

Modus Operandi Pengaturan Pengadaan dan Mark Up Harga

Dirut menyiapkan
Project untuk PBJ

- Dirut menginisiasi penyiapan project investasi perusahaan tanpa kajian kebutuhan yang memadai
- Memastikan/mengatur kegiatan masuk dalam rencana kegiatan & anggaran perusahaan dan menginisiasi perolehan sumber dana dari pinjaman dan atau tambahan penyertaan modal pemerintah

Direksi mencari
mitra/perusahaan
pelaksana

- Dirut mengarahkan kepada direksi/pegawai perusahaan BUMN agar bekerjasama dengan pihak tertentu (perusahaan swasta) yang merupakan rekan bisnisnya untuk melakukan pencarian peralatan yang menjadi target project investasi. Dalam proses pencarian peralatan, perusahaan mitra membiayai perjalanan ke luar negeri dan memberikan uang saku kepada pejabat yang ditugaskan Dirut.
- Setelah mendapatkan peralatan yang menjadi target kegiatan investasi, perusahaan swasta (mitra) diminta membeli peralatan dengan harga tertentu untuk selanjutnya menjualnya kepada perusahaan BUMN dengan harga yang jauh lebih tinggi. Kesepakatan harga dilakukan Dirut BUMN dengan Dirut perusahaan swasta (mitra)

Penyiapan
Dokumen
Formalitas

Agar pengadaan peralatan seolah-olah sesuai ketentuan, Dirut memerintahkan Pejabat BUMN untuk:

- Meminta bantuan perusahaan konsultan untuk melakukan pendampingan dan penyusunan dokumen pengadaan Kapal
- Meminta perusahaan swasta (mitra/calon rekanan) untuk membuat dokumen penawaran dari beberapa perusahaan
- Dirut mengesahkan revisi peraturan pengadaan barang dan jasa yang di *backdate*

Realisasi
Pengadaan Barang

Perusahaan BUMN melakukan pembayaran peralatan meskipun peralatan tidak dapat diserahkan. Perusahaan mitra tidak dapat mengembalikan dana.

Procurement Arrangement & Price Mark-up

The CEO prepares the project for Procurement of Goods and Services

- The CEO initiates the preparation of the company's investment project without adequate needs assessment;
- Ensures/organizes activities to be included in the company's activity plan and budget, and initiates the acquisition of funds from loans and/or additional government capital participation.

The board of directors is searching for a partner/implementation company.

- The CEO directs the directors/employees of the state-owned company to collaborate with a specific party (private company) that is their business partner to search for equipment that is the target of the investment project. During the equipment search process, the partner company finances the overseas travel and provides allowances to the officials assigned by the CEO.
- After obtaining the targeted investment equipment, the private company (partner) is asked to purchase the equipment at a specific price and then sell it to the state-owned company at a much higher price. The pricing agreement is made between the CEO of the state-owned company and the CEO of the private company (partner).

The state-owned company made the payment for the equipment, even though the equipment could not be delivered. The partner company was unable to refund the funds.

Realization of Procurement of Goods

To make the equipment procurement appear as if it complies with regulations, the CEO instructs the BUMN official to:

- Seek assistance from a consulting company to provide support and prepare the documentation for the ship procurement;
- Request a private company (partner/prospective contractor) to create bids on behalf of several companies;
- The CEO approves the backdated revision of the procurement regulations for goods and services.

Preparation of Documentation Formalities