

Transparent Public Procurement Rating



Costa Rica

Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of the Costa Rica was prepared by the Citizen Center for Studies for an Open Society (ACCESA)



Project is Financially Supported by Hivos.

The opinions expressed in this assessment belong to the Institute for Development of Freedom of Information (IDFI) and its partner organization, and do not reflect the position of Hivos. Therefore, this organization is not responsible for the content of this report.

2018

Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

Limitations

Public procurement systems vary significantly by country. The TPPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)
- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

Acceptance act – A document signed by parties through which they agree on the terms by which a bargain is concluded.

Bid – Price offered by a tender participant during the bidding procedure.

Bid Security – A refundable amount of money paid by tender candidates validating their participation in a tender.

Coordination – Providing assistance to economic operators and procuring entities to engage in procuring activities.

Day – In the context of this methodology a day implies a calendar day.

Economic Operator – business or other organization which supplies goods, works or services.

Legal entity of public law (LEPL) (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

Machine-readable – A data format that can be processed (i.e. extract, transform and process) by a computer.

Monitoring – Data collection and analysis.

State non-commercial legal entity – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

Non-competitive procedure (direct procurement) – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

Notice of intended procurement – A call for participation in an open tender issued by procuring entities.

Open tender – A type of tender, in which any economic operator can request participation.

Post-tendering phase – procurement processes after the selection of a tender winner.

Pre-tendering phase – procurement processes leading up to the publication of a notice of intended procurement.

Procurement regulatory body – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

Procuring entity – A state budget and local government entity (including their respective LEPLs and state owned companies).

Public procurement annual plan – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

Tender – A type of public procurement procedure that involves bidding.

Tender application – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

Tender candidate – An economic operator willing to participate in a tender.

Tender commission – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

Tender documentation – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

Tender participant – An economic operator that has been allowed to participate in a tender.

Tendering phase – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

TPPR Methodology Indicators

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point]	1	The Registry of Legal Entities can be consulted free of charge via the Internet, either by name or by legal identification number, at the following website: http://www.registronacional.go.cr/
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	<p>Political Constitution of Costa Rica, art. 30, 178, 184.</p> <p>Law of the Financial Administration of the Republic and Public Budgets No. 8131, art.5, subsection g).</p> <p>Decree on transparency and access to public information No. 40200-MP-MEIC-MC, art. 17</p> <p>Article 5 of the Law of the Financial Administration of the Republic and Public Budget No. 8131 indicates in paragraph g) that "for the sake of transparency, the budget must be available to the public, by electronic and physical means available."</p> <p>art. 17 of the Decree on Transparency and Access to Public Information states that among the information that each public institution must publish on its website are the "institutional plans and budgets, as well as their form of execution and evaluation."</p>

			<p>Additionally, the Comptroller General of the Republic publishes all public budgets through the Information System on Plans and Budget, which can be consulted on its website: cgrweb.cgr.go.cr</p>
3.	Public officials are required by law to file asset declarations. – [1 point]	1	<p>Law against Corruption and Illicit Enrichment No. 8422, art. 21, 23</p> <p>Article 21 of the Law against Corruption and Illicit Enrichment No. 8422 details the long list of officials who are obliged to make equity declarations. Regarding the officials who are not on that list, article 23 of the same law adds that "the fact that a public servant is not obliged to present a sworn statement about his / her patrimonial situation, will not prevent the pertinent inquiries and studies to be carried out.</p> <p>For this purpose, the General Comptroller of the Republic or the Public Ministry, through the Attorney General, may at any time demand, in a singular order, any public official administer or custody public funds, that present affidavit of their patrimonial situation ".</p>
4.	The country has adopted legal provisions ensuring the right to request public information. – [1 point]	1	<p>Political Constitution of Costa Rica, art. 30</p> <p>Law on the Regulation of Right of Petition No. 9097.</p> <p>Decree on transparency and access to public information No. 40200-MP-MEIC-MC.</p> <p>Decree Establishes the opening of public data No. 40199-MP.</p> <p>In the Constitution, the right to information is protected by Article 30, which states that "free access to administrative departments is guaranteed for purposes of information on matters of public interest." However, it is necessary to mention that Costa Rica lacks a Law on Access to Public Information, even if it does have different regulations</p>

			that guarantee the right to petition and request information.
5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	1	<p>Law against Corruption and Illicit Enrichment No. 8422, art. 8</p> <p>General Law of Internal Control No. 8292, art. 6</p> <p>Article 8 of the Law against Corruption and Illicit Enrichment No. 8422 indicates that "the Office of the Comptroller General of the Republic, the Administration and the internal audits of public institutions and companies shall keep confidentiality regarding the identity of citizens who, good faith, present to your offices reports of acts of corruption. "</p> <p>Article 6 of the General Law of Internal Control No. 8292 says that "The Office of the Comptroller General of the Republic, the administration and internal audits, shall keep confidentiality regarding the identity of citizens who file complaints with their offices."</p> <p>In addition, there is Law No. 8720 for the protection of victims, witnesses and other subjects involved in the criminal process that regulates the protection of whistleblowers in criminal cases.</p>

Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>Public Procurement Legislation (PPL), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Administrative Contracting Law No. 7494.</p> <p>Regulation to the Law of Administrative Contracting N°33411.</p> <p>In addition to the Administrative Contracting Law No. 7494, there is a broad Regulation for the said law, the General Law of Administration and a series of regulations regarding administrative contracting.</p> <p>Some public institutions, due to their legal nature, use the principles and general framework of Law No. 7494, but they have their own regulations on procurement issues through Internal Regulations. This is the case, for example, of the companies of the ICE Group (Instituto Costarricense de Electricidad), which apply the Regulation for the Contracting Processes of the Companies of the Costa Rican Electricity Institute. The same also applies to the INS Group (National Insurance Institute), which is</p>

			governed by the Regulation of Contracts excepted from the ordinary procedures of Administrative Contracting in accordance with article 9 of the Law of the National Institute of Insurance.
2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>All legislation is available on the website of the Costa Rican Legal Information System of the Attorney General's Office: http://www.pgrweb.go.cr/scij/</p> <p>All documents on legislation are available in searchable PDF format.</p>
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) All state budget entities – [0.2] b) Local government entities – [0.2] c) Legal Entities of Public Law (LEPL) – [0.2] d) State owned companies – [0.2] e) State non-commercial legal entities – [0.2] 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.2 b) 0.2 c) 0.2 d) 0.2 e) 0.2 	<p>Administrative Contracting Law No. 7494, art. 1, 2</p> <p>Regulation to the Law of Administrative Contracting N°33411, art.1</p> <p>Article 1 of the Regulation of the Administrative Contracting Law No. 7494 states: "This Regulation regulates the contracting activities of the Executive Branch, the Judicial Branch, the Legislative Branch, the Supreme Electoral Tribunal, the Office of the Comptroller General of the Republic, The Ombudsman's Office, decentralized institutions, municipalities, non-state public entities and public companies.</p>

	<i>Uniformity of the Legislative Framework</i>		Excluded from its application are non-state public entities whose financing from private resources exceeds fifty percent of their total income and public companies whose social capital, more than 50%, belongs to individuals.
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5]</p> <p>b) PPL clearly lists or refers to all exemptions. – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Administrative Contracting Law No. 7494, art. 1, 2</p> <p>Regulation to the Law of Administrative Contracting N°33411, art.1</p> <p>a) Article 1 of the Administrative Contracting Law No. 7494 says "When public resources are partially or totally used, the contractual activity of all types of natural or legal persons shall be subject to the principles of this Law". It is important to mention that in Costa Rica there are state monopolies in areas such as water, electricity and fossil fuels, which are not open to competition and therefore are not covered by this law.</p>
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [1 point]</p> <p>Scoring Method</p>	0	<p>With respect to the Office of the Comptroller General of the Republic, Article 3 of the Law on Administrative Procurement No. 7494 refers to its provisions "shall be interpreted and applied, in accordance with the powers of superior control of public finances that correspond to it. To the Office of the Comptroller General of the Republic."</p>

	<ul style="list-style-type: none"> • PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [1] • PPL determines a separate state body responsible for managing public procurement. – [0.75] • PPL assigns this function to a subordinated public body(ies). – [0.5] • There is no responsible state body. – [0] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>In the course of the Law, multiple examples of how this audit should be carried out in the case of public procurement (for example, for the receipt and resolution of resources or for endorsement of contracts) are presented. However, this is only an audit task; the Comptroller does not manage public contracts.</p> <p>On the other hand, article 99 of the Law of Financial Administration and Public Budgets No. 8131 states that the General Directorate of Property Administration and Administrative Contracting will be the governing body of the Property Administration and Administrative Contracting System. But it is rectory only applies to the Central Administration, not for the entire public sector. In addition, this Directorate General does not manage hiring; what it does is issue regulations and guidelines.</p> <p>In Costa Rica, due to the principle of regulatory concentration and operational de-concentration, purchasing management is carried out by each Institutional Provider, so that there is not a single governing or centralized body that is responsible for this task. The organs indicated in the preceding paragraphs -the General Comptroller's Office of the Republic and the General Directorate of Property Administration and Administrative Contracting- only supervise and issue guidelines.</p>
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6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	0	<p>In the case of the Office of the Comptroller General of the Republic, according to Article 3 of the Administrative Contracting Law No. 7494, its task is to monitor public procurement processes. At no time is it mentioned that he has to coordinate these processes.</p> <p>In paragraph c) of article 103 of the same Law, it is mentioned that the General Directorate of Asset Management and Administrative Contracting must "evaluate the policies and contracting procedures, with the purpose of adjust, constantly, to satisfy the public interest ".</p> <p>However, as mentioned in the previous question, in Costa Rica there is no single governing body for the entire Public Sector. The Institutional Providers are the ones that, according to article 106 of the Law of Administrative Contracting, will have full competence to conduct the procedures of the administrative contracting procedure.</p> <p>With respect to data analysis, with the Integrated System of Public Procurement (SICOP), the data of the purchasing processes could now be more precise, but there is no entity that helps to systematize and analyze their behavior. Currently, in the</p>

			Legislative Assembly there are two bills that aim to create a single rectority for Administrative Procurement and place it within the Ministry of Finance, but have not yet been approved.
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Legislation provides for a mechanism of consultation with the private sector. – [0.25] b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25] c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5] <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 c) 0 	<p>It is worth noting that subsection b) of article 42 of the Administrative Contracting Law No. 7494 states that "the administration may hold hearings with potential bidders, in order to receive comments that allow the most appropriate preparation of the specifications; for this, he must make a public invitation and draw up a record of the hearings, all of which must be included in the file. " However, this article refers to specific hiring processes (they are not audiences to analyze the contracting system in general) nor does it indicate its obligation.</p>
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5] b) PPL stipulates that electronic means is the primary method of 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.5 b) 0.5 	<p>Administrative Contracting Law No. 7494, art. 40, 40 bis.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art 11, 148, 148 bis, 149, 151, 174.</p> <p>a) Article 40 of the Administrative Contracting Law N ° 7494 mentions that "all contracting activity regulated in this law, as well as that regulated under any special regime, must be carried</p>

	<p>communication between procuring entities and tender participants. – [0.5]</p> <p><i>Efficiency</i></p>		<p>out through the unified digital system of public procurement.”</p> <p>Article 148 of the Regulation to the Administrative Contracting Law No. 33411 states that the contracting file must be accessible and kept updated in the Integrated Public Procurement System and that it must include "all information regarding each of the stages of the different administrative contracting procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality ". It adds that "all the actions of the administration and the individuals necessary for the development of all the stages of the administrative contracting procedures will be carried out by electronic means".</p> <p>b) With respect to communications, some articles refer to digital communication as the main one in these cases. For example, Article 174 of the Regulations to the Law on Administrative Procurement states that "notifications about the dispute procedures filed shall be made at the permanent electronic address indicated by the registered provider". In addition, the communications between contracting entities and the bidding participants are also subject to articles 40 of the Administrative Contracting Law No. 7494 and 148 of the Regulation to the Administrative Contracting Law No. 33411 cited above.</p>
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [1 point]</p>	1	<p>Administrative Contracting Law No. 7494, art. 40, 40 bis.</p>

		<i>Efficiency</i>	<p>Regulation to the Administrative Contracting Law No. 33411, art 11, 148, 148 bis, 149, 151.</p> <p>Article 40 of the Law on Administrative Procurement No. 7494 states that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be done through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the procurement procedure ". This unified digital system is known as the Integrated System of Public Procurement (SICOP) and can be accessed at https://www.sicop.go.cr/index.jsp</p>
10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [1 point]</p> <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 40</p> <p>Regulation to the Administrative Contracting Law No. 33411, art 11, 148, 149, 151.</p> <p>Article 149 of the Regulation to the Law of Administrative Contracting No. 7494 says: "Electronic means must be used to guarantee transparency; free competition; equality, free access, integrity, neutrality, security, consistency, confidentiality; and non-repudiability of the actions, based on interoperable standards, allow the backup of the information and the registry of</p>

			operations from its origin ".
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) PPL should not allow domestic preferences. – [1/5] b) Participation of any candidate or group of candidates is based on qualification. – [1/5] c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5] d) State owned companies are not given any preference. – [1/5] e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5] <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>Overall: 0.8</p> <p>Components:</p> <ul style="list-style-type: none"> a) b) 1/5 c) 1/5 d) 1/5 e) 1/5 	<p>Administrative Contracting Law No. 7494, art. 5, 42 section c), 46 subsection c).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 2, subparagraph d), subsection e), 29, 52, 55, 84, 138.</p> <p>a) Article 5 of the Law on Administrative Procurement No. 7494 mentions that, with respect to offers of foreigners, the principle of reciprocity will be used. It does not indicate any kind of national preference, but it does not rule it out in cases of reciprocity. However, Article 29 of the Regulation to the Administrative Contracting Law No. 33411 states that "The benefits contemplated in Article 12 of Annex B of Law 7017" Law of Incentives for National Production "are applicable only to the Costa Rican industry". This incentive law gives preference to domestic producers in hiring processes, and, according to the same article 29, "for a foreign company to accede to the treatment of a national company in the procurement of the State, it is necessary that there be an Economic Integration Treaty. Free Trade with the country of origin or any other international instrument in force in Costa Rica and also that it develops a chapter of procurement with the public sector. Therefore, even when the LCP defends the principle of reciprocity, it also includes preferences for domestic producers.</p>

			<p>b) Article 42 of the Law on Administrative Procurement No. 7494 says in clause c) that the public bidding announcement must include: "The development of a bid evaluation system, aimed at ensuring that administration chooses the offer that best satisfies the public interest "- Article 55 of the Regulation to the Law on Administrative Procurement No. 33411 adds that" The announcement will establish an evaluation system, which should consider the ponderable factors, the degree of importance of each of them, as well as the method to assess and compare the offers in relation to each factor. " Article 84 of the same Regulation says that" Only qualifying bids may be submitted to the qualification system. Of these, the one that obtains the highest rating will be considered the most convenient, unless the Administration decides to include a valuation system in two phases, in which case, it will be the specific rules of that contest. "</p> <p>c) Subparagraph (e) of Article 2 of the same Regulation states that "in the same contest the participants must be treated and examined under similar rules". In addition, paragraph d) of the same article mentions that "technical, legal or economic restrictions should not be included, which can unjustifiably limit the participation of potential bidders". Article 52 of the Regulation adds that "The procuring entity may not impose restrictions or demand compliance with requirements that are not indispensable or convenient to the public interest, if this limits the possibilities of competition".</p>
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12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [1 point]</p> <p><i>Competitiveness and Impartiality</i></p>	0	<p>In the case of public tenders, Article 42 of the Administrative Contracting Law No. 7494 mentions that "The minimum period to receive offers will be fifteen business days, counted from the day following the publication of the notice to participate and until the day of the opening of offers, including ". In the case of abbreviated tenders, article 45 of the same Law says that "The term to receive offers may not be less than five business days or more than twenty, except in highly qualified cases in which the administration deems it necessary to extend it to a maximum of ten additional days. "</p> <p>With regard to small-scale hiring, Article 144 of the Regulation to</p>

			<p>the Law on Administrative Contracting No. 33411 states that "the entity will give a minimum period of one day and a maximum of five working days for the submission of quotations.</p> <p>The GPA standard recommends that bids and contracts have a period of at least 10 business days to receive offers; In the case of Costa Rica, both abbreviated tenders and small-value hiring violate that recommendation.</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 105</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 8th paragraph g), 227-232.</p> <p>According to article 105 of the Law of Administrative Contracting No. 7494, in each contracting institution there will be an institutional procurement, which is "a unit responsible for administrative contracting procedures."</p> <p>In addition, subparagraph g) of Article 8 of the Regulation to the Law on Administrative Procurement No. 3434 states that when starting a procurement procedure "the appointment of a general manager of the contract should be taken into account, due to the size of the procurement or because it is convenient for the proper execution of the contract, as well as to the public or institutional interest".</p>

14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 93-100 bis.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 220-226.</p> <p>Chapter X of the Administrative Contracting Law No. 7494 is entitled "Sanctions" and includes all possible sanctions against public officials and individuals for failing to comply with the provisions of the law.</p>
15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private firms or individuals found guilty of fraud or corruption. – [1 point]</p> <p><i>Accountability and Integrity</i> Source: OECD Methodology</p>	1	<p>Law against Corruption and Illicit Enrichment in Public Function No. 8422, art. 5, 37-62. Regulations to the Law against Corruption and Illicit Enrichment in Public Function No. 32333, art. 1-2.</p> <p>Article 5 of the Law Against Corruption and Illicit Enrichment in Public Service No. 8422 defines the fraud of law. Article 1 of its Regulation defines corruption, acts of corruption and duty of probity, among other concepts.</p> <p>Chapters IV and V of the same Law set out the administrative, civil and criminal responsibilities for all those public or private actors who fail to comply with the law. It also details the different crimes that can be given, with their respective penalties.</p>

16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none">• PPL ensures the right to review, for general public, tender participants and potential suppliers. – [1]• PPL ensures the right to review, for tender participants and potential suppliers. – [0.75]• PPL ensures the right to review, for tender participants. – [0.25]• No one has the right to review. – [0] <p><i>Uniformity of the Legislative Framework</i></p>	<p>0.75</p> <p>Administrative Contracting Law No. 7494, art. 5, 81-93 Regulation to the Administrative Contracting Law No. 33411, art. 144, 172-195</p> <p>Administrative Contracting Law No. 7494, art. 5, 81-93 Regulation to the Administrative Contracting Law No. 33411, art. 144, 172-195</p> <p>With respect to the objection recourse, Article 82 of the Administrative Contracting Law No. 7494 states that "This remedy may be filed by any potential bidder, or his representative, of the required good, service or work. Any legal entity constituted for the defense of the interests of the community where the contract is to be executed or on which it has effects may also be filed by objection. "</p> <p>With respect to the appeal, Article 85 of the same law mentions that "any person who has a legitimate, current, proper and direct interest may file an appeal. Likewise, the person who submitted an offer on behalf of a third party holding any type of representation was entitled to appeal.</p> <p>Also, if the amount requires it, there is an appeal for revocation.</p> <p>In the case of contracts of small amount, the Regulation to the Law of Administrative Contracting in its article 144 states that "The act of adjudication must be issued within a maximum period of ten working days, extendable for an equal term in duly justified</p>	

			cases, counted from the day of the opening of bids and will immediately be communicated to the participants, who may file an appeal for revocation, within a period of two business days following notification. If the appeal is admissible, the winner will be granted a hearing for a period of two business days, after which the Administration must resolve within three business days. In cases declared urgent, there will be no appeal. "
17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3] b) A procurement contract cannot be awarded with a pending complaint. – [1/3] c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [1/3] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 1/3 c) 1/3 	<p>Administrative Contracting Law No. 7494, art. 81, 83-85, 90-92.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 144, 178-180, 182, 192, 193, 195</p> <p>a) Articles 81, 84 and 91 of the Law on Administrative Procurement No. 7494 mention three types of complaints: objection against the award announcement, appeal to the award act and revocation. Each one responds to different moments of the process and has deadlines for its presentation. For example, Article 81 states that "against the public tender announcement and the abbreviated tender, an objection may be filed within the first third part of the deadline to submit bids." In the case of the appeal, they are ten business days following notification of the award act (in the case of public bidding) and for revocation are five business days following the day in which the award act was communicated. In the case of contracting of small amount, according to article 144 of the Regulation to the Law of Administrative Contracting No. 33411, to file an appeal for revocation there is a period of two working days following the</p>

			<p>notification of the award act.</p> <p>b) The award act is not finalized as long as it has a pending appeal or revocation appeal. However, it is important to mention that once the administrative procedure is exhausted, articles 90 and 92 of the Law on Administrative Procurement indicate that "the interested party may challenge the final act, without suspensive effects, before the Superior Contentious Court". As mentioned, this action is without suspensive effects, so "if the contract whose award is contested has been executed or is in the process of being executed, the judgment favorable to the plaintiff may only recognize the payment of the damages caused».</p> <p>c) In Costa Rica, the award of the contract is finalized until the recursive phase is over, the terms of which were previously described (ten working days for the appeal, five for the revocation and two for small amounts) and found in the Articles 84 and 91 of the Law of Administrative Contracting and 144 of the Regulation to the Law of Administrative Contracting. During this period, any interested party has the opportunity to challenge the adjudication decision.</p>
18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [1 point]</p> <p>Point Distribution</p>	<p>Overall: 0.7</p> <p>Components:</p> <p>a) 0.7</p>	<p>Administrative Contracting Law No. 7494, art. 81, 84, 91</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 180, 182, 186.</p> <p>Article 81 of the Administrative Contracting Law No. 7494 states</p>

	<p>a) PPL ensures the existence of an independent review body. – [0.7]</p> <p>b) The review body includes civil society members. – [0.3]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	b) 0	<p>that the appeal of the tender "will be filed with the Comptroller General of the Republic, in cases of public bidding, and in other cases, before the contracting administration." Article 84 indicates the same for the appeal. The Comptroller General of the Republic in these cases would become an independent review body. However, it should be noted that, according to Article 91, the revocation can only be presented to the body that issued the award.</p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 5, 40, 40 bis.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art 11, 148, 149, 151, 173</p> <p>In its article 5, the Law of Administrative Contracting No. 7494 guarantees the principle of publicity and states that "All interested parties shall have free access to the administrative contracting file and complementary information."</p> <p>Article 40 of the same Law mentions, when speaking of the Integrated Purchasing System, that "The system must reproduce all the information related to each of the stages of the procurement procedure, and the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to these purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download, copy, manipulate and reproduce them "</p>

			With respect to the specific case of complaints, Article 173 of the Regulation of Administrative Contracting Law No. 33411 says that "any resource must be submitted through the Integrated System of Public Procurement within the time limits for each type of resource."
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 6, 40, 40 bis.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art 11, 148, 149, 151, 174.</p> <p>For the specific case of decisions on appeals, Article 174 of the Regulation to the Administrative Contracting Law No. 33411 states that "notifications on the interposed procedures will be made at the permanent electronic address indicated by the registered provider, in the terms established by the Regulation of use of the System ". In addition, it is recalled that Article 40 of the Law on Administrative Procurement No. 7494 mentions, when talking about the Integrated Purchasing System, that "the system must reproduce all the information related to each of the stages of the procurement procedure", which includes appeals resolutions.</p> <p>This means that in the Integrated System of Public Procurement (SICOP) all resources must be uploaded and the resolutions are publicized. However, it must be mentioned that the system does not allow monitoring in case of transcending the judicial process.</p>

Pre-tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25] b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25] c) Estimated value of procurements. – [0.25] d) Source of funding. – [0.25] <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.25 b) 0.25 c) 0.25 d) 0.25 	<p>Administrative Contracting Law No. 7494, art. 6.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 7</p> <p>According to Article 6 of the Law on Administrative Procurement No. 7494, "In the first month of each budget period, the bodies and entities subject to the regulations of this Act will disclose the projected procurement program, which will not imply any commitment to hire. For such purposes, it may be resorted to publication in the Official Gazette or other suitable means, such as the official electronic page of the organ or entity. ".</p> <p>Article 7 of the Regulation to the Administrative Contracting Law No. 33411 indicates which aspects should be included in these procurement programs, among which are:</p> <ul style="list-style-type: none"> a) Type of good, service or work to be hired. b) Estimated period of commencement of contracting procedures c) Estimated amount of the procurement

			<p>d) Source of financing.</p> <p>In the case of the "Type of good, service or work to be contracted" mentioned in this article, it is important to mention that according to the Catalog of Goods and Services of the Integrated System of Public Procurement (SICOP), the classification system of mandatory use to identify these goods, services and works is the UNSPSC (United Nations Standard Products and Services Code).</p>
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 6, 40</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 7</p> <p>Apart from what is stated in Article 6 of the Administrative Contracting Law No. 7494 already cited in the previous response, Article 7 of the Regulation to the Administrative Contracting Law No. 33411 adds that "All public institutions that use the Integrated Procurement System Public, they must disclose the respective program of acquisitions and their modifications in said System, without prejudice to the fact that they may optionally publish for that purpose in the official gazette La Gaceta. "</p> <p>It should be remembered that Article 40 of the Administrative Contracting Law No. 7494 states that "the unified digital system</p>

			of public procurement shall guarantee the total transparency and publicity of each one of the procedures, documents and information related to said procurement processes, for which the system must reproduce the information in digital formats suitable for the public to download, copy, manipulate and reproduce them "
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i> Source: OECD Methodology</p>	1	<p>Administrative Contracting Law No. 7494, art. 7, 27.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 8 subsection a).</p> <p>Article 7 of the Law on Administrative Procurement No. 7494 states that "The justification for the initiation of the procurement procedure must be in accordance with the provisions of the long and medium-term plans, the National Development Plan, when applicable, the annual plan operational, the budget and the institutional acquisition program, as appropriate ".</p> <p>Article 27 of the same Law states that "The Comptroller General of the Republic will be responsible for preparing and sending a list with the name of each administration, as well as the amount of its authorized budget to support the contracting of non-personal goods and services, in order that it be published in La Gaceta, at the latest in the second half of February of each year ".</p>

4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 8 Regulation to the Administrative Contracting Law No. 33411, art. 9, 10, subsection a).</p> <p>Article 8 of the Administrative Contracting Law No. 7494 states that "To start the administrative contracting procedure, it is necessary to have sufficient budgetary resources to face the respective expenditure. In exceptional cases and to meet a very qualified need, in the opinion of the Administration and with the prior authorization of the Comptroller General of the Republic, administrative contracting procedures may be initiated, for which the security is assured that the assignment will be available in a timely manner."</p> <p>According to Article 10 of the Regulation to the Law of Administrative Contracting No. 33411, it is the Institutional Provider who will be responsible for verifying that the appropriate budget is available.</p>
5.	PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for	1	<p>Administrative Contracting Law No. 7494, art. 103-107.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art.</p>

	<p>conducting tender within the procuring entity. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>8th paragraph g), 10, 227-232.</p> <p>Chapters XII and XIII of the Law on Administrative Procurement No. 7494 describe in general terms the nature, functions, and competence of these bodies (which would be the National Provider - now known as the General Directorate of Property Administration and Administrative Contracting- and the Institutional Providers). The Regulation to the Administrative Contracting Law No. 33411, particularly in its Chapter XV, is more specific in detailing the responsibilities and functioning of these bodies (including the possibility of forming a Recommendation Commission of Adjudications to analyze specific adjudications), although not It is completely explicit when it comes to pointing out its composition.</p> <p>The same Regulation, in article 8 subsection g), also indicates that when deciding to initiate a contracting procedure, it can be designated "a general manager of the contract when, due to the magnitude of the business or because it is convenient to the public interest or institutional, such designation is convenient for the proper execution of the contract ".</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p><i>Efficiency</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 27</p> <p>Article 27 of the Administrative Contracting Law No. 7494 indicates the types of procurement procedures that must be</p>

			followed according to the monetary threshold.
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall:1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Administrative Contracting Law No. 7494, art 2 bis, 41, 44, 49.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 133, 139, 144.</p> <p>Articles 41, 44 and 49 of the Administrative Contracting Law No. 7494 mention three main types of contracting: public bidding, abbreviated bidding and auction. According to what can be seen in these articles, all these types of contracting are open. Article 2 bis details what are the procedures that are excluded from the open competitions established in the Law.</p> <p>Article 133 of the Regulations to the Law on Administrative Procurement states that "Matters legally excluded from ordinary contracting procedures may be subject to direct negotiation between the Administration and the contracting party, in the case that the Administration acts in the exercise of its competence and the contractor meets the requirements of legal, technical and financial suitability to conclude the respective contract.»Article 139 then goes on to detail the" goods or services that, due to their nature or concurrent circumstances, cannot or should not be acquired through a competition". Article 144 adds a type of additional exception procedure: direct contracting, which is</p>

			applicable when the amount is small.
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 2 bis, 6, 40, 40 bis, 42 subsection e).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 135</p> <p>With respect to this indicator, non-competitive procedures are understood as direct procurement.</p> <p>Article 2 bis of the Administrative Contracting Law No. 7494 indicates the obligation to justify competitive processes. Article 135 of the Regulation to the Law on Administrative Procurement No. 33411, in what refers to direct contracts, states that "in the initial decision must refer to legal and technical studies in which it is proven that, in the specific case, it is before an assumption of dispensing with the ordinary procedures "and then adds that" for each contract, a physical or electronic file must be drawn up, which will be headed by the initial decision and in which the record of all the actions must be included that they are carried out. "Considering that article 40 and others of the Law of Administrative Contracting say that the file and documentation of any contract must be public, then it is concluded that the</p>

			justifications are also public.
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [1 point]</p> <ul style="list-style-type: none"> a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist. b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity. c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering. d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. 		<p>Administrative Contracting Law No. 7494, art. 2 sections d), 2 bis, 80.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 139-140.</p> <p>a) Article 2 paragraph d) of the Law on Administrative Procurement No. 7494 establishes among the exceptions of the competition procedures to the "contracting activity that, due to its nature or the concurrent circumstances, cannot be submitted to public tender or not agree to submit it, either because there is only a single provider, for special security reasons or by others equally qualified in accordance with the Regulation of this Law. "Article 139 of the Regulation to the Law of Administrative Contracting No. 33411 complements the regulations on this subsection .</p> <p>b) Article 2 bis clause a) of the Law on Administrative Procurement establishes that "competitive bidding procedures can be excluded" when goods, works or services, due to their great complexity or specialized nature, can only be obtained of a limited number of suppliers or contractors, so that for reasons of</p>

	<p>e) For procurement made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine procurement from regular suppliers. – [1]</p> <p>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p><i>Uniformity of the Legislative Framework</i> Source: GPA Standard</p>		<p>economy and efficiency the application of ordinary procedures is not adequate. "Subsection b) of that same article establishes" In cases where the administration, having already acquired technological equipment, decide to acquire more products from the same contractor, for reasons of standardization or for the need to ensure their compatibility with the technological equipment that is being used, taking into account whether the original contract adequately met the needs of the contracting authority, if the price is reasonable and, especially, if the existence of better alternatives in the market was ruled out."</p> <p>c) Article 80 of the Law on Administrative Contracting regulates urgent procedures. Subparagraph k) of article 139 and article 140 of the Regulations to the Law of Administrative Contracting complement the regulations on emergency procedures.</p> <p>d) NA.</p> <p>e) NA</p>
Tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)

<p>1. PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [1/8] b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8] c) CPV codes (or other classificatory system of a similar nature). – [1/8] d) Estimated value of the goods or services to be procured. – [1/8] e) The time-frame for delivery of goods or services or the duration of the contract. – [1/8] f) The procurement method that will be used. – [1/8] g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8] h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8] <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>Overall:1</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/8 b) 1/8 c) 1/8 d) 1/8 e) 1/8 f) 1/8 g) 1/8 h) 1/8 	<p>Administrative Contracting Law No. 7494, art. 42</p> <p>Regulation to the Administrative Contracting Law No. 33411, art.52, 59.</p> <p>a) Article 52 paragraph a) of the Regulation to the Law of Administrative Contracting No. 33411 establishes that the announcement must contain at least "A header that contains the identification of the promoting Administration, the indication of the type and number of the contest and a brief description of the contractual object."</p> <p>b) Article 52 subsection g) of the same Regulation establishes that the announcement must contain at least the "Description of the nature and quantity of the goods or services object of the procedure, including technical specifications that may be accompanied by plans, designs and corresponding instructions. The technical specifications will be established primarily in terms of performance and functionality. The international system of units, based on the metric system, is mandatory."</p> <p>c) Article 52 paragraph g) of the same Regulation states that the announcement must contain at least the "Description of the nature and quantity of the goods or services subject to the procedure, including technical specifications that may be accompanied by plans, designs and corresponding instructions" . Within this description, the codes must be included for each good or service. Regarding this, it is important to mention that according to the Catalog of Goods and Services of the Integrated</p>
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			<p>Public Procurement System (SICOP), the mandatory classification system to identify these goods, services and works is UNSPSC (United Nations Standard Products and Services Code).</p> <p>d) Article 59 of the same Regulation regulates the publication and content of the invitation to the contest and establishes "the publication must contain a heading that includes: the identification of the contracting Administration; the indication of the type and number of the contest and a brief description of the contractual object; the cost and form of payment to acquire the announcement when appropriate, or, • the address or electronic medium in which it can be consulted; the time and date of receipt of offers and any other indication, that the Contracting Administration considers necessary. "</p> <p>e) Article 52 paragraph m) of the Regulation establishes that the announcement must contain at least "Place and date of beginning and conclusion of the delivery of the goods or services, when appropriate"</p> <p>f) Article 52 paragraph a) of the Regulation establishes that the announcement must contain at least "A header that contains the identification of the promoting Administration, the indication of the type and number of the contest and a brief description of the contractual object."</p> <p>g) The article. 52 subsection b) of the Regulations establishes that the announcement must contain at least "Indication of the office that processes the procedure and that it will provide the necessary additional information regarding the specifications and</p>
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			<p>related documentation" and subsection c) adds: "The day, time limit and direction, for the presentation of offers and participation guarantees; as well as the number of copies that must be attached to the original offer, when appropriate."</p> <p>h) Article 52 paragraph j) of the Regulations establishes that the announcement must contain at least "Accurate indication of the documents that must be submitted for the evaluation of the suitability of the bidder in economic, technical or other aspects."</p>
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Payment conditions – [0.2] b) Information about bid security (if required) – [0.2] c) Source of funding – [0.2] d) Payment information for multi-year contracts – [0.2] e) Draft of contract – [0.2] <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall:0.4</p> <p>Components:</p> <ul style="list-style-type: none"> a)0.2 b)0.2 c)0 d)0 e)0 	<p>Administrative Contracting Law No. 7494, art 42.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art.52, 59.</p> <p>a) Article 52 paragraph k) of the Regulation to the Law of Administrative Contracting No. 33411 establishes that the announcement must contain at least "Terms of payment"</p> <p>b) Article 52 clause d) of the same Regulation establishes that the announcement must contain at least "The percentage of guarantees that must be rendered, when required"</p> <p>c) NA. It is worth mentioning here that Article 8 of the</p>

			<p>Administrative Contracting Law No. 7494 establishes that "[...] the Administration will expressly advise in the bill that the validity of the contract is subject to the existence of the budget content." However, no article regulates that the notice of future contracting must include the detail of the financing source.</p> <p>d) NA. It is worth mentioning that Article 8 of the Law on Administrative Procurement establishes that "In contracts whose development lasts for more than one budgetary period, the necessary provisions must be adopted to guarantee the payment of the obligations", and Article 9 of the Regulations establishes that "When it is certain that the contract will be executed in the budgetary period following the one in which the procedure began, or that it is carried out for more than one budgetary period, the Administration must take the necessary precautions to guarantee, in the respective budgetary years the payment of obligations [...]" However, no article regulates that the notice of future contracting must include the detail of Payment Information for multi-year contracts.</p> <p>e) NA. No article regulates that the notice of future contract must include the draft contract.</p>
3.	PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]	<p>Overall:1</p> <p>Components:</p>	<p>Administrative Contracting Law No. 7494, art. 22, 22 bis, 66</p> <p>Regulation to the Administrative Contracting Law No. 33411, art.</p>

<p>Point Distribution</p> <p>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [1/3]</p> <p>b) Financial position. – [1/3]</p> <p>c) Grounds of restriction for participation. – [1/3]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EBRD Methodology</p>	<p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>16, 19, 20, 54, 72.</p> <p>a) Article 66 of the Administrative Contracting Law No. 7494 establishes that "The personal, professional or business conditions of the participants will determine the award. The price will not be the only determining factor to compare the offers. "Also Article 54 of the Regulation to the Law of Administrative Contracting No. 33411 establishes that" In the announcement the obligatory fulfillment of those requirements shall be demanded, when appropriate. Within these invariable conditions and according to the object in question, aspects such as financial capacity, technical specifications and experience may be established. "The article. 72 of the Regulations reiterates this condition for offers in consortium.</p> <p>b) Article 19 paragraph c) of the Regulations states that "They may not contract with the Administration those natural or legal persons who are Disabled for the exercise of commerce or are declared in a state of insolvency or bankruptcy."</p> <p>c) Article 19, paragraph c) of the Regulation establishes the criteria for impeding hiring. In addition, articles 22 and 22 bis of the Law on Administrative Procurement detail the prohibitions to contract with the Administration, which extend to participation in the contracting procedures and to the execution phase of the respective contract. These articles are complemented by article 20 of the Regulation that regulates the verification of the regime</p>
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			of prohibitions.
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [0.5]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0</p> <p>b) 0.5</p>	<p>a) There are no articles that regulate the request for consultancies to plan hiring. However, article 42 paragraph b) of the Administrative Contracting Law No. 7494 establishes that "The administration may hold hearings with potential bidders, in order to receive comments that allow for the most appropriate preparation of the specifications", also regulated with more detail in article 53 of the Regulation to the Law of Administrative Contracting No. 33411.</p> <p>b) Nowhere in the legislation is this type of consultancy or consultancy regulated or mentioned. However, there are articles that recognize the existence of advisors in the hiring procedure. Article 22 bis subsection j) of the Law on Administrative Procurement No. 7494 states that in the administrative contracting procedures promoted by the institutions subject to this Act, they shall be prohibited from participating as bidders, directly or indirectly, "natural or legal persons who have intervened as consultants at any stage of the procurement process, have participated in the preparation of the specifications, designs and respective plans, or must participate in its subsequent inspection, in the execution or construction stage. This prohibition will not apply in the cases in which the design and construction of the work, the alternative variants regarding the specifications or</p>

			the plans supplied by the Administration, are jointly tendered. "
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No.7494: art. 40, 40 bis, subsection a), 42 section d).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 11, 59, 148, 148 bis subsection a).</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>And the article. 40 bis paragraph a) states that "Any public institution that performs any type of contract regulated in this law must include a link on its web pages, so that citizens can access the page of the unified digital system of public procurement. In addition, you must publish, on its website and in</p>

			<p>easily understandable language to any reader, at least the following information: The announcement about the fact that the administrative decision has been made to initiate a contracting process, including the products or services to contract. "This is also regulated in article 148 bis clause a) of the Regulation to the Law of Administrative Contracting No. 33411.</p> <p>Also the article. 42 clause d) of the Law establishes as one of the minimum criteria of any contracting process "The publication, in La Gaceta, of the invitation to participate [...]"</p> <p>In addition, Article 148 of the Regulation establishes that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all the information related to each of the stages of the different administrative contracting procedures, always guaranteeing its transparency and publicity; except that information that is granted confidentiality in the terms of Article 11 of this Regulation."</p> <p>Article 59 of the same Regulation states" The invitation to participate, will be published through the Integrated System of Public Procurement, for those procedures that are carried out on that platform, without prejudice to any optional publication that the Contracting Authority deems necessary in any other physical or electronic medium."</p>
6.	PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in	1	<p>Administrative Contracting Law No. 7494: art. 40</p> <p>Regulation to the Administrative Contracting Law No. 33411, art.</p>

<p>these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p>148</p> <p>Article. 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that which is regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>In addition, Article 148 of the Regulation to the Administrative Contracting Law No. 33411 states that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all information relating to each of the stages of the different administrative contracting procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality in the terms of article 11 of these Regulations. All the actions of the administration and the individuals necessary for the development of all the stages of the administrative contracting procedures will be susceptible to be carried out, in accordance with the regulations of Law No. 8454, Law on Certificates, Digital Signatures and Electronic Documents of August 30, 2005. "</p>
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			Protected by Article 40 of the Law and Article 148 of the Regulation it is inferred that the amendments to the bidding documents are part of the information that is regulated must be public on the digital platform. In addition, after reviewing examples of amendments to the bidding documents in the Integrated Public Procurement System (SICOP), it was found that these amendments are published in searchable PDF format.
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494, art. 40, art. 40 bis subsection c).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 148</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p>

			<p>And article 40 bis clause c) of the same Law states that "Every public institution that performs any type of contract regulated in this law must include a link in its web pages, so that citizens can access the page of the unified digital system of public procurement In addition, you must publish, on your website and in easily understandable language to any reader, at least the following information: Each of the offers received, which must be published immediately after the deadline for receipt. "</p> <p>In addition, Article 148 of the Regulation to the Administrative Contracting Law No. 33411 establishes that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all the information regarding each of the stages of the different administrative contracting procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality under the terms of Article 11 of these Regulations."</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] 	1	<p>Administrative Contracting Law No. 7494, art. 40, 40 bis subsection c).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 11, 148 bis, subsection c).</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The</p>

		<i>Transparency</i>	<p>system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>And the article. 40 bis section c) of the same Law states that "Any public institution that performs any type of contract regulated in this law must include a link on its web pages, so that citizens can access the page of the unified digital system of public procurement. In addition, you must publish, on your website and in easily understandable language to any reader, at least the following information: Each of the offers received, which must be published immediately after the deadline for receipt. This is also regulated in article 148 bis clause c) of the Regulation to the Law of Administrative Contracting No. 33411.</p>
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> Electronic, machine-readable, free of charge – [1] 	1	<p>Administrative Contracting Law No. 7494, art. 40, 40 bis.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 148 bis subsection d).</p> <p>The art. 40 of the Administrative Contracting Law No. 7494 establishes "All the contracting activity regulated in this law, as well as that regulated under any special regime, must be carried</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p>out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. “</p> <p>And the article. 40 bis paragraph d) of the same Law states that “Any public institution that performs any type of contract regulated in this law must include a link on its web pages, so that citizens can access the page of the unified digital system of public procurement. In addition, you must publish, on its website and in easily understandable language to any reader, at least the following information: The chosen bidder, the reasons and the criteria that justified his choice. “This is also regulated in article 148 bis subsection d) of the Regulation to the Law of Administrative Contracting No. 33411 when it states that “Public institutions that have a website, must place in it, a link to access the Integrated System of Public Procurement. Additionally, they will publish in accessible language to the citizenship at least the following information: The name of the successful bidder or of the adjudicators as it is treated, as well as a summary of the criteria that justified their choice “</p>
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10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EU Standard</p>	1	<p>Administrative Contracting Law No. 7494, art. 5</p> <p>Regulation to the Administrative Contracting Law No. 33411, art.2, subsection d)). 52</p> <p>Article 5 of the Administrative Contracting Law No. 7494 establishes that "The regulations of this Law or the provisions governing the specific procedures of each contract may not include any regulation that prevents free competition among potential bidders."</p> <p>And the article 2 clause d) of the Regulation to the Law of Administrative Contracting No. 33411 regulates that "The possibility of competition among the bidders must be guaranteed. No technical, legal or economic restrictions should be introduced in the announcement that unjustifiably limits the participation of potential bidders.</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 14, 33, 42, subsection i).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 37, 39, 40, 45.</p> <p>Article 14 of the Administrative Contracting Law No. 7494 states</p>

		<p>that "when a bidder or a contractor incurs a breach, the Administration may enforce the corresponding guarantee. The administrative decision to execute this guarantee must be motivated and a prior hearing will be given to the interested party to present his position. "</p> <p>Article 33 of the same law regulates the participation guarantee as follows: "Participation guarantee. The administration will be empowered to request, from the bidders, a participation guarantee between one percent (1%) and five percent (5%) of the amount of the proposal, which will be defined in the respective announcement or sheet of conditions, according to the complexity of the contract.</p> <p>In cases where the administration decides not to request the participation guarantee and a bidder withdraws its proposal, it will proceed in accordance with the provisions of articles 99 and 100 of this Law. "This is complemented with a little more detail with the article 37 of the Regulation to the Law of Administrative Contracting No. 33411.</p> <p>Article 42 paragraph i) of the Law regulates as one of the minimum criteria of the bidding process "the rendering of the compliance guarantee. The guarantee of participation must be granted in cases in which the administration requests it, in accordance with the provisions of article 33 of this Law. "</p> <p>Article 45 of the same Law regulates the return of guarantees: "The Administration has the power to partially return the</p>
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			compliance guarantee, at the request of the contractor, in proportion to the part already executed when partial deliveries of the contracted object are feasible. This situation should be noted in the respective announcement, without prejudice to a particular assessment in the contractual execution phase.
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [1/3] b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [1/3] c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, 	<p>Overall: 0.66</p> <p>Components:</p> <ul style="list-style-type: none"> a) 1/3 b) 0 c) 1/3 	<p>Administrative Contracting Law No. 7494: art. 22 bis</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 20, 21</p> <p>a) Article 22 bis of the Administrative Contracting Law No. 7494 details the scope of the prohibition to participate in hiring for reasons of conflict of interest and includes everything indicated in this subsection.</p> <p>b) In the case of Costa Rica, there is no regulation that makes reference to the obligation to declare in writing a conflict of interest on the part of the people who make the decision. However, Article 22 of the Law and Article 20 of the Regulation to the Law of Administrative Contracting No. 33411 regulate the obligation of the potential participant to provide an affidavit that is not subject to any of the grounds for prohibition established in the Law .</p> <p>c) Article 22 bis of the Law establishes that “Persons and</p>

	<p>their relatives, and business or political associates financially or otherwise. – [1/3]</p> <p><i>Accountability and Integrity</i> Source for a): EU Standard Source for b): OECD Methodology</p>		<p>organizations subject to a prohibition, shall maintain the impediment until six months after the cessation of the reason that gave rise to it.”</p>
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [1 point]</p> <p><i>Competitiveness and Impartiality</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 42, subsection c).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 83</p> <p>Article 42 paragraph c) of the Law on Administrative Procurement No. 7494 talks about "The development, in the announcement, of a system for evaluating offers, aimed at the administration choosing the offer that best satisfies the public interest. The administration must motivate in the file, the incorporation into the evaluation system of other qualification factors additional to the price, such as term and quality, among others, which in principle must be regulated in clauses of mandatory compliance requirements. "</p> <p>Article 83 of the Regulation to the Administrative Contracting Law No. 33411 regulates that "Once the previous stage has been completed, the Administration will proceed to the study and evaluation of the offers in relation to the eligibility conditions and specifications established in the announcement.</p>

14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [1 point]</p> <p>Point Distribution</p> <p>a) To all tender candidates; and – [0.5]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Administrative Contracting Law No. 7494: art.40, 42, subsection d).</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 60</p> <p>a) Article 60 of the Regulation to the Administrative Contracting Law No. 33411 states that "Non-essential modifications are those that do not change the object, the business or constitute a fundamental variation in the original conception of the same and must be communicated by the same means in which the invitation was issued, at least three business days before the expiration of the deadline to receive offers. "In addition, it is recalled that Article 40 of the Administrative Contracting Law No. 7494 provides that all documentation and communications of Each contract must be made through the unified digital system.</p> <p>b) Article 60 of the Regulation of the Administrative Contracting Law No. 33411 states that "When a significant alteration in the original conception of the object is introduced through publication or subsequent communication, the deadlines for receiving offers shall be extended to a maximum of fifty percent of the minimum term that correspond to this type of procedure. „</p>

15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [1 point]</p> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>Administrative Contracting Law No. 7494: art.40 bis, subsection d)</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 88</p> <p>In the Law of Administrative Contracting No. 7494 Article 40 bis, subparagraph d) it is mentioned that every public institution must publish on its web page the chosen bidder, the reasons and the criteria that justified their choice. And the Regulation to the Law of Administrative Contracting No. 33411 in its article 88 explains that in the cases in which the publication does not proceed, the notification to all the bidders must be concluded within three business days following its issuance.</p>
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] *** b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5] 	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> a) NA b) 1 	<p>Administrative Contracting Law No. 7494: art.128-139.</p> <p>Regulation to the Administrative Contracting Law No. 33411, art. 100</p> <p>Articles 128 to 139 of the Law on Administrative Procurement No. 7494 indicate that the acts must be duly motivated, have the reason, content and purpose, otherwise it applies the corresponding nullities indicated in the same regulations</p>

	<p>*** If a) is not applicable, b) equals [1 point].</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>		<p>Article 100 of the Regulation to the Administrative Contracting Law No. 3341 establishes that "The award agreement shall be duly motivated and its publication or notification shall be ordered by the same means by which the invitation was issued." In addition, officials of the General Directorate of Property Administration and Administrative Contracting point out that in the case of hiring, this means that the reasons for the rejection or acceptance of the offers must be explained.</p>
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Life-cycle cost – [1/3] b) Best price-quality ratio – [1/3] c) Environmental and/or social costs – [1/3] <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 c) 0 	
Post-tendering Phase			

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [0.1] b) Subject of procurement. – [0.1] c) CPV codes (or other classificatory system of similar nature). – [0.1] d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [0.1] e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1] f) Date of the signing of contract(s) or of framework agreement(s). – [0.1] g) Duration of the contract. – [0.1] h) Number of bids and their respective amounts received. – [0.1] i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [0.1] 	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 c) 0.1 d) 0.1 e) 0 f) 0 g) 0.1 h) 0.1 i) 0.1 j) 0 	<p>Administrative Contracting Law No. 7494: art. 40, 40 bis.</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 148 bis.</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes "All the contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>And Article 40 bis of the same Law regulates that "Every public institution that performs any type of contract regulated in this law must include a link in its web pages, so that citizens can access the page of the unified digital system of public procurement. In addition, procuring entities must publish, on</p>

	<p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [0.1]</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>	<p>their respective websites at least the following information [...] "</p> <p>It is also regulated in the article. 148 bis clause d) of the Regulation to the Administrative Contracting Law No. 33411, stating that "Public institutions that have a web page must place a link in the latter to access the Integrated System of Public Procurement. Additionally, they will publish in accessible language to the citizenship at least the following information [...]</p> <p>a) NA</p> <p>b) NA</p> <p>c) Article 40 of the Law: All the contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. The system must reproduce all the information related to each of the stages of the purchasing procedure. In addition, within the Manuals of the Integrated System of Public Procurement (SICOP) is the Goods and Services Catalog, which indicates that the classification system that should be used is the United Nations Standard Products and Services Code. Even the SICOP website (https://www.sicop.go.cr/index.jsp) has a search engine based on this classification system.</p> <p>d) Article 148 bis clause e) of the Regulation establishes that the following must be included: The most important terms of the contract, including at least: the mention of the goods and / or</p>
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			<p>services contracted, the price awarded when applicable and the validity of the contract.</p> <p>e) NA</p> <p>f) NA</p> <p>g) Article 148 bis paragraph e) of the Regulations:) The most important terms of the contract, including at least: the mention of the goods and / or services contracted, the price awarded when applicable and the validity of the contract.</p> <p>h) Article 40 bis paragraph c) of the Law: Each of the offers received, which must be published immediately after the deadline for receipt.</p> <p>i) Article 148 bis paragraph c) of the Regulation: Immediately after the opening of bids, a detail of the offers received that must include at least the name of the bidder, its identification number and the price offered when it is known. And subsection d) of the same article: The name of the successful bidder or of the winning bidders, as well as a summary of the criteria that justified their selection. In addition, in the Integrated Public Procurement System (SICOP), additional contact information must be included for each bidder (including the winning participant).</p> <p>j) NA</p>
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2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [1 point]</p> <p>Point Distribution</p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [0.5]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [0.5]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0</p> <p>b) 0.5</p>	<p>Administrative Contracting Law No. 7494: art. 58, 62.</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 69, 157</p> <p>a) Article 62 of the Administrative Contracting Law No. 7494: regulates the following limits on subcontracting: "The contractor may not subcontract for more than fifty percent (50%) of the total work, unless prior authorization of the administration is granted, when in the judgment of the latter, highly qualified circumstances justify it. [...]. "This regulation is also detailed in art. 69 of the Regulation to the Law of Administrative Contracting No. 33411.</p> <p>b) The article. 58 of the Administrative Contracting Law No.749 establishes that "Companies participating in public works tenders that must subcontract works, machinery, equipment or materials shall submit, together with the offer, only to qualify, a subcontracting list. In it, the names of all the companies with which they are going to subcontract will be indicated; In addition, a certification of the holders of the capital shares and of the legal representatives of the companies will be provided. " This regulation is also detailed in article 157 of the Regulation to the</p>

			Law of Administrative Contracting No. 33411.
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 40, 40 bis clause e).</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 148 bis clause e).</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes "All the contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>And article 40 bis paragraph e) of the same Law states that "any public institution that performs any type of contract regulated in this law must include a link on its web pages, so that citizens can access the page of the unified digital system of public procurement.</p>

4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 40 Regulation to the Law of Administrative Contracting No. 33411, art. 148</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>In addition, Article 148 of the Regulation to the Administrative Contracting Law No. 33411 states that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all information relating to each of the stages of the different administrative contracting procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality in the terms of article 11 of these Regulations. All the actions of the administration and the individuals necessary for the development of all the stages of the administrative contracting procedures will</p>

			be susceptible to be carried out, in accordance with the regulations of Law No. 8454, Law on Certificates, Digital Signatures and Electronic Documents of August 30, 2005. "
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 40, 61</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 148</p> <p>Administrative Contracting Law No. 7494: art. 40 Regulation to the Law of Administrative Contracting No. 33411, art. 148</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>In addition, Article 148 of the Regulation to the Administrative</p>

			<p>Contracting Law No. 33411 states that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all information relating to each of the stages of the different administrative contracting procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality in the terms of article 11 of these Regulations. All the actions of the administration and the individuals necessary for the development of all the stages of the administrative contracting procedures will be susceptible to be carried out, in accordance with the regulations of Law No. 8454, Law on Certificates, Digital Signatures and Electronic Documents of August 30, 2005. "</p> <p>In the specific cases of public works, Article 61 of the Law on Administrative Procurement states that "The Administration will receive the works officially, after having the technical studies that prove compliance with the terms of the contract, which will be recorded in the respective file, without prejudice to the corresponding responsibilities of the parties, their officials or employees, or the consulting or inspection companies. The receipt of the work will be accredited in an act signed by the head of the Administration and the contractor "</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p>	1	<p>Administrative Contracting Law No. 7494: art. 40</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 148</p> <p>Article 40 of the Administrative Contracting Law No. 7494</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	<p>establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>In addition, Article 148 of the Regulation to the Administrative Contracting Law No. 33411 states that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all information relating to each of the stages of the different administrative contracting procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality in the terms of article 11 of these Regulations. All the actions of the administration and the individuals necessary for the development of all the stages of the administrative contracting procedures will be susceptible to be carried out, in accordance with the regulations of Law No. 8454, Law on Certificates, Digital Signatures and Electronic Documents of August 30, 2005. "</p> <p>Guaranteed by article 40 of the Law and article 148 of the Regulation, it is inferred that the payment receipts are part of the</p>
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			information that is regulated, hence must be public on the digital platform. In addition, after reviewing examples of documentation on payment receipts in the Integrated System of Public Procurement (SICOP), it was found that this information is published in PDF format.
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [0.5] b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [0.5] <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0.5 	<p>Regulation to the Law of Administrative Contracting No. 33411, art. 159, 202.</p> <ul style="list-style-type: none"> a) NA b) Article 159 of the Regulation to the Law of Administrative Contracting No. 33411 states "The Administration may only receive the work definitively, after having the technical studies that prove compliance with the terms of the contract, without prejudice to the corresponding responsibilities to the parties in general and in particular those that originate in hidden defects of the work, such study will be part of the file, as well as the act referred to in this article " In addition, Article 202 of the same Regulation regulates the reception of final products or works: "The official in charge of the procedure, accompanied by the respective technical advisor, must draw up a record in which it will record the amounts received, the time, date and the signature (of those present). Once the provisional reception is concluded, the Administration within the following month or within the term stipulated in the contract, will proceed to review the goods

			and services received and perform any necessary tests or analyses, requiring the technical endorsement of their internal units or even external advice "
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 40</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 148</p> <p>Article 40 of the Administrative Contracting Law No. 7494 establishes that "All contracting activity regulated in this law, as well as that regulated under any special regime, must be carried out through the unified digital system of public procurement. This management system will be unique and centralized and its administration will be in charge of the Executive Power. The system must reproduce all the information related to each of the stages of the purchasing procedure. Likewise, the unified digital system of public procurement will guarantee the total transparency and publicity of each one of the procedures, documents and information related to said purchasing processes, for which the system must reproduce the information in digital formats suitable for the public to download them, copy them, manipulate them and reproduce them. "</p> <p>In addition, Article 148 of the Regulation to the Administrative Contracting Law No. 33411 states that "The Integrated System of Public Procurement must reproduce, in digital formats suitable for the public to download and use, all information relating to each of the stages of the different administrative contracting</p>

			<p>procedures, always guaranteeing their transparency and publicity; except that information that is granted confidentiality in the terms of article 11 of these Regulations. All the actions of the administration and the individuals necessary for the development of all the stages of the administrative contracting procedures will be susceptible to be carried out, in accordance with the regulations of Law No. 8454, Law on Certificates, Digital Signatures and Electronic Documents of August 30, 2005. "</p> <p>Guaranteed by article 40 of the Law and article 148 of the Regulation, it is inferred that the inspection reports are part of the information that is regulated, hence must be public on the digital platform.</p>
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i> Source: OECD Methodology</p>	1	<p>Resolution No. 770-2006 of the Ministry of Finance.</p> <p>Administrative Contracting Law No. 7494: art. 61</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 159, 160, 202, 203.</p> <p>Resolution No. 770-2006 of the Ministry of Finance of April 28, 2006 defines and formalizes the usual form of government payment, this being the payment made by the Central Government of the Republic of Costa Rica, to cancel its obligations to the local and international suppliers, for the Procurement of goods and services. These payments will be made within 45 (forty five) calendar days from the date of receipt of the</p>

			<p>act of delivery and acceptance of the good or service in question. The payment will be made by deposit in account or bank transfer to the client account that the provider indicates, being a requirement for it to be the holder before the bank entity selected by the provider.</p> <p>For the specific case of public works, Article 61 of the Administrative Contracting Law No. 7494 establishes that "The Administration will officially receive the works, after having the technical studies that prove compliance with the terms of the contract, which will be recorded in the respective file, without prejudice to the corresponding responsibilities of the parties, their officials or employees, or the consulting or inspection companies.</p> <p>The receipt of the work will be accredited in an act signed by the person in charge of the Administration and the contractor, in which all the pertinent circumstances will be consigned. In case of disagreeing on the conditions of the work, the Administration may receive it under protest and this will be recorded in the receipt. The discrepancy may be resolved through arbitration, in accordance with the legal regulations and existing international law instruments, without prejudice to the legal actions that proceed "</p>
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10.	<p>PPL defines specific procedures for modifying contracts. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Administrative Contracting Law No. 7494: art. 12</p> <p>Regulation to the Law of Administrative Contracting No. 33411, art. 208</p> <p>Article 12 of the Administrative Contracting Law No. 7494 establishes that "During the execution of the contract, the Administration may modify, reduce or increase, up to fifty percent (50%), the object of the contract, when unforeseeable circumstances arise. the moment of initiating the proceedings and that is the only way to fully satisfy the public interest pursued, provided that the sum of the original contract and the additional increase do not exceed the limit foreseen, in Article 27 of this Law, for the procedure of hiring in question. "This point is complemented by article 208 of the Regulation to the Law of Administrative Contracting No. 33411.</p>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	0	<p>In the case of public works, the Law of Administrative Contracting N ° 7494 in its article 61 states the following: "In case of disagreeing on the conditions of the work, the Administration may receive it under protest and this shall be recorded. Dispute may be resolved through arbitration, in accordance with the legal regulations and existing international legal instruments, without prejudice to the legal actions that may proceed. "</p>

			<p>The Regulation to the Law of Administrative Contracting No. 33411 in its article. 159 adds a bit more detail: "When there is a discrepancy between the Administration and the contractor regarding compliance with the contractual terms or the conditions of the work, the Administration may receive it under protest, and this will be recorded in the respective minutes. The dispute may be resolved in the terms determined by the contract or by arbitration, in accordance with the legal regulations and existing international law instruments. "</p> <p>However, nothing is mentioned that these dispute resolution procedures have to be included in the contracts.</p>
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • In electronic form for a period of at least 10 years. – [1] • In paper form for a period of at least 3 years. – [0.5] <p style="text-align: right;"><i>Transparency</i></p>	0	<p>In the Regulation to the Law of Administrative Contracting No. 33411, article 11 establishes that all information regarding the tender/contract in the electronic file must be kept in magnetic or optical medium; for a minimum period of five years after the total execution of the respective contract.</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [1 point]</p> <p>Point Distribution</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p>	

	<p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [0.5]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [0.5]</p> <p><i>Accountability and Integrity</i></p>	b) 0	
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