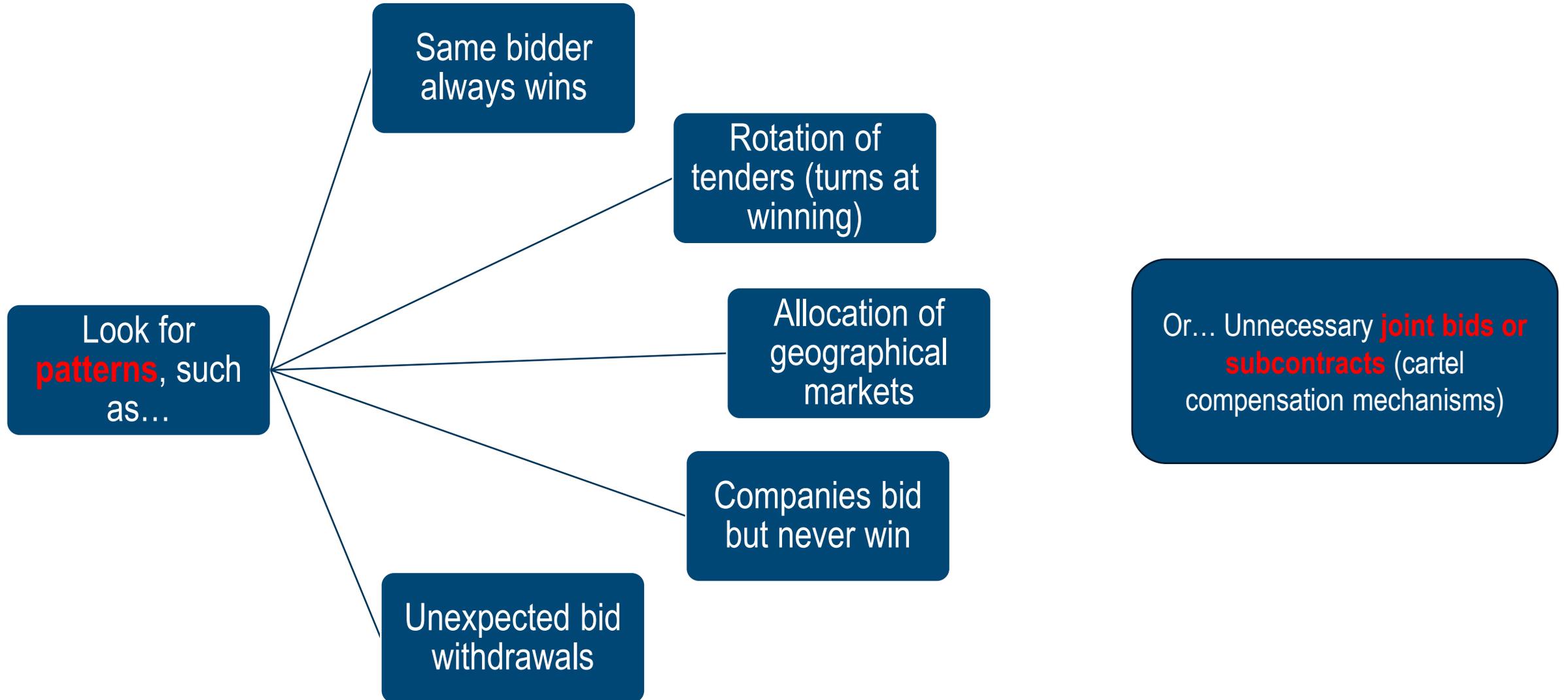
1. Warning signs and patterns when businesses are submitting bids
  - **Bid rigging forms**
2. Warning signs in bid documents
  - **Identical mistakes, file data or metadata**
3. Warning signs and patterns related to pricing
  - **Identical pricing, sudden increases/ decreases**
4. Suspicious statements
  - **References to agreements, standard prices, market allocation**
  - **Knowledge, same terminology**
5. Suspicious behaviour
  - **Suppliers meet + socialise, similar enquiries**

## DETECTING BID RIGGING

Section 1: Warning signs and patterns when businesses are submitting bids



# SECTION 1: SUSPICIOUS PATTERNS



# EXAMPLE: TAXI COMPANIES' JOINT BID IN NORWAY

- The Oslo University Hospital organized a tender for the provision of patient transport services. Two taxi companies (direct competitors) bid jointly.
- The Norwegian authority (confirmed by the Supreme Court) found that:
  - these competitors could bid separately;
  - the joint bid removed the competitive pressure between them and involved price fixing;
  - open co-operation is no excuse!

## Sources

<https://globalcompetitionreview.com/taxi-joint-bidding-anticompetitive-says-top-norwegian-court>

<https://konkurransetilsynet.no/supreme-court-rules-in-favour-of-the-norwegian-competition-authority-in-taxi-case/?lang=en>

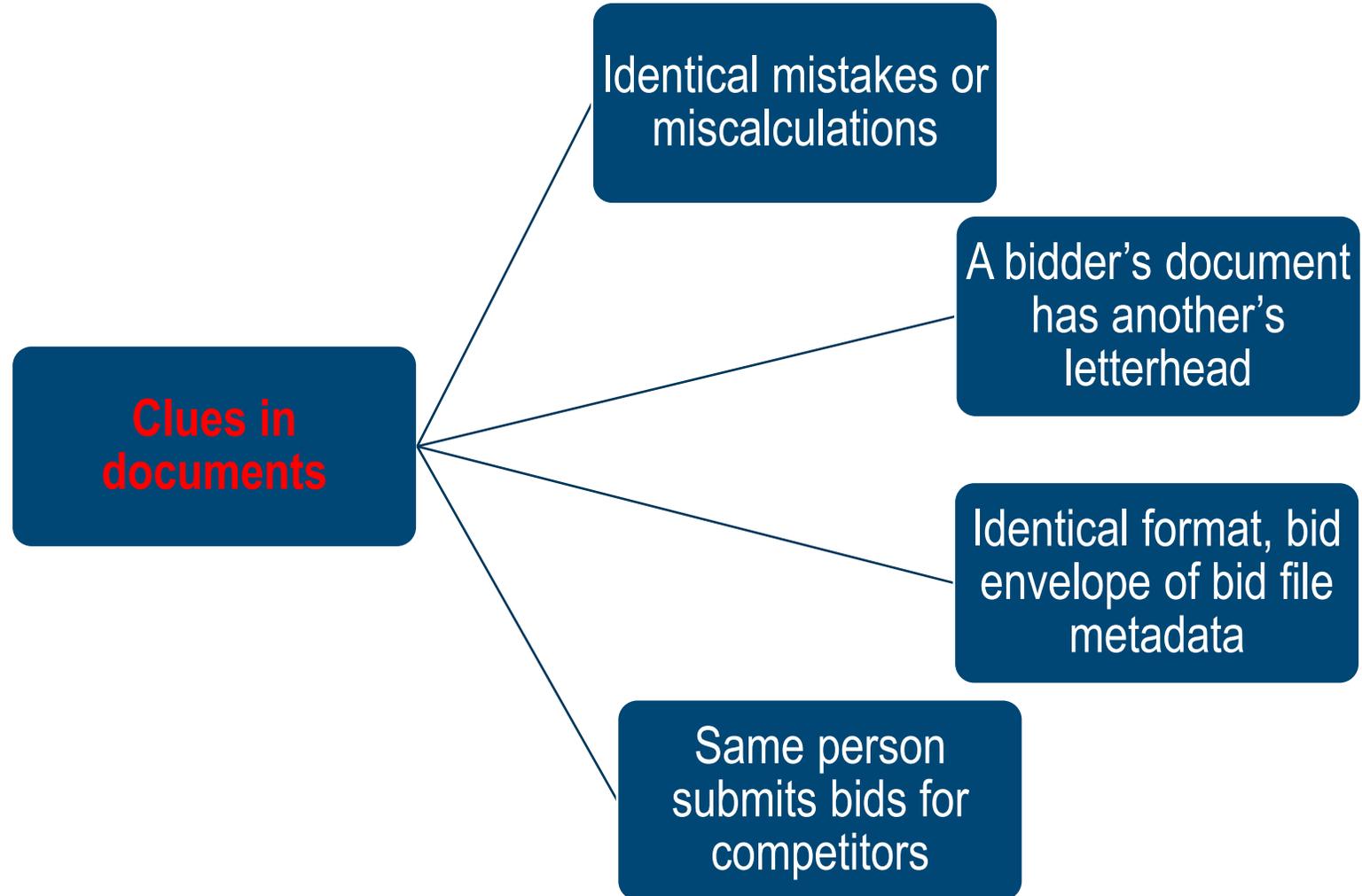
[www.domstol.no/globalassets/upload/hret/decisions-in-english-translation/hr-2017-1229-a-tender-cooperation-eng.-ferdig.pdf](http://www.domstol.no/globalassets/upload/hret/decisions-in-english-translation/hr-2017-1229-a-tender-cooperation-eng.-ferdig.pdf)

## DETECTING BID RIGGING

### Section 2: Warning signs in bid documents

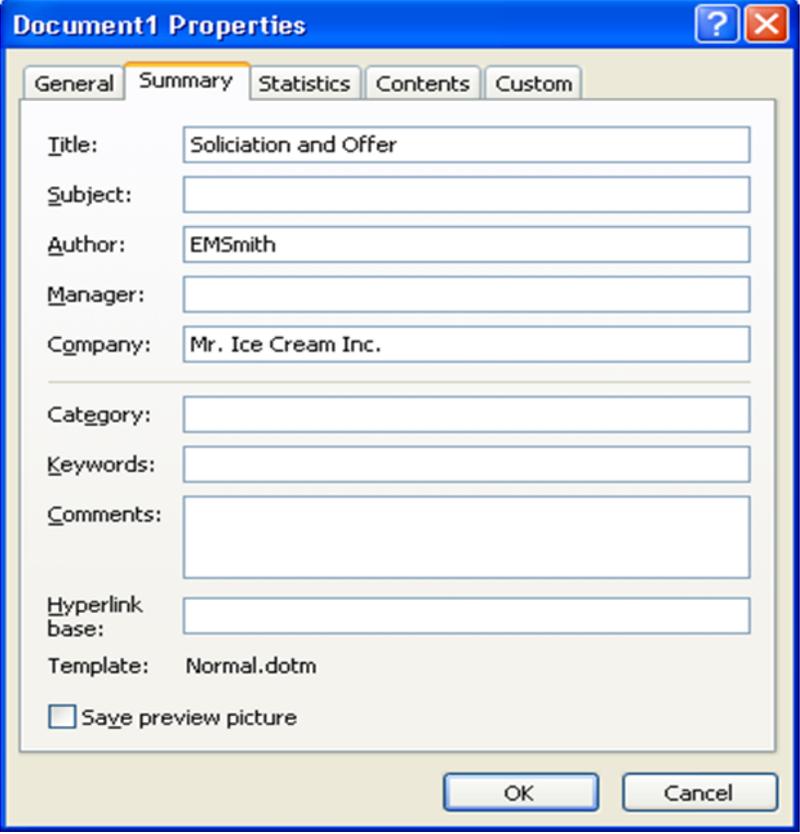


## SECTION 2: CLUES IN DOCUMENTS



## SECTION 2: WARNING SIGNS IN METADATA

- All electrically submitted bid documents have own metadata, which contains some information of the document properties, such as **author, saving time, title of the document**, etc.
- The metadata can be revealing a sign of bid rigging.
- When the metadata from one contractor's bid is authored by an employee of the competing contractor



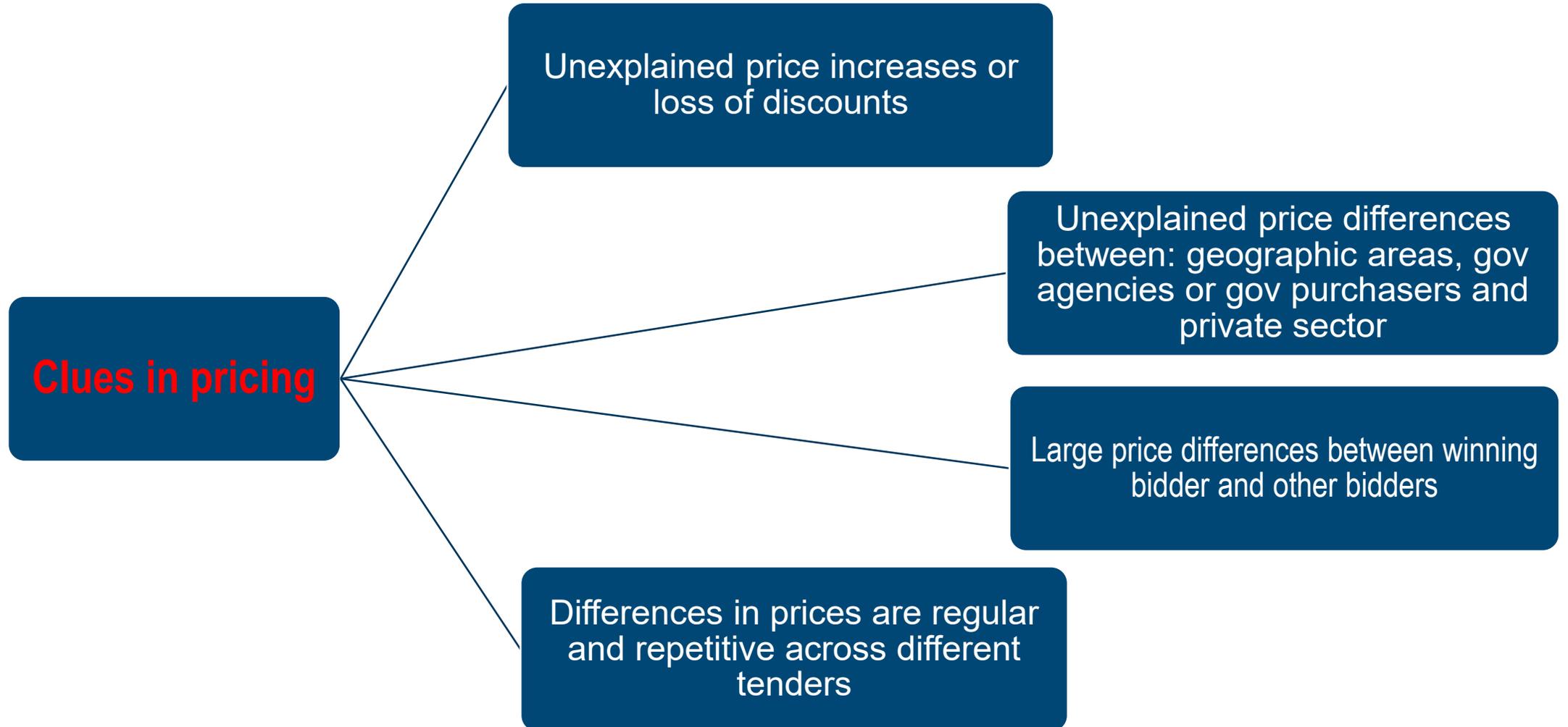
The screenshot shows a Windows-style dialog box titled "Document1 Properties". It has a blue title bar with a question mark icon and a close button. Below the title bar are five tabs: "General", "Summary" (which is selected and highlighted in yellow), "Statistics", "Contents", and "Custom". The "Summary" tab contains several text input fields and a checkbox. The fields are labeled as follows: "Title:" with the value "Solicitation and Offer"; "Subject:" which is empty; "Author:" with the value "EMSmith"; "Manager:" which is empty; "Company:" with the value "Mr. Ice Cream Inc."; "Category:" which is empty; "Keywords:" which is empty; "Comments:" which is empty; and "Hyperlink base:" which is empty. Below these fields, the "Template:" is set to "Normal.dotm". At the bottom of the dialog, there is a checkbox labeled "Save preview picture" which is currently unchecked. At the very bottom right, there are two buttons: "OK" and "Cancel".

## DETECTING BID RIGGING

### Section 3: Warning signs and patterns related to pricing



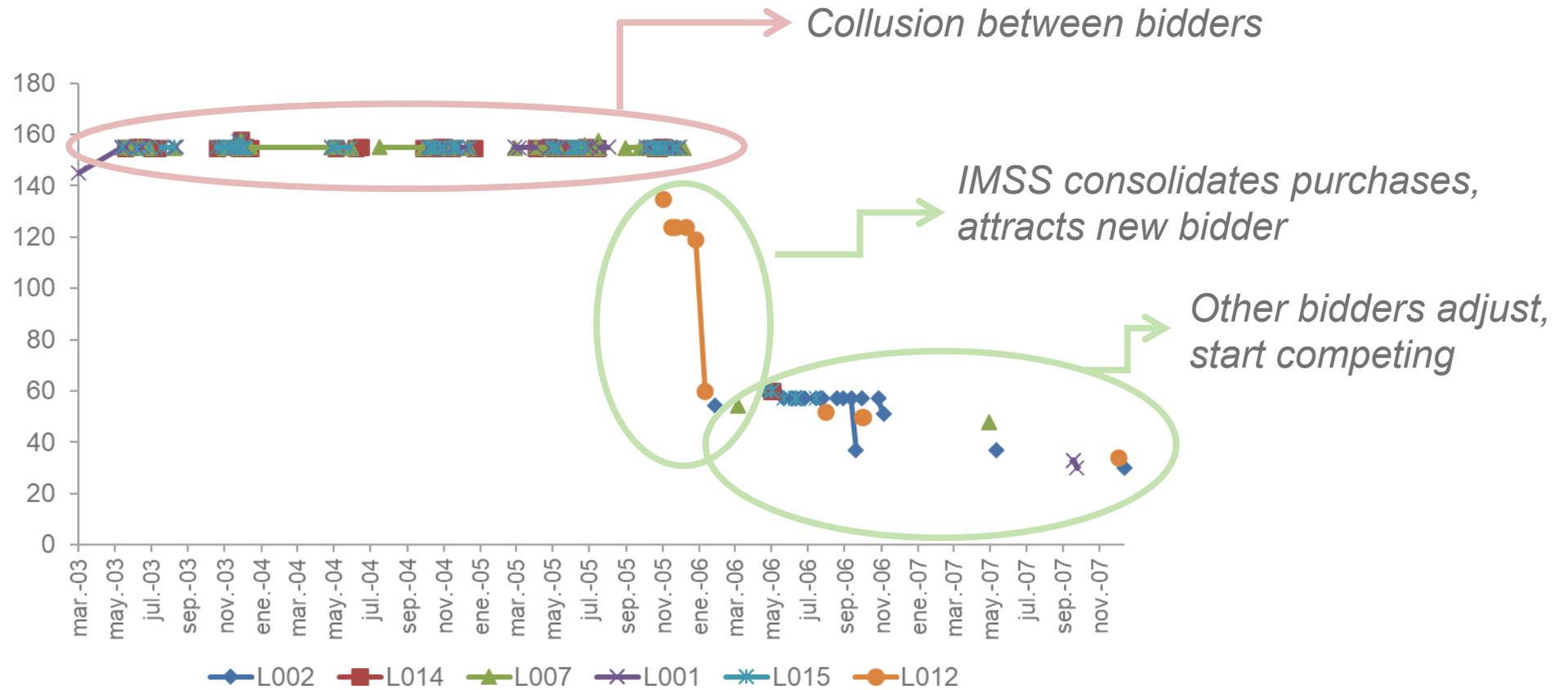
## SECTION 3: CLUES IN PRICING



# SECTION 3, EXAMPLE (I): THE MEXICAN SOCIAL SECURITY FUND

## Sources

<https://www.cofece.mx/wp-content/uploads/2017/11/17-02-13-bid-rigging-procurement-peril-malasia.pdf>

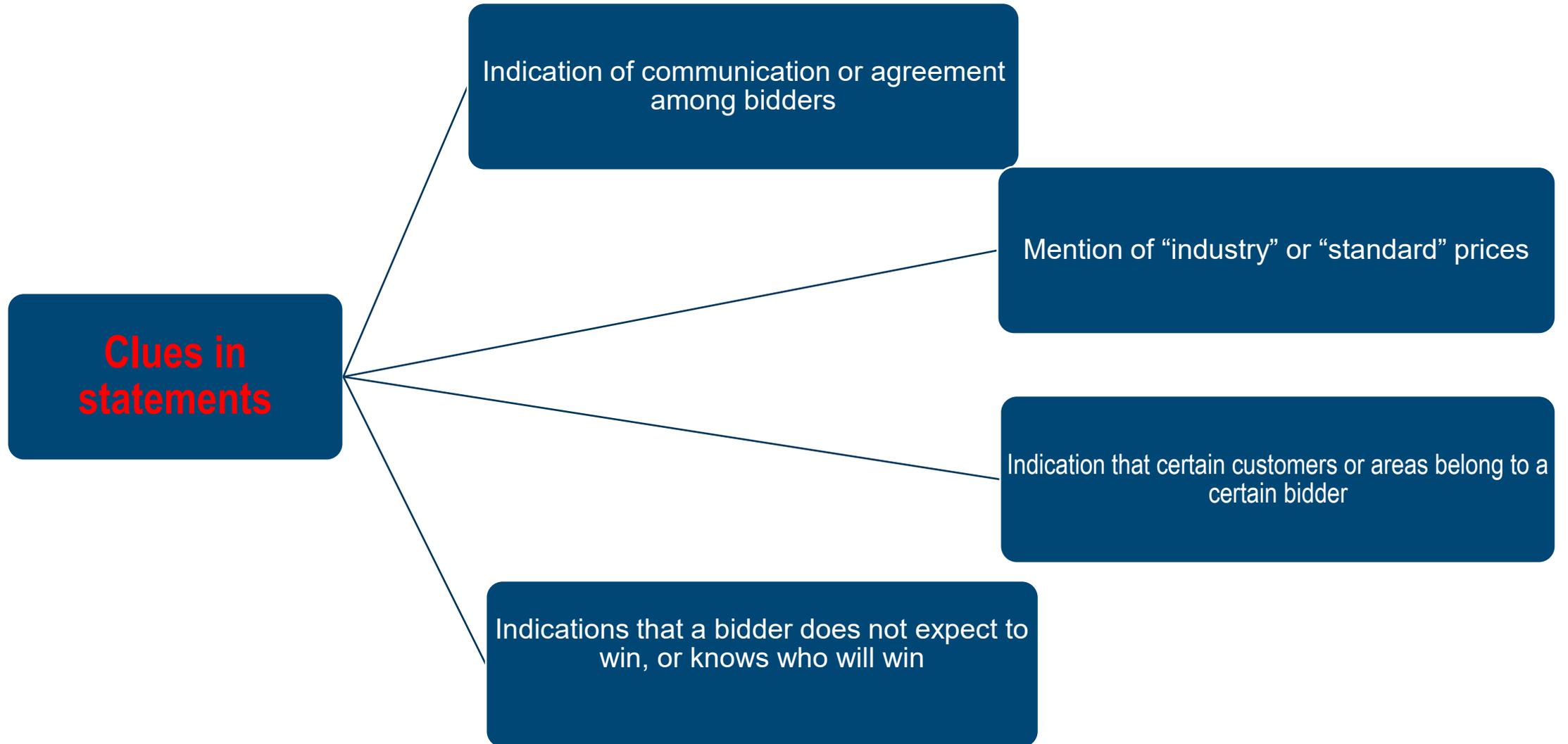


## DETECTING BID RIGGING

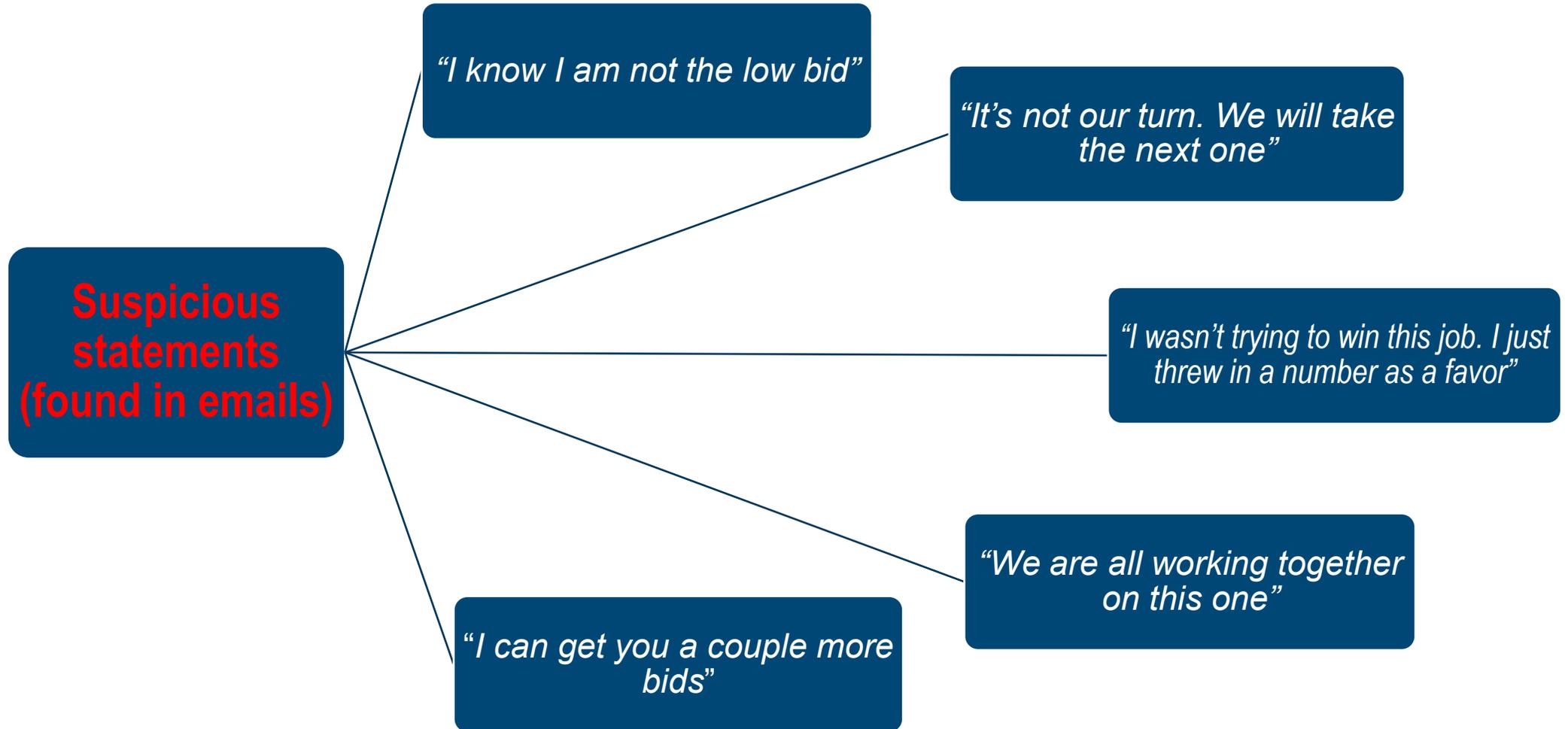
### Section 4: Suspicious statements



## SECTION 4: CLUES IN STATEMENTS



## SECTION 4: EXAMPLES



# DETECTING BID RIGGING

## Section 5: Suspicious behaviour



## SECTION 5: CLUES IN BEHAVIOUR

- Competitors meet privately, such as at trade association meetings.
- In these meetings, they try to determine who else is bidding, at what price, for which lot...





## DETECTING BID RIGGING

Cautionary note and next steps in  
bid rigging detection



# FINAL REMARKS: INDICATIONS DO NOT PROVE BID RIGGING

Indications



Proof of bid rigging

Indications of possible bid rigging may have innocent explanation



Do not assume a supplier is guilty based on clues



Do not automatically cancel the procedure, but raise your suspicions

# FINAL REMARKS: SIX GOOD PRACTICES

Be alert

Get the overall picture

Keep evidence

Look for signs

Do not discuss with bidders

Talk to your legal/  
compliance unit



- [oe.cd/gfbr25](http://oe.cd/gfbr25); [bit.ly/gfbr-is](http://bit.ly/gfbr-is)
- <http://www.oecd.org/daf/competition>
- <https://www.oecd.org/en/topics/sub-issues/competition-enforcement/fighting-bid-rigging-in-public-procurement.html>



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