



# Methodology of the Transparent Public Procurement Rating (TPPR)



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# 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.

## About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#). The project is financed by the Open Society Institute Budapest Foundation (OSI).

## 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 ] <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul>	1	The registry is public and managed by the chamber of commerce of each city. Access to the registry may be found in the Integrated Business Registry (RUES). See <a href="#">here</a> . Article 6 of Law 1150 of 2000 provides that: "All national or foreign natural or legal persons domiciled or with a branch in Colombia, who aspire to enter into contracts with state entities, will be registered in the Registry of Proponents of the Business Registry of the Chamber of Commerce with jurisdiction at their main domicile..."
2.	Budgets of all public procuring entities are publicly available. – [ 1 point ] <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul>	1	Items b) and e) of Article 9 of Law 1712/ 2014 (Law of Transparency and Access to Public Information) created the obligation of all public entities to publish proactively their procurement plans and their yearly budgets. Further, Article 2.8.1.7.5. of Decree 1068 of 2015 states that the execution and budget of expenses of all entities, must be registered in the SIIF of the Ministry of Finance.
3.	Public officials are required by law to file asset declarations. – [ 1 point ] <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul>	1	Law 2013 of 2019 and article 2.2.5.1.9. and 2.2.16.1. – 2.2.16.6. of Decree 1083 of 2015.
4.	The country has adopted legal provisions ensuring the right to request public information. – [ 1 point ] <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul>	1	Article 23 of the Constitution of 1991 (Right to petition for public information), Law 1712 of 2014 (Transparency and Access to Information Law) and Law 1755 of 2015 (Regulates the right to petition for information).
5.	Legislation includes provisions regulating whistleblower protection. – [ 1 point ] <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul>	0	Colombia has not enacted yet a whistleblower protection law. However, the Penal Procedural Code (Law 906 of 2004), the Antitrust Law (Law 1340 of 2009) and the Antibribery Law (Law 1778 of 2016) have provisions aimed at

			protecting witnesses (in the case of the Penal Procedural Code) and granting identity protection, rewards or other kinds of benefits, for whistleblowers (in the case of article 19, <a href="#">Law 1778</a> and articles 14 and 15, <a href="#">Law 1340</a> ).
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## 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> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	Law 80 of 1993, Law 1150 of 2007, Decree 1510 of 2013 and <a href="#">Decree 1082 of 2015</a> .
2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPL is available in the web page of the national procurement agency:</p> <p><a href="https://www.colombiacompra.gov.co/">https://www.colombiacompra.gov.co/</a></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><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) All state budget entities – [ 0.2 ]</li> <li>b) Local government entities – [ 0.2 ]</li> <li>c) Legal Entities of Public Law (LEPL) – [ 0.2 ]</li> <li>d) State owned companies – [ 0.2 ]</li> <li>e) State non-commercial legal entities – [ 0.2 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall :1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.2</li> <li>b) 0.2</li> <li>c) 0.2</li> <li>d) 0.2</li> <li>e) 0.2</li> </ul>	<p>Article 2 of Law 80 of 1993, Law 1150 of 2007, Decree 1510 of 2013 and Decree 1082 of 2015.</p>
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><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [ 0.5 ]</li> <li>b) PPL clearly lists or refers to all exemptions. – [ 0.5 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall :1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.5</li> <li>b) 0.5</li> </ul>	<p>Articles 2.1.1.2 of Decree 1082 of 2015, amended by Decree 1676 of 2016.</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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [ 1 ]</li> <li>• PPL determines a separate state body responsible for managing public procurement. – [ 0.75 ]</li> </ul>	<p>1</p>	<p>Articles 1 and 4 of <a href="#">Decree 4170 of 2011</a> by means of which Colombia Compra Eficiente was created, establish the sources of income for CCE. The sources of funds referred to in article 4 are: 1. Funds assigned by the General Budget of the Nation; 2. Funds for the operation of SECOP referred to by Article 3 of Law 1150 of 2007; 3. Funds transferred by the nation or decentralized agencies; 4. Funds received by domestic or international cooperation; and 5. Other sources contemplated by national laws.</p>

	<ul style="list-style-type: none"> <li>PPL assigns this function to a subordinated public body(ies). – [ 0.5 ]</li> <li>There is no responsible state body. – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>		
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> <ul style="list-style-type: none"> <li>Yes - [ 1 ]</li> <li>No - [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	Article 1 of Decree 1510 of 2013. Said Decree establishes the attributions of the national procurement agency, including the enactment of guidelines and tools for public contracting, management of the national contracting portal and the preparation and publication of statistics.
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><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Legislation provides for a mechanism of consultation with the private sector. – [ 0.25 ]</li> <li>b) Legislation provides for a mechanism of consultation with the civil society sector. – [ 0.25 ]</li> <li>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ 0.5 ]</li> </ul> <p><i>Accountability and Integrity</i></p>	<p>Overall : 0</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0</li> <li>b) 0</li> <li>c) 0</li> </ul>	Article 8 of <a href="#">Law 1437 of 2011</a> establishes that authorities have the obligation to publish draft regulation and allow for comments of the public. Further, article 8 of <a href="#">Law 1150 of 2007</a> regulates the obligation to publish draft terms of reference for comments of the public. Nevertheless, such norms only establish general obligations that do not meet the concrete requirements specified under letters a), b), and c) of question 7 of the TPPR.
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><b>Point Distribution</b></p>	<p>Overall : 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.5</li> </ul>	Article 19 of <a href="#">Decree 1510 of 2013</a> (regulates the public procurement system) provides that all procurement of public agencies shall be registered in a digital procurement platform (SECOP) managed by the national procurement agency (Colombia Compra Eficiente).

	<p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [ <b>0.5</b> ]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [ <b>0.5</b> ]</p> <p><i>Efficiency</i></p>	b) 0.5	According to the decree all the procedures must preferably be done using electronic tools.
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>• Yes - [ <b>1</b> ]</li> <li>• No - [ <b>0</b> ]</li> </ul> <p><i>Efficiency</i></p>	1	According to article 19 of <a href="#">Decree 1510 of 2013</a> every agency shall publish all procurement documents in the digital procurement platform SECOP. Also, refer to Article 3 (b) of Law 1150 Of 2007.
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. – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>• Yes - [ <b>1</b> ]</li> <li>• No - [ <b>0</b> ]</li> </ul> <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	0	Colombian legislation does not require non-discriminatory, free to use and interoperable software with the ICT products.
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL should not allow domestic preferences. – [ <b>1/5</b> ]</p> <p>b) Participation of any candidate or group of candidates is based on qualification. – [ <b>1/5</b> ]</p> <p>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [ <b>1/5</b> ]</p>	<p>Overall : 4/5</p> <p>Components:</p> <p>a) 0</p> <p>b) 1/5</p> <p>c) 1/5</p> <p>d) 1/5</p>	<p>IDFI disclaimer: the full responsibility for the score goes to evaluating organization</p> <p>Article 5 of Law 1150 of 2007 establishes the principle of objective selection, and determines that the most favorable offer will be the one that taking into account the technical and economic factors of choice and the precise and detailed weighting of the same contained in the bidding documents turns out to be the most advantageous for the entity, without the favorability being constituted by factors other than those contained in said documents. Further, <a href="#">Article 13 of the Colombian Constitution</a></p>

	<p>d) State owned companies are not given any preference. – [ 1/5 ]</p> <p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [ 1/5 ]</p> <p><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	e) 1/5	establishes explicitly the right to equality, which, under Colombian law and rulings of the Constitutional Court means that persons (whether natural or legal) have a right to a fair and equal treatment. However, letter a) receives a score of 0 because Articles 31, 33 and 35 of Law 2069 of 2020 do establish some exceptions for medium and small sized enterprises, who may receive additional points in the evaluation process of a bid if they are of national origin.
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> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p><i>Competitiveness and Impartiality</i></p>	1	Article 30 of Law 80 of 1993, and 8 of Law 1150 of 2007.
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [ 1 point ]</p> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	Article 11 and 12 of Law 80 of 1993.
14.	<p>PPL references sanctions for violations of the PPL. – [ 1 point ]</p> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p><i>Accountability and Integrity</i></p>	1	Law 599 of 2000 (Criminal code), Law 1474 of 2011 (Anticorruption statute), Law 1778 of 2016, and <a href="#">Law 1882 of 2018</a> (Amends Procurement Law), punish bribery, foreign bribery and other corrupt conducts. Also, they regulate the sanctions to be imposed upon wrongdoers. Finally, Law 80 of 1993 regulates the consequences for violations to PPL in the procurement process or during the execution of the contract.
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>	1	Law 599 of 2000 (Criminal code), Law 256 of 1996 (Competition Law), Anticorruption statute (law 1474 of 2011) Law 1778 of 2016 (Antibribery Law), and Law 1882 of 2018, regulate crimes and others illegal conducts against public administration and public

	<ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p><i>Accountability and Integrity</i> <b>Source: OECD Methodology</b></p>		procurement, and impose sanctions to those responsible.
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL ensures the right to review, for general public, tender participants and potential suppliers. – [ 1 ]</li> <li>• PPL ensures the right to review, for tender participants and potential suppliers. – [ 0.75 ]</li> <li>• PPL ensures the right to review, for tender participants. – [ 0.25 ]</li> <li>• No one has the right to review. – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	Articles 4, 5, and 66 of Law 80 establish that complaints may be submitted to SECOP by those who have any interest and consider themselves affected by the actions taken by contracting entities related to public procurement regulations.
17.	<p>PPL ensures the right to review throughout the procurement process. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ol style="list-style-type: none"> <li>Complaints can be filed at any time during the procurement process up until the signing of the contract. – [ 1/3 ]</li> <li>A procurement contract cannot be awarded with a pending complaint. – [ 1/3 ]</li> <li>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 ]</li> </ol> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall : 2/3</p> <p>Components:</p> <ol style="list-style-type: none"> <li>1/3</li> <li>0</li> <li>1/3</li> </ol>	Under <a href="#">article 74</a> of Administrative Law 1437 of 2011 interested parties are entitled to require administrative and judicial authorities to revoke or modify decisions taken by a public official or entity related to a procurement process. Further, Law 80 of 1993 allows for public hearings where the parties may present their claims or disagreement with decisions from the administration. Yet procurement contracts can be awarded even with a pending complaint.
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>Overall : 0</p> <p>Components:</p>	There is no reference to this topic under Colombia law.

	<p><b>Point Distribution</b></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><i>Uniformity of the Legislative Framework</i></p>	<p>a) 0</p> <p>b) 0</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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p><i>Transparency</i></p>	1	<p>Law 80 of 1993 ensures publicity of complaints filed as a part of a procurement process. Article 24 of Law 80 of 1993 establishes the principle of transparency and numerals 2 and 3 establish that in contractual processes the interested parties will have the opportunity to know and dispute the reports, concepts and decisions that are rendered or adopted. The actions of the authorities will be public and the files that contain them will be open to the public, allowing in the case of bidding the exercise of the right referred to in article 273 of the Political Constitution. Also, Article 3 of Law 1712 of 2014 says all public information is free. Plus, Decree 1082 and Art 3 of Law 1150 of 2007 establish that all the acts of the procurement activity must be published in SECOP (the procurement portal), including the observation to the draft TOR and to the TOR. All common visitors can access the website info. If the info is not available any citizen can resort to different legal tools to require the information to be made publicly available.</p>
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> </ul>	0	<p><a href="http://www.colombiacompra.gov.co">www.colombiacompra.gov.co</a></p> <p>Dispute resolutions are not accessible for whole phase of the tender. Post-tender phase dispute resolutions are not accessible in electronic, machine-readable and free of charge format.</p>

	<ul style="list-style-type: none"> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
<b>Pre-tendering Phase</b>			
#	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><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [ 0.25 ]</li> <li>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [ 0.25 ]</li> <li>c) Estimated value of procurements. – [ 0.25 ]</li> <li>d) Source of funding. – [ 0.25 ]</li> </ul> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall : 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.25</li> <li>b) 0.25</li> <li>c) 0.25</li> <li>d) 0.25</li> </ul>	<p>Articles 4, 5, 6 y 7 of Decree 1510 of 2013, which is compiled in the Decree 1082 of 2015.</p> <p>Also, <a href="#">article 9 of Law 1712 of 2014</a> (Transparency and Access to Information Law) mandates that all public agencies publish their yearly investment plan.</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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> </ul>	0.5	<p>Refer to Articles 4 , 5, 6 and 7 of Decree 1510 of 2013, which is compiled in the Decree 1082 of 2015.</p> <p>Also, Article 9 of Law 1712 of 2014 (Transparency and Access to Information Law) mandates that all public agencies publish their yearly investment plan.</p>

	<ul style="list-style-type: none"> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		<p>Item e) of Article 9 of Law 1712/2014 establishes the obligation of public entities to publish public procurement plans. Further, Article 3 of the same Law establishes the principle of gratuity, according to which the access to public information is free. Further, the principle of quality of information establishes that the information must be available in accessible formats.</p> <p>Moreover, Article 7 of the Transparency Law (1712) establishes the following:</p> <p>“Article 7. Readiness of information. In furtherance of the abovementioned principles, the information referred to under this law must be available to the public through physical, remote or local electronic means. The obliged entities (this is, those that ought to publish proactively the information and documents mentioned by Article 9) must make available said information in the web, in order to ensure that they can obtain such information, directly or printed. Further, the entities must provide support to the users that need it and must give support with regards to all proceedings and services that the entity provides.”</p> <p>On other note, please refer to External Circular No. 2 of 2016 of Colombia Compra Eficiente and to the Guidelines for preparing the Plan, which can be found here:</p> <p><a href="http://www.colombiacompra.gov.co/sites/default/files/manuales/manualpaa.pdf">http://www.colombiacompra.gov.co/sites/default/files/manuales/manualpaa.pdf</a>.</p> <p>The format for preparing the Annual Procurement Plan can be downloaded in an Excel file at:<a href="http://www.colombiacompra.gov.co/sites/default/files/normativas/formatopaa.xls">http://www.colombiacompra.gov.co/sites/default/files/normativas/formatopaa.xls</a>.</p>
3.	Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of	1	Refer to Article 4 of <a href="#">Decree 1510 of 2013</a> , which is compiled in the Decree 1082 of 2015.

	<p>the state budget formulation process in a fiscal year. – <b>[ 1 point ]</b></p> <ul style="list-style-type: none"> <li>• Yes - <b>[ 1 ]</b></li> <li>• No - <b>[ 0 ]</b></li> </ul> <p style="text-align: right;"><i>Efficiency</i> <b>Source: OECD Methodology</b></p>		
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified (Including budgetary as well as non-budgetary resources e.g. grants, credits by international organizations, investment funds received under state guarantees, funds from state-owned enterprises, etc.). – <b>[1 point]</b></p> <ul style="list-style-type: none"> <li>• Yes - <b>[ 1 ]</b></li> <li>• No - <b>[ 0 ]</b></li> </ul> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	1	Refer to Item 6 of Article 25 of Law 80 of 1993.
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – <b>[1 point]</b></p> <ul style="list-style-type: none"> <li>• Yes - <b>[ 1 ]</b></li> <li>• No - <b>[ 0 ]</b></li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	0	<p>Article 27 of Decree 1510 of 2015 stipulates the discretion of establishing the evaluation committee. Since what said Article establishes is the discretion and not the mandatory legal obligation, the score is 0.</p> <p>“ART. 27. Evaluation committee. The state entity may appoint an evaluating committee made up of public servants or individuals hired for this purpose to evaluate the offers and expressions of interest for each contracting process by tender, abbreviated selection and merit contest. The evaluation committee must carry out its work objectively, adhering exclusively to the rules contained in the specifications. The advisory nature of the committee does not exempt it from the responsibility of carrying out the work entrusted. In the event that the state entity does not accept the recommendation made by the evaluation committee, it must justify its decision.</p>

			<p>The members of the evaluation committee are subject to the regime of disqualifications and incompatibilities and legal conflicts of interest.</p> <p>The verification and evaluation of the bids for the minimum amount will be carried out by whoever is appointed by the expense authorizing officer without requiring a plural committee.”</p> <p>In addition, Article 110 of Decree 111 of 1996 establishes the budgetary autonomy of public entities and determines that the power to order spending rests with the manager of each entity, who may delegate them to officials at the managerial level, or whoever acts in their name, and they will be exercised taking into account the rules in the General Contracting Statute of the Public Administration (Law 80) and in other binding legal provisions.</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>• Yes - [ <b>1</b> ]</li> <li>• No - [ <b>0</b> ]</li> </ul> <p><i>Efficiency</i></p>	1	<p>Article 24 of Law 80 of 1993.</p> <p>Besides, Article 2 of Law 1150 of 2007 determines the different contracting modalities available to contracting agencies depending on the value of each contract.</p>
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Open tender is the default procedure for any public procurement. – [ <b>0.5</b> ]</li> <li>b) All exceptions are clearly listed by the PPL. – [ <b>0.5</b> ]</li> </ul> <p><i>Competitiveness and Impartiality</i></p>	<p>Overall : 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.5</li> <li>b) 0.5</li> </ul>	<p>Article 2 of Law 1150 of 2007.</p> <p>Article 24 of Law 80 of 1993.</p>

8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>• Yes - [ <b>1</b> ]</li> <li>• No - [ <b>0</b> ]</li> </ul> <p><i>Accountability and Integrity</i></p>	1	Article 24 of Law 80 of 1993.
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: – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	0.5	Item 4 of Article 2 of Law 1150 of 2007.

	<p>e) For purchases 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 purchases from regular suppliers. – [ 1 ]</p> <p><b>Scoring Method</b></p> <p>In case of any additional exceptions – [ 0.5 ]</p> <p><i>Uniformity of the Legislative Framework</i> <b>Source: GPA Standard</b></p>		
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### Tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>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]</p> <p>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 ]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [ 1/8 ]</p> <p>d) Estimated value of the goods or services to be procured. – [ 1/8 ]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. – [ 1/8 ]</p>	<p>Overall : 7/8</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 0</p> <p>d) 1/8</p> <p>e) 1/8</p> <p>f) 1/8</p> <p>g) 1/8</p> <p>h) 1/8</p>	<p>Article 24 of Law 80 of 1993, related to transparency principle.</p> <p>Articles 20 and 21 of Decree 1510 of 2013, compiled in Article 2.2.1.1.2.1.2. of Decree 1082 of 2015.</p>

	<p>f) The procurement method that will be used. – [ <b>1/8</b> ]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [ <b>1/8</b> ]</p> <p>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. – [ <b>1/8</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>		
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Payment conditions – [ <b>0.2</b> ]</p> <p>b) Information about bid security (if required) – [ <b>0.2</b> ]</p> <p>c) Source of funding – [ <b>0.2</b> ]</p> <p>d) Payment information for multi-year contracts – [ <b>0.2</b> ]</p> <p>e) Draft of contract – [ <b>0.2</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall : 0.8</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0</p> <p>d) 0.2</p> <p>e) 0.2</p>	<p>Article 24 of Law 80 of 1993, related to transparency principle, and Decree 1510 of 2013 - Article 21, which is compiled in Decree 1082 of 2015.</p> <p>Numeral 7 of Article 21 of Decree 1510 of 2013 and Numeral 6 of Article 25 Law 80 of 1993 apply. As a general rule, the term of execution of a state contract should not extend beyond the fiscal year (Decree 111 of 1996, article 14). However, there are exceptions to the <i>principle of fiscal year expenditure</i> allowed for under <a href="#">Article 89 of Decree 111 of 1996</a>, and Subsection 2, of Article 8 and Article 10 of <a href="#">Law 819 of 2003</a>.</p> <p>Thus, if a contractual commitment affects future spending (this means, beyond the fiscal year, which finalizes as of December 31<sup>st</sup> every year), the State Entity can extend it up to the term indicated in the respective registry, always taking into account the legal limits imposed for the corresponding additions (paragraph of Article 40 of Law 80 of 1993). If the contract does not have budget availability, it may not be extended.</p>

3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [ <b>1/3</b> ]</li> <li>b) Financial position. – [ <b>1/3</b> ]</li> <li>c) Grounds of restriction for participation. – [ <b>1/3</b> ]</li> </ul> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: EBRD Methodology</b></p>	<p>Overall : 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 1/3</li> <li>b) 1/3</li> <li>c) 1/3</li> </ul>	<p>Article 6 of Law 1150 of 2007 (modified by Article 221 of Decree 19 of 2012) provides:</p> <p>"Verification of the conditions of the bidders. All national or foreign natural or legal persons domiciled or with a branch in Colombia, who aspire to enter into contracts with state entities, will be registered in the Registry of Proponents of the Business Registry of the Chamber of Commerce with jurisdiction at their main domicile. (...). This register will contain the information related to the experience, legal, financial and organizational capacity of the proponent and their classification. (...)"</p>
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). – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [ <b>0.5</b> ]</li> <li>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). – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Efficiency</i> <b>Source: EU Standard</b></p>	<p>Overall : 0</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0</li> <li>b) 0</li> </ul>	<p>Colombia does not have any regulation of this sort.</p>

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. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	1	<p>Articles 19 and 22 of Decree 1510 of 2013, which is compiled under Decree 1082 of 2015.</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>Article 25 of Decree 1510 of 2013 provides that the State Entity may modify the tender specifications through addenda issued before the expiration of the deadline for submitting offers. These modifications can be electronic for Secop II or machine readable, in the case of Secop I . The Article establishes:</p> <p style="padding-left: 40px;"><i>“Modification of the specifications. The State Entity may modify the tender specifications through addenda issued before the expiration of the period for submitting offers.</i></p> <p style="padding-left: 40px;"><i>The State Entity may issue addenda to modify the schedule once the term for the submission of bids has expired and before the award of the contract.</i></p> <p style="padding-left: 40px;"><u><i>The State Entity must publish the addenda on business days, between 7:00 a.m. and 7:00 p.m., no later than the</i></u></p>

			<u>business day prior to the expiration of the deadline for submitting offers at the time set for such submission, except in public bidding since, in accordance with the law, the publication must be made three (3) days in advance.”</u>
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p><i>Transparency</i></p>	0.5	Articles 19 and 22 of Decree 1510 of 2013, which is compiled under Decree 1082 of 2015.
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p><i>Transparency</i></p>	0.5	Articles 19 and 22 of Decree 1510 of 2013, which is compiled under Decree 1082 of 2015.
9.	PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission,	0	Existence of the commission is not mandatory (see Pre-Tendering Phase, Indicator 5), thus

	<p>either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p><i>Transparency</i></p>		<p>access to such decisions is not guaranteed either.</p> <p>Article 3 of Law 1150 of 2007 (<a href="http://www.secretariasenado.gov.co/senado/basedoc/ley_1150_2007.html">http://www.secretariasenado.gov.co/senado/basedoc/ley_1150_2007.html</a>). Articles 3, 9 10 and 11 of Law 1712 of 2014 (<a href="http://www.secretariasenado.gov.co/senado/basedoc/ley_1712_2014.html">http://www.secretariasenado.gov.co/senado/basedoc/ley_1712_2014.html</a>). Also, Articles 2.2.1.1.1.7.1 and 2.2.1.1.2.1.4. of Decree 1082 of 2015 (<a href="https://www.dnp.gov.co/Paginas/Normativa/Decreto-1082-de-2015.aspx">https://www.dnp.gov.co/Paginas/Normativa/Decreto-1082-de-2015.aspx</a>).</p>
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> <ul style="list-style-type: none"> <li>Yes - [ 1 ]</li> <li>No - [ 0 ]</li> </ul> <p><i>Competitiveness and Impartiality</i> <b>Source: EU Standard</b></p>	1	<p>Article 5 of Law 1150 of 2007 and Article 24 of Law 80 of 1993</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> <ul style="list-style-type: none"> <li>Yes - [ 1 ]</li> <li>No - [ 0 ]</li> </ul> <p><i>Efficiency</i></p>	1	<p>Item 12 of Article 30 of Law 80 of 1993. Article 5 of Law 1150 of 2007 and Article 110 of Decree 1510 of 2013 (compiled by Decree 1082 of 2015).</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [ 1 point ]</p> <p><b>Point Distribution</b></p>	<p>Overall : 1</p> <p>Components:</p>	<p>Articles 8, 9 and 44 of Law 80 of 1993.</p>

	<p>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 ]</p> <p>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 ]</p> <p>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, their relatives, and business or political associates financially or otherwise. – [ 1/3 ]</p> <p><i>Accountability and Integrity</i>  <b>Source for a): EU Standard</b>  <b>Source for b): OECD Methodology</b></p>	<p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>Articles 1, 2, 3, 4 and 5 of Law 1474 of 2011. Circular 08/ 2020 issued by the Administrative Department of the Public Function.</p> <p>Item 5 of Article 8 of Law 970 of 2005. Articles 11 and 12 of Law 1437 of 2011 and Article 44 of Law 1952 of 2019. These laws regulate conflicts of interests (COI) rules for any type of situation affecting a state employee. However, there is no law that specifically includes rules on COI for procurement.</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> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p><i>Competitiveness and Impartiality</i></p>	1	<p>Article 26 of Law 1150 of 2007.</p> <p>Item 6 of Article 24 and Article 30 of Law 80 of 1993.</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</p>	<p>Overall : 1</p> <p>Components:</p>	<p>Articles 19 and 25 of Decree 1510 of 2013 (compiled by Decree 1082 of 2015).</p>

	<p>submission period, a procuring entity shall transmit in writing all such modifications: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) To all tender candidates; and – [ <b>0.5</b> ]</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. – [ <b>0.5</b> ]</p> <p><i>Competitiveness and Impartiality</i></p>	<p>a) 0.5</p> <p>b) 0.5</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. – [ <b>1 point</b> ]</p> <ul style="list-style-type: none"> <li>• Yes - [ <b>1</b> ]</li> <li>• No - [ <b>0</b> ]</li> </ul> <p><i>Transparency</i></p>	1	<p>Items 6 and 7 of Article 24 of Law 80 of 1993.</p> <p>Article 9 of Law 1150 of 2007 establishes:</p> <p>“In the event established in article 273 of the Political Constitution and in general in public bidding processes, the award will be made in a mandatory way in a public hearing, by means of a reasoned resolution, which will be understood to be notified to the favored bidder in said public hearing. (...)”</p> <p>Thus, the notification is made immediately in a public hearing in which the actual decision is made.</p> <p>On other note, Article 19 of Decree 1510 states that the information will be published in SECOP within three days, which does not mean that the information is not communicated to tender participants before, as required by Article 9, quoted above. If tender participants participate in the public hearing, as they should, they will be immediately notified of the final decision of the procurement process.</p>
16.	<p>According to PPL in order to participate in a tender: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Interested parties have to refer to a procuring entity with relevant requests beforehand and</p>	<p>Overall : 1</p> <p>Components:</p>	Item 7 of Article 24 of Law 80 of 1993.

	<p>the procuring entity is not obliged to either inform interested parties of the reasons for rejecting requests nor to inform those who made it to the bidding stage of the reasons for rejecting bids; or interested parties can participate in a tender without the need of referring to a procuring entity beforehand, but the entity is not obliged to inform interested parties of the reasons for rejecting bids [ 0 ] .</p> <p>b) Interested parties need to refer to a procuring entity with relevant requests beforehand and the procuring entity is obliged to inform interested parties of the reasons for rejecting requests but is not obliged to inform those who made it to be bidding stage of the reasons for rejecting bids; or procuring entity is not obliged to inform interested parties of the reasons for rejecting requests but is obliged to inform those who made it to be bidding stage of the reasons for rejecting bids – [ 0.5 ] .</p> <p>c) Interested parties need to refer to a procuring entity with relevant requests beforehand and the procuring entity is obliged to inform interested parties of the reasons for rejecting requests as well as inform those who made it to the bidding stage of the reasons for rejecting bids; or interested parties can participate in a tender without the need of referring to a procuring entity beforehand and the entity is obliged to inform interested parties of the reasons for rejecting bids – [ 1 ]</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>	<p>a)</p> <p>b)</p> <p>c)</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><b>Point Distribution</b></p> <p>a) Life-cycle cost – [ 1/3 ]</p> <p>b) Best price-quality ratio – [ 1/3 ]</p> <p>c) Environmental and/or social costs – [ 1/3 ]</p>	<p>Overall : 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1.3</p>	<p>Articles 15, 16, 17 and 18 of Decree 1510 and Article 1 of Decree 791 of 2014 (compiled by Decree 1082 of 2015).</p>

	<i>Efficiency</i> <b>Source: EU Standard</b>	c) 1/3	
<b>Post-tendering Phase</b>			
#	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: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>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. – [ <b>0.1</b> ]</li> <li>b) Subject of procurement. – [ <b>0.1</b> ]</li> <li>c) CPV codes (or other classificatory system of similar nature). – [ <b>0.1</b> ]</li> <li>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. – [ <b>0.1</b> ]</li> <li>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [ <b>0.1</b> ]</li> <li>f) Date of the signing of contract(s) or of framework agreement(s). – [ <b>0.1</b> ]</li> <li>g) Duration of the contract. – [ <b>0.1</b> ]</li> <li>h) Number of bids and their respective amounts received. – [ <b>0.1</b> ]</li> <li>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</li> </ul>	<p>Overall : 0.1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.1</li> <li>b) 0</li> <li>c) 0</li> <li>d) 0</li> <li>e) 0</li> <li>f) 0</li> <li>g) 0</li> <li>h) 0</li> <li>i) 0</li> <li>j) 0</li> </ul>	<p>Articles <a href="#">1</a> and <a href="#">4 of Law 1882 of 2018</a> and <a href="#">Article 9 of Law 1150 of 2007</a>.</p> <p>Article 1 of Law 1882 of 2018 establishes that the offers for infrastructure projects must be filed with two envelopes per offer. One of these envelopes will contain the qualifying requirements under the TOR, and the other, will contain the financial offer. Article 4 refers to the creation of standard documents for contracting.</p> <p><a href="#">Article 9 of Law 1150 of 2007</a> describes the adjudication phase in a public hearing, in which the award winner will be announced.</p>

	<p>operators (joint venture, consortium or other) (where applicable). – [ 0.1 ]</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> <b>Source: EU Standard</b></p>		
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><b>Point Distribution</b></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</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul>	1	<p>Article 10 of Law 1712 of 2014.</p> <p>“Article 10. Contract publicity. In the case of the information on contracts indicated in article 9 item e) related to the case of contracts subject to the state contracting regime, each entity will publish in the institutional electronic website its contracts in progress and a link to the electronic system for public contacting or the one who acts in its place, through with the information corresponding to the respective contractual process can be directly accessed in those that are subject to said system, without exception.</p>

	<i>Transparency</i>		
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p><i>Transparency</i></p>	1	<p>Article 3 of Law 1150 of 2007. Articles 3, 9 10 and 11 of Law 1712 of 2014. Articles 2.2.1.1.1.7.1 and 2.2.1.1.2.1.4. Decree 1082 of 2015</p>
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p><i>Transparency</i></p>	1	<p>Article 11 of Law 1712 of 2014.</p> <p>“Article 11. Mandatory minimum information regarding services, procedures and operation of the obligated subject. All obliged subjects must proactively publish the following minimum mandatory information:</p> <p>(...)</p> <p>g) Its procedures, guidelines, policies in the matter of acquisitions and purchases, as well as all the data of adjudication and execution of contracts, including contests and tenders. (...)”</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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> </ul>	0	

	<ul style="list-style-type: none"> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [ 0.5 ]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [ 0.5 ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	<p>Overall : 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	Item 1 of Article 32 of Law 80 of 1993, Article 83 of Law 1474 of 2011 and Decree 943 of 2014 (compiled by Decree 1082 of 2015).
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><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>Electronic, machine-readable, free of charge – [ 1 ]</li> <li>Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>Electronic, non-machine-readable – [ 0.5 ]</li> <li>Only on paper – [ 0.25 ]</li> <li>None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
9.	Procedures for acceptance of final products and processing of final payments are clearly defined by the	0	Colombian law does not regulate clearly procedures for acceptance of final products and processing of final payments.

	<p>PPL or contract law and are incorporated as standard clauses in contracts. – [ 1 point ]</p> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p style="text-align: right;"><i>Efficiency</i> <b>Source: OECD Methodology</b></p>		
10.	<p>PPL defines specific procedures for modifying contracts. – [ 1 point ]</p> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	0	<p>Article 16 of Law 80 of 1993 establishes that entities can modify the contracts by mutual agreement. If there is no agreement, there is a possibility to introduce a unilateral modification of the contract by the entity. But there are no specific procedures defined.</p>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [ 1 point ]</p> <ul style="list-style-type: none"> <li>• Yes - [ 1 ]</li> <li>• No - [ 0 ]</li> </ul> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Numeral 5 of <a href="#">Article 25 of Law 80 of 1993</a> stipulates that public entities <b>must</b> establish procedures to ensure prompt solution of differences and controversies arising from the contract.</p> <p>Further, Law 2022 of 2020 has adopted standard terms of reference for some procurement cases, which includes the draft contract. Those documents cannot be modified as required by Article 2.2.1.2.6.1.4 of Decree 1082 of 2015 (modified by Decree 342 of 2019). Currently Colombia Compra Eficiente is working on it but this is the first draft that you can check on <a href="https://colombiacompra.gov.co/content/versio">https://colombiacompra.gov.co/content/versio</a> <a href="#">n-01</a> and you will confirm that there is a clause related to dispute resolutions procedures.</p> <p>In addition, <u>dispute resolutions procedures are mentioned in the procurement handbook, which is designed by each agency following Colombia</u></p>

			<p><u>Compra Eficiente's guidelines, according to Article 2.2.1.2.5.1 of Decree 1082 of 2015.</u></p> <p><a href="https://www.colombiacompra.gov.co/sites/cce_public/files/cce_documents/cce_expedicion_manual_contratacion.pdf">https://www.colombiacompra.gov.co/sites/cce_public/files/cce_documents/cce_expedicion_manual_contratacion.pdf</a></p>
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• In electronic form for a period of at least 10 years. – [ <b>1</b> ]</li> <li>• In paper form for a period of at least 3 years. – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>Articles 2.8.2.1.1 and following; 2.8.2.9.1 and following; and 2.8.10.1. of Decree 1080 of 2015.</p> <p>Colombian legislation mandates that all the documents that public agencies issue, must be kept. Now, all documentation about contract procedures is public in nature. Despite that the decree doesn't say that about PPL documents expressly, they are part of the public documents which constitute the <i>national archives system</i>, considering that all public documents should become part of that system.</p> <p>But legislation is mute about the timeframe. Thus, there is a possibility for documents to be kept for less than 3 years.</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [ <b>0.5</b> ]</li> <li>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall : 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.</li> <li>b) 0.5</li> </ul>	<p>Articles 62,63, 64, 65, 66 and 67 of Law 80 of 1993.</p>