

Transparent Public Procurement Rating

Bolivia

Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Bolivia was prepared by an independent expert Rafael Lopez Valverde.

The Project – [Transparent Public Procurement Rating](#) – is implemented by the Institute for Development of Freedom of Information (IDFI) in partnership with a [network](#) of organizations and procurement specialists from more than 30 countries



Project is Financially Supported by the Open Society Institute Budapest Foundation (OSI) and Hivos.

The opinions expressed in this assessment belong to the Institute for Development of Freedom of Information (IDFI) and its partner expert, and do not reflect the positions of Hivos or Open Society Institute Budapest Foundation (OSI). Therefore, these organizations are 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	Commercial register of - FUNDEMPRESA
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	<p>Law No. 974 of Transparency and Anti-Corruption Units (September 4, 2017) Article 10:</p> <p>I. The functions of the Transparency and Anti-Corruption Units, within the framework of this Law, are the following: (...) 6. Ensure access to public information, requiring the corresponding authorities in the entity or institution to grant the information of a public nature [...] except in the cases of information related to national defense, State security or to the exercise of constitutional powers by the Organs of the State; those subject to reservation or those protected by commercial, banking, industrial, technological and financial secrets, within the framework of current regulations.</p> <p>Ley Nº 974</p> <p>Guide of the Bolivian State for the standardization of governmental websites:</p> <p>1.2.1 Success criteria (Level A)</p> <p>Incorporate in the website of the entity, basic information on the institution that minimally contains: (...)</p> <p>i) POA (Scheduled, executed and results of the management).</p>

			j) Institutional budget. Guía
3.	Public officials are required by law to file asset declarations. – [1 point]	1	<p>Law No. 2027 of the Statute of the Public Official (October 27, 1999)</p> <p>Article 53: (DECLARATION OF ASSETS AND RENTS). All public servants, regardless of their status, hierarchy, quality or category, are obliged to provide express statements about the assets and income they had at the time of beginning of their employment relationship with the administration. During the validity of the servant's employment relationship with the administration and even at the end of it, whatever the cause of termination, the declarations of assets and income of these may, at any time, be subject to verification. For this purpose, public servants will provide declarations and periodic updates in accordance with regulations.</p> <p>Ley Nº 2027</p>
4.	The country has adopted legal provisions ensuring the right to request public information. – [1 point]	1	<p>Bolivia does not have a dedicated law on access to information.</p> <p>State Constitution Article 21/6: Bolivians have the following rights: To access information, interpret, analyze and communicate freely, individually or collectively.</p> <p>CPE Bolivia</p> <p>Supreme Decree No. 214 - National Policy on Transparency and the Fight against Corruption (PNT) (July 23, 2013) Article 4: The PNT includes four (4) axes or areas of preventive and anti-corruption action:</p> <ul style="list-style-type: none"> • AXIS 1: Strengthening citizen participation. • AXIS 2: Strengthening transparency in public management and the right of access to information. • AXIS 3: Measures to eliminate corruption. • AXIS 4: Institutional strengthening and coordination mechanisms. <p>DS Nº 214</p>

5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	1	Law No. 458 Protection of Whistleblowers and Witnesses Act (December 19, 2013) Ley Nº 458
----	--	---	---

Indicators by Procurement Process

General Characteristics of the Procurement System				
	Indicator	Score	Relevant Article and Law (if applicable)	Link
1.	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] Uniformity of the Legislative Framework	1	Law No. 1178 on Government Control Administration (SAFCO) (July 20, 1990) Article 10: The Goods and Services Administration System will establish the form of contracting, management and disposition of goods and services.	Ley Nº 1178
			Supreme Decree N ° 0181 of Basic Rules of the Goods and Services Administration System (June 28, 2009)	DS Nº0181
			Supreme Decree No. 1497 that establishes the Sole Registry of Suppliers of the RUPE and modifies Supreme Decree Nº 0181 (June 28, 2009)	DS Nº1497

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>Uniformity of the Legislative Framework</p>	1	<p>Article 164 of the State Constitution:</p> <p>I. The enacted law will be published in the Official Gazette immediately.</p> <p>II. The law will be mandatory from the date of its publication, unless it establishes a different term for its entry into force.</p>	CPE Bolivia
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> <p>a) All state budget entities – [0.2]</p> <p>b) Local government entities – [0.2]</p> <p>c) Legal Entities of Public Law (LEPL) – [0.2]</p> <p>d) State owned companies – [0.2]</p> <p>e) State non-commercial legal entities – [0.2]</p> <p>Uniformity of the Legislative Framework</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0.2</p> <p>e) 0.2</p>	<p>Law No. 1178 on Government Control Administration (SAFCO) (July 20, 1990)</p> <p>Article 3:</p> <p>The Administration and Control systems will be applied in all Public Sector entities, without exception, being understood as</p> <ul style="list-style-type: none"> - the Presidency and Vice Presidency of the Republic, the ministries, the administrative units of the Comptroller General of the Republic and the Electoral Courts; the Central Bank of Bolivia, the Superintendencies of Banks and Insurance, the Development Corporations and the state entities of financial intermediation; the Armed Forces and the National Police; the departmental governments, the universities and the municipalities; the institutions, agencies and companies of the national, departmental and local governments, and any other legal entity where the State has the majority of shares/participation. 	Ley Nº 1178
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and</p>	Overall:1	<p>Law No. 1178 on Government Control Administration (SAFCO) (July 20, 1990)</p>	Ley Nº 1178

	<p>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] b) PPL clearly lists or refers to all exemptions. – [0.5]</p> <p>Uniformity of the Legislative Framework</p>	<p>Components:</p> <p>a) 0.5 b) 0.5</p>	<p>Article 3:</p> <p>The Administration and Control systems will be applied in all Public Sector entities, without exception, being understood as</p> <ul style="list-style-type: none"> - the Presidency and Vice Presidency of the Republic, the ministries, the administrative units of the Comptroller General of the Republic and the Electoral Courts; the Central Bank of Bolivia, the Superintendencies of Banks and Insurance, the Development Corporations and the state entities of financial intermediation; the Armed Forces and the National Police; the departmental governments, the universities and the municipalities; the institutions, agencies and companies of the national, departmental and local governments, and any other legal entity where the State has the majority of shares/participation. <p>Supreme Decree No. 1497 that establishes the Sole Registry of Suppliers of the RUPE and modifies Supreme Decree N° 0181 (June 28, 2009)</p> <p>Article 83 / I:</p> <p>The EPNE (National Public Strategic Enterprises) according to their legal nature, based on their function of production and generation of surpluses, must perform all their processes of contracting goods and services directly. The procedures, guarantees, advance percentages and other conditions for these contracts must be regulated by each EPNE</p>	<p></p> <p>DS N°1497</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> <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>Uniformity of the Legislative Framework</p>	0.5	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 33:</p> <ul style="list-style-type: none"> I. The Responsible for the Process of Contracting of Public Tender - RPC, is the public servant designated by express Resolution of the MAE, as Head of the Contracting Process in the Public Bidding modality (...) II. ARTICLE 34 of Supreme Decree No. 181 <ul style="list-style-type: none"> I. The Responsible for the Process of Procurement of National Support for Production and Employment - RPA, is the public servant appointed with Resolution expressed by the MAE, as Responsible for the Procurement Process in the ANPE modality (...) 	DS N°0181
----	---	-----	--	---------------------------

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>Uniformity of the Legislative Framework</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 33:</p> <p>I. Responsible for the Public Tender Contracting Process - RPC, is the public servant appointed by express Resolution of the MAE, as Head of the Contracting Process in the Public Tender modality (...)</p> <p>Article 34: I. Responsible for the Process of Procurement National Support for Production and Employment - RPA, is the public servant appointed with an express Resolution by the MAE, as Responsible for the Procurement Process in the ANPE modality (...)</p> <p>Article 9 of Supreme Decree No. 181: The Ministry of Economy and Public Finance, as the Governing Body has the following powers:</p> <p>e) Monitor the adequate application of the NB-SABS and integrate the information generated;</p> <p>f) Administer SICOES.</p> <p>Article 5: For the purpose of the present NB-SABS and its regulations, the following definitions are established:</p> <p>tt) State Contracting System - SICOES: This is the official system for publishing and disseminating information on the procurement processes of public entities of the Plurinational State of Bolivia, established and administered by the Governing Body;</p>	<p>DS N°0181</p>
----	---	---	--	----------------------------------

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> <p>a) Legislation provides for a mechanism of consultation with the private sector. – [0.25]</p> <p>b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25]</p> <p>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5]</p> <p>Accountability and Integrity</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</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> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [0.5]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 94:</p> <p>I. The notifications will be made via email and / or fax and through SICOES, and must publish a copy of them in the Table of Parties/stakeholders.</p> <p>II. The communications will be made via email and / or fax, and must publish a copy of them in the Table of Parties/stakeholders.</p> <p>III. The proposer and / or appellant must expressly indicate the email address and / or fax for notification and / or communication. The proof of delivery incorporated into the</p>	<p>DS N°0181</p>

	Efficiency		<p>file of the contracting process, will accredit the notification and / or communication and will be considered as made on the date of its sending.</p> <p>IV. In the event that the notification via email and / or fax, could not have been made, the notification will be given as made on the date of publication of the Resolution in SICOES.</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> <p>Efficiency</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 49:</p> <p>IV. The bidder who wishes to participate in a contracting process, will directly access the DBC of the SICOES website (www.sicoes.gov.bo), without having to gather any additional documentation from the organizing entity.</p>	DS N°0181
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>Competitiveness and Impartiality Source: EU Standard</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 49:</p> <p>IV. The bidder who wishes to participate in a contracting process, will directly access the DBC of the SICOES website (www.sicoes.gov.bo), without having to gather any additional documentation from the organizing entity.</p>	DS N°0181

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> <p>a) PPL should not allow domestic preferences. – [1/5]</p> <p>b) Participation of any candidate or group of candidates is based on qualification. – [1/5]</p> <p>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5]</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>Competitiveness and Impartiality Source: GPA Standard</p>	<p>Overall: 0.4</p> <p>Components:</p> <p>a) 0</p> <p>b) 0.2</p> <p>c) 0</p> <p>d) 0</p> <p>e) 0.2</p>	<p>In relation to a) Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 29:</p> <p>I: The contracting of goods must be directed to the national production.</p> <p>II. For goods that are not produced in the country, the entity may perform the contracting of imported goods. Articles 30 and 31: Margins of preference</p>	DS N°0181
			<p>In relation to b) Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 3 /</p> <p>I: Free Participation. State contracting should allow free participation and the broadest participation of bidders, through advertising mechanisms, in order to obtain the best conditions in terms of price and quality;</p>	DS N°0181
			<p>In relation to c) Supreme Decree No. 1497 that establishes the Sole Registry of Suppliers of the State RUPE and modifies Supreme Decree N° 0181 (June 28, 2009) Article 3:</p> <p>III. For contracting greater than Bs 20,000.- (TWENTY THOUSAND 00/100 BOLIVIANS) the RUPE Certificate will be requested from the supplier, who will replace the documentation validated by the system, for the formalization of the contract, as established in the regulations.</p>	DS N°1497

		<p>In relation to d) Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 72:</p> <p>II. The Public Entities may carry out the Direct Contracting of Goods and Services provided by Public Companies, National Strategic Public Companies, Companies with Majority State Participation, Financial Institutions with Majority Participation of the State, State Financial Entities or with majority State participation as well as their Subsidiaries or Subsidiaries, provided that: a) Their institutional mission determines the capacity to offer goods and services; b) Have sufficient capacity to comply with the conditions established by the convening entity; c) The prices of its economic proposal were equal to or lower than the market prices; d) The goods and services offered have the required quality.</p>	DS N°0181
		<p>In relation to e): Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 47 (SCHEDULE OF DEADLINES): It is the instrument for planning the deadlines of each procurement process, which will be part of the DBC. The timeline schedule will be prepared by the public entity according to the characteristics and nature of the contract. The terms established in it are mandatory.</p>	DS N°0181

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.</p> <p>– [1 point]</p> <p>Competitiveness and Impartiality</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009)</p> <p>Article 61:</p> <p>I. For the submission of proposals, the following mandatory deadlines are established:</p> <ul style="list-style-type: none"> a) National Public Tender, minimum fifteen (15 days; b) International Public Bidding, minimum twenty (20) days. c) International Public Bidding for the contracting of works, minimum fifteen (15) days <p>II. The terms of other activities of the contracting process must be established by the convening entity, in the timeline schedule that will be part of the DBC.</p>	DS N°0181
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p> <p>Uniformity of the Legislative Framework</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009)</p> <p>Article 33:</p> <p>I. The Responsible for the Public Tender Contracting Process - RPC, is the public servant appointed by express Resolution of the MAE, as Head of the Contracting Process in the Public Tender modality (...)</p>	DS N°0181
			<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009)</p> <p>Article 34:</p> <p>I. The Responsible for the Procurement Process of National Support for Production and Employment - RPA, is the public servant designated with an express Resolution by the MAE, as Responsible for the Procurement Process in the ANPE modality (...)</p>	DS N°0181

14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p> <p>Accountability and Integrity</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 11:</p> <p>I. The information registered by the supplier in the RUPE is constituted in an Affidavit, being its content and veracity of exclusive responsibility of the same.</p> <p>II. The supplier who declares false and / or erroneous information will be sanctioned with the suspension of his account, without prejudice to the other sanctions established by the current regulations.</p> <p>Law No. 1178 on Administration of Government Control (SAFCO) (July 20, 1990) Article 29:</p> <p>The responsibility is administrative when the action contravenes the legal-administrative order and the rules that regulate the official conduct of the public servant. It will be determined by internal process of each entity that will take into account the results of the audit if any. The competent authority will apply, depending on the seriousness of the violation, the penalties of:</p> <p style="padding-left: 40px;">a fine of up to twenty percent of the monthly remuneration; suspension up to a maximum of thirty days; or dismissal.</p>	<p>DS N°0181</p> <p>Ley N° 1178</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>Accountability and Integrity Source: OECD Methodology</p>	1	<p>Law No. 1768 of the Criminal Code (March 10, 1997, updated in 2014)</p> <p>Articles: 142, 144, 145, 146, 147, 149, 150, 151, 152, second paragraph of Articles 153 and 154, 157, 158, 172 bis, fourth paragraph of Article 173, 173 bis, 174, 221, first paragraph of Articles 222 and 224, second paragraph of Article 225. 132, 132 bis, 143, 150 bis, 153, 154, 177, 185 bis, 228, 228 bis, 229 and 230.</p>	<p>Ley N° 1178</p>

			<p>Law No. 004 on Combating Corruption, Illicit Enrichment and Investigation of Fortunes "Marcelo Quiroga Santa Cruz" (March 31, 2010)</p> <p>Article 25:</p> <p>The following criminal types are created:</p> <ol style="list-style-type: none"> 1) Misuse of public goods and services; 2) Illicit enrichment; 3) Illicit enrichment of individuals with affect to the State; 4) Favoring illicit enrichment; 5) Transnational active bribery; 6) Transnational passive bribery; 7) Obstruction to justice; 8) Falseness in the affidavit of assets and income <p>Article 26 to 33 of Law No. 004</p>	Ley Nº 004
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>Uniformity of the Legislative Framework</p>	0.25	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 90:</p> <p>II. The participants may challenge the resolutions issued, provided that they affect, injure or may cause harm to their legitimate interests.</p>	DS Nº0181

17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <p>a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3]</p> <p>b) A procurement contract cannot be awarded with a pending complaint. – [1/3]</p> <p>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> <p>Uniformity of the Legislative Framework</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.33</p> <p>b) 0.33</p> <p>c) 0.33</p>	<p>In relation to a): Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 90: III. No administrative appeal of any challenge, against acts of a preparatory nature, mere procedure, including reports, opinions or inspections, or against any other act or resolution other than those expressly indicated in this Article.</p> <p>In relation to b): Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 96: I. The filing of the appeal will suspend the procurement process, restarting it once the administrative procedure has been exhausted. II. When the Administrative Challenge Appeal is presented in procurement processes for items, lots, sections or packages, the process will be suspended only for the items, lots, sections or packages challenged, and the contracting process should continue normally for the other items, lots , sections or packages.</p> <p>In relation to c): Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 95: I. The Administrative Challenge Appeal will be filed with the RPC or RPA that issued the Resolution object of the challenge, within the peremptory, fatal and non-extendable period of three (3) days computable from the date of publication of the Impugnable Resolution in the SICOES.</p>	<p>DS N°0181</p> <p>DS N°0181</p> <p>DS N°0181</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>Overall: 0</p> <p>Components:</p>	<p>Law No. 1178 on Administration of Government Control (SAFCO) (July 20, 1990) Article 41: The Office of the Comptroller General of the Republic will</p>	<p>Ley N° 1178</p>

	<p>Point Distribution</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>Uniformity of the Legislative Framework</p>	<p>a) 0</p> <p>b) 0</p>	<p>exercise the External Control with operational, technical and administrative autonomy (...).</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>Transparency</p>	<p>0.5</p>	<p>SICOES operations manual</p> <p>3.1 Types of information - The following types of information to be published in SICOES are defined: (...)</p> <p>3.1.2 Circumstantial information - Circumstantial information is understood to be that which must be published in SICOES depending on the events that occur in the contracting process (eg, extension, cancellation, presentation of administrative appeals, among others)).</p> <p>Circumstantial information must be registered according to the conditions established in this manual, which should not be understood as optional information.</p>	<p>Manual de Operaciones SICOES</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>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>Transparency</p>	0.5	<p>SICOES Operations Manual: 7.2.10 Interposed and Resolved Administrative Appeals (FORM - 300)</p> <p>a) Deadline for registration: Interposed and Resolved Administrative Appeals must be registered within a maximum period of two (2) working days from the date of issuance of the Resolution that resolves the administrative appeal.</p> <p>b) Conditions and particularities:</p> <p>i. This information must be registered for the procurement processes under the modality of Public Bidding and ANPE for amounts greater than Bs200,000 .- (TWO HUNDRED THOUSAND 00/100 BOLIVIAN) or other modalities defined in specific regulations.</p> <p>ii. The participants who lodge Administrative Appeals of Challenge may send to SICOES for dissemination, a copy of it with stamp of receipt of the entity.</p>	<p>Manual de Operaciones SICOES</p>
-----	---	------------	---	---

Pre-tendering Phase

	Indicator	Score	Relevant Article and Law (if applicable)	Link
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> <p>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25]</p> <p>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25]</p> <p>c) Estimated value of procurements. – [0.25]</p> <p>d) Source of funding. – [0.25]</p> <p>Efficiency</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.25</p> <p>b) 0.25</p> <p>c) 0.25</p> <p>d) 0.25</p>	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 45:</p> <p>I. The PAC (Annual Contracts Program) will be prepared at the beginning of each administration in a workshop organized by the Administrative Unit of the public entity. The realization of this workshop should not imply additional expenses to the entity.</p> <p>II. The PAC will include procurement of goods, works and services over Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIANS), regardless of the origin of the resources, and must be published with mandatory character in the SICOES and the Table of Parties as an indispensable requirement for the Beginning of the procurement process.</p> <p>III. The PAC may be adjusted when:</p> <p>a) The POA is reformulated;</p> <p>b) The Budget is reformulated;</p> <p>c) The entity, exceptionally, justifiably requires rescheduling their procurement.</p> <p>The adjusted PAC must be published in SICOES and in the Table of Parties.</p>	<p>DS N°0181</p>

			<p>SICOES Operations Manual: 7.1.1 Annual Contracting Program (FORM-PAC)</p> <p>a) Registration deadline: Prior to the start of the first procurement process of the management and prior to the procurement process when there are adjustments to the PAC.</p> <p>b) Conditions and particularities: i. The PAC will include all procurement of amounts greater than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIAN), regardless of the origin of the resources; ii. The registration in the PAC of the Disaster and / or Emergency Contracts does not correspond, nor of the procurement indicated in clauses c), i), l) of Article 65 and subsections b), i) c) of paragraph I of Article 72 of the NB-SABS; iii. The adjustments to the PAC must be registered in SICOES. SICOES format: type of contract, purpose of the contract, form of contract, main funding agency, estimated start month, reference price</p>	Manual de Operaciones SICOES
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 	0.5	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 45:</p> <p>II. The PAC will include the procurement of more than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIANS), regardless of the origin of the resources, and must be published with mandatory character in the SICOES and the Table of Parties as an indispensable requirement for the Beginning of the procurement process.</p>	DS N°0181

	– [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] Transparency			
3.	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] Efficiency Source: OECD Methodology	1	Article 4 of the Budgetary Formulation Guidelines. Bi-Ministerial Resolution 18/2018: Responsibility of Public Entities Public sector entities must: a) Prepare the Annual Operating Plan and the Institutional Budget according to their actions and short-term goals articulated to the medium-term actions in the framework of the pillars of the Patriotic Agenda 2025, Economic and Social Development Plan (PDES), Integral Sectorial Development Plans (PDSI), Territorial Plans of Integral Development (PTDI) Departmental and Municipal, Community Territorial Management Plans to Live Well of Indigenous Peasant Native Autonomies (PGTC), Institutional Strategic Plans (PEI) and the current regulations, for which they must use Annexes I, III, IV, V, VI, VII and VIII as a guide. Additionally, public entities must prepare the Multi-Year Budget, according to Annex II. (...) d) Present its Institutional Strategic Plan, Multi-annual Budget, Annual Operating Plan (AOP) and Institutional Budget to the corresponding Governing Body, within the framework of the provisions of these Guidelines	
4.	PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point] Accountability and Integrity	1	Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 40: Within the framework of the Responsibility for Public Function established in Law No. 1178 and its regulations, public servants involved in the procurement process are	DS N°0181

			<p>prohibited from carrying out the following acts:</p> <p>c) Start procurement processes without having sufficient or necessary budget, except for the procurement of recurring general goods and services;</p>	
5.	<p>PPL defines the composition, powers, responsibilities and decisionmaking procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p>Uniformity of the Legislative Framework</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 33:</p> <p>I. The Responsible for the Public Tender Contracting Process - RPC, is the public servant appointed by express Resolution of the MAE, as Head of the Contracting Process in the Public Tender modality, and its main functions are:</p> <ul style="list-style-type: none"> a) Verify that the procurement request is registered in the POA and in the PAC, and verify the corresponding budget certification; b) Authorize the start of the contracting process and approve the DBC for publication; c) Approve the DBC by express Resolution, after the Meeting of Clarification, with the amendments, if they exist; d) Appoint the members of the Qualification Commission and reject or accept the excuses presented; e) Approve the Report of the Qualification Commission and its recommendations or request its complementation or support; f) Cancel, suspend or cancel the procurement process based on technical and legal justification; g) Award or declare void the contracting of goods and services through express Resolution; h) Authorize, when appropriate, the extension of the deadline for submitting proposals or the extension 	<p>DS N°0181</p>

			<p>of the deadline for submitting documents for the subscription of the contract; i) Require the extension of the term of validity of the proposals and the extension of the validity of the guarantees, when applicable.</p> <p>II. The RPC will also be responsible for the procurement processes under the modality of Direct Contracting of Goods and Services, when the Reference Price is greater than Bs1,000,000.- (ONE MILLION 00/100 BOLIVIAN). III. If the RPC, received the supplementation or support of the Evaluation and Recommendation Report, decided under its sole responsibility, to deviate from the recommendation, it must prepare a well-founded report addressed to the MAE and to the Comptroller General of the State. Article 34:</p> <p>I. The Responsible for the Process of Procurement National Support for Production and Employment - RPA, is the public servant appointed with an express Resolution by the MAE, as Head of the Procurement Process in the ANPE modality, and its main functions are:</p> <ul style="list-style-type: none"> a) Verify that the procurement request is registered in the POA and in the PAC, and verify the corresponding budget certification; b) Approve the DBC and authorize the start of the contracting process; c) Appoint the Responsible for Evaluation or the members of the Qualification Commission, and reject or accept the excuses presented; d) Approve the Report of the Responsible for Evaluation or the Commission of Qualification and its recommendations, or request its complementation or sustentation; e) Cancel, cancel or suspend the procurement 	
--	--	--	--	--

			<p>process based on technical and legal justification;</p> <p>f) To award or declare void the contracting of goods and services by express Resolution when the contracting is greater than Bs 200,000.- (TWO HUNDRED THOUSAND 00/100 BOLIVIAN). For minor amounts the adjudication document or deserted declaration will be determined by the entity.</p> <p>g) Require the extension of the term of validity of the proposals.</p> <p>II. The RPA will also be responsible for the contracting processes under the following modalities:</p> <p>a) Minor Contracting;</p> <p>b) Direct Contracting of Goods and Services, when the Reference Price is less than or equal to Bs 1,000,000.- (ONE MILLION 00/100 BOLIVIAN).</p> <p>III. If the RPA, received the complementation or support of the Evaluation and Recommendation Report, decided under its exclusive responsibility, to depart from the recommendation, it must prepare a well-founded report addressed to the MAE and the General Comptroller of the State.</p>	
--	--	--	---	--

6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p>Efficiency</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 13:</p> <p>The following modalities and amounts are established: Minor Contracting Bs1.- (ONE 00/100 BOLIVIAN) up to Bs 50,000.- (FIFTY THOUSAND 00/100 BOLIVIAN) National Support for Production and Employment Greater than Bs 50,000.- (FIFTY THOUSAND 00/100 BOLIVIANOS) up to Bs 1,000,000.- (ONE MILLION 00/100 BOLIVIAN) Public Tender Greater than Bs1,000,000.- (ONE MILLION 00/100 BOLIVIAN) forward. Contract for Exception Without limit of amount. Hiring for Disasters and / or Emergencies No amount limit. Direct Contracting of Goods and Services Without an amount limit</p>	DS N°0181
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 a) Open tender is the default procedure for any public procurement. – [0.5] b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p>Competitiveness and Impartiality</p>	<p>Overall:1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 3/I:</p> <p>Free Participation State contracting should allow free participation and the broadest participation of bidders, through advertising mechanisms, in order to obtain the best conditions in terms of price and quality.</p> <p>Chapter IV Hiring Regime of Supreme Decree N ° 181: Contracting Modalities Articles 52 to 54: Minor contracting Articles 63 to 66: Procurement by exception Articles 67 to 69: Procurement for disasters and / or emergencies Articles 70 to 73: Direct Contracting</p>	DS N°0181

8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point]</p> <p>Accountability and Integrity</p>	1	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 73:</p> <p>I. The conditions for the Direct Contracting of Goods and Services must be regulated by each public entity in its RE-SABS.</p> <p>II. Once the contract is formalized, the contracting entity must:</p> <p>a) Present the information of the contracting to the Comptroller General of the State (CGE), in accordance with the regulations issued by the CGE;</p> <p>b) Register the Direct Contracting of Goods and Services in SICOES, when the amount is greater than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIAN).</p>	DS N°0181
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> <p>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</p> <p>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</p>	0.5	<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 65:</p> <p>The Contracting by Exception, will proceed only and exclusively in the following cases: a) When there is a single supplier for the contracting of goods, works and general services and provided that these can not be replaced by similar goods or services or generic brands. The trademark does not in itself constitute grounds for exclusivity; b) When the consulting services require an experience or specialization that can only be done by a single Consultant, whether natural or legal person;</p> <p>c) Before the termination of the contract for the reasons established therein; the filing of an appeal or proceeding will not prevent the hiring;</p> <p>d) Purchase of livestock by selection, in the case of specimens that provide additional benefits with respect to others and with documented justification; e) Purchase of fresh and perishable foods; f) Acquisition of works of art; g) When there are no legally constituted companies that can</p>	DS N°0181

<p>inconvenience or substantial duplication of costs for the procuring entity.</p> <p>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.</p> <p>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> <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>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p>Uniformity of the Legislative Framework</p> <p>Source: GPA Standard</p>	<p>offer specialized consulting services, public entities that are trained to provide the required services may be hired; h) Contracting of the Military Geographical Institute, the Technical Geology of Mines Service - SERGEOTECMIN and the Single Registry for the Municipal Tax Administration - RUAT, according to its institutional mission; i) Hiring of armament, accoutrements, anti-riot equipment, command systems, control and communications by the Ministry of Defense for the Armed Forces, for reasons of security and defense of the State; j) The Ministry of Defense for the Armed Forces may carry out the contracting of machinery and reconditioned equipment, provided that they have the guarantee issued by the manufacturer or authorized representative and that guarantees the optimum operation for the minimum time established in the contracting; k) Acquisition of flour, rice, noodles, sugar and oil for personnel of cadres and troops of the Armed Forces, when the first call for the acquisition of these goods had been declared void, in any form of contracting. For the application of this exception, the Ministry of Defense will publicly convene national production companies established in the country, giving priority to the small producer as long as these goods are produced in the country; l) Hiring of armament, equipment, anti-riot equipment, control systems and communications by the Bolivian Police and the Ministry of Government, for reasons of public security of the State; m) Acquisition of flour, noodles, sugar and oil for the police troop, by the Bolivian Police, when the first call for the acquisition of these goods had been declared void, in any form of contracting. For the application of this exception, the Bolivian Police will publicly convene national production companies established in the country, giving priority to the small producer as long as these goods are produced in the country; n) The Public Companies and the Municipal</p>
--	--

		<p>Autonomous Governments of municipalities with demographic category A and B, may contract machinery and reconditioned equipment, provided that they have the guarantee issued by the manufacturer or legally authorized representative, which guarantees the optimum operation for the minimum time established in the contracting; o) Hiring of professional lawyers, based on criteria that benefit state interests, prior justification that the process can not be served by the General Directorate of Legal Affairs of the entity; p) When an international call has been declared void for the second time; and in the case of works, when the first international call had been declared void. q) When a national call has been declared void for the second time; Note: Subsection r) of Article 65 was repealed by the Repealing Provisions of Supreme Decree No. 0956. r) Recruitment of artists; s) Acquisition of food of primary production by the Ministry of Defense or the Bolivian Police for the provision to the Armed Forces and the Bolivian Police respectively, which must be provided by associations of small producers duly accredited by the Ministry of Rural Development and Lands. t) Acquisition of real estate for the operation of offices of public entities at the central level of the State that have a technical and legal appraisal of the property to be acquired. In the case of real estate under construction, they must have a minimum construction authorization; the proprietary right over the lot of land duly registered in the seller's name; if there is a mortgage levy of financing for the construction of the real estate, the commitment to lift it must be inserted in the contract; and the price of real estate established based on the referential commercial value of the built square meter. In both cases, the provisions of Article 21 of Supreme Decree No. 27327 of January 31, 2004, as amended by Supreme Decree No. 29364 of December 5, 2007, and Supreme Decree No. 0283</p>	
--	--	---	--

		<p>must be complied with. of September 2, 2009; u) When a national call made by an autonomous territorial entity for productive projects and infrastructure to support this sector had been declared void for the first time.</p> <p>Article 67 of Supreme Decree N ° 181: Modality that allows public entities to contract goods and services, only and exclusively to face disasters and / or national, departmental and municipal emergencies, declared in accordance with Law N ° 2140, of 25 October 2000, for the Reduction of Risks and Disaster Care.</p>	
		<p>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 67:</p> <p>Modality that allows public entities to contract goods and services, only and exclusively to face disasters and / or national, departmental and municipal emergencies, declared in accordance with Law N ° 2140, of October 25, 2000, for the Reduction of Risks and Disaster Services.</p>	DS N°0181

Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 72:

I. The Direct Contracting of Goods and Services, will proceed in the following cases: a) Goods with unique tariffs and regulated by the State: gasoline, diesel, liquefied gas and others; b) Public services: electric power, water and others of an analogous nature; c) Media: television, radio, written or other media. It does not apply to the hiring of advertising agencies; d) Lease of real estate for operation of educational or health centers: when for reasons of force majeure or fortuitous event, the functioning of educational or health centers is affected, the entity may lease real estate that allows the continuity of the operation of these centers; e) Lease of real estate for the operation of offices of public entities: when the entity does not have its own infrastructure and in cases of extreme need, after a certificate of non-existence issued by SENAPE; f) Acquisition of air tickets of airlines on national routes: as long as the cost of the tickets is subject to single rates and regulated by the competent authority. It does not apply to the contracting of travel agencies; g) Subscription to written or electronic media: newspapers, magazines and specialized publications; h) Acquisition of spare parts from the supplier: when it is required to preserve the guarantee and consequent quality of the equipment and / or machinery; i) Transportation for the troop of the Bolivian Police and the Armed Forces: when it is required to face emergencies of public security of the State; j) Local goods and services for the Autonomous Municipal Governments of municipalities with demographic category A and B, provided that the goods and services are provided by candidates/participants with establishment of their productive activity or service in the municipality and meet the conditions established by the

[DS N°0181](#)

		<p>contracting entity; k) Hiring of artists, premises and other services related to cultural promotion events, ephemeris and commemorative events; l) Procurement of goods and services by the Ministry of Government or Ministry of Defense for the Bolivian Police and Armed Forces, respectively, destined to: i) the public security of the State; ii) public order and social peace; iii) State security and defense; iv) the preservation of the independence, security, sovereignty and territorial integrity of the State; according to their competencies and institutional mission. For the application of this subsection, the Minister or the respective Minister must issue an express and justified Ministerial resolution, authorizing the direct contracting of the goods and services required. m) General goods and services, under the responsibility of the Vice Presidency of the Plurinational State of Bolivia, Ministry of Foreign Affairs and Ministry of the Presidency, intended for the attention of representatives of foreign governments, diplomatic missions, international organizations and special guests visiting the country in official mission and other events that consider convenient to make the aforementioned entities. n) Training courses offered by universities, institutes, academies, and others, whose technical or academic and economic conditions are not defined by the contracting entity. o) Works up to Bs100,000 (ONE HUNDRED THOUSAND 00/100 BOLIVIAN) by the Autonomous Municipal Governments. p) Services for the collection of taxes and customs duties are taxes, fees, special contributions and patents under Law No. 331, of December 27, 2012. q) Services required by the Central Bank of Bolivia, including receipt of deposits by legal reserve and custody and monetary material distribution within the framework of Law N ° 331, of December 27, 2012. II. The Public Entities may carry out the Direct Contracting of Goods and Services provided by Public Companies, National</p>	
--	--	---	--

			<p>Strategic Public Companies, Companies with Majority State Participation, Financial Institutions with Majority Participation of the State, State Financial Entities or with majority State participation as well as their Subsidiaries or Subsidiaries, provided that: a) Their institutional mission determines the capacity to offer goods and services; b) Have sufficient capacity to comply with the conditions established by the convening entity; c) The prices of its economic proposal were equal to or lower than the market prices; d) The goods and services offered have the required quality.</p>	
--	--	--	--	--

Tendering Phase				
	Indicator	Score	Relevant Article and Law (if applicable)	Link
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]</p> <p>Point Distribution</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>f) The procurement method that will be used. – [1/8]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates,</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 1/8</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>Supreme Decree N ° 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 46:</p> <p>I. The DBC (Base Contract Document) must be drawn up by public entities, obligatorily using the DBC Models developed and approved by the Governing Body.</p> <p>Ministerial Resolution No. 751 and 1011 Content of the Base Contract Document:</p> <p>Regulations applicable to the procurement process eligible candidates/participants administrative activities prior to the presentation of proposals guarantees</p> <p>Rejection and disqualification of proposals</p> <p>Remedial criteria and non-remedial errors declaratory void cancellation, suspension and annulment of the contracting process actionable resolutions documents that must be submitted by the proposer</p> <p>Reception of proposals opening of proposals evaluation of proposals</p> <p>Preliminary evaluation method of selection and awarding quality, technical proposal and cost method of selection and awarding quality</p>	<p>DS N°0181</p>

	<p>including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8]</p> <p>Competitiveness and Impartiality Source: GPA Standard</p>		<p>Acceptance/fulfillment of the contract and payment call and general data of the contract terms of reference and technical conditions required for the consulting service</p>	
--	--	--	---	--

2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <p>a) Payment conditions – [0.2]</p> <p>b) Information about bid security (if required) – [0.2]</p> <p>c) Source of funding – [0.2]</p> <p>d) Payment information for multi-year contracts – [0.2]</p> <p>e) Draft of contract – [0.2]</p> <p>Competitiveness and Impartiality</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0.2</p> <p>e) 0.2</p>		DS N°0181
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]</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>Competitiveness and Impartiality</p> <p>Source: EBRD Methodology</p>	<p>Overall: 0.66</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 0</p> <p>c) 1/3</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 46:</p> <p>I. The DBC (Base Contract Document) must be drawn up by public entities, obligatorily using the DBC Models developed and approved by the Governing Body.</p> <p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 43:</p> <p>They are prevented from participating, directly or indirectly, in the hiring process, natural or legal persons included in the following paragraphs:</p> <p>a) That they have outstanding debts with the State, established by means of executed and unpaid charges;</p>	DS N°0181

		<p>b) That they have an enforceable sentence, with an impediment to practice trade;</p> <p>c) That they are complying with a criminal sanction established by an enforceable sentence for crimes included in Law No. 1743 of January 15, 1997, which approves and ratifies the Inter-American Convention against Corruption or its equivalents provided for in the Penal Code;</p> <p>d) That they are associated with consultants who have advised in the preparation of the DBC content;</p> <p>e) That they had declared their dissolution or bankruptcy;</p> <p>f) Whose legal representatives, shareholders or controlling partners have matrimonial or kinship ties with the MAE, up to the third degree of consanguinity and second degree of affinity, in accordance with the provisions of the Family Code;</p> <p>g) The former public servants who exercised functions in the convening entity, up to one (1) year before the publication of the call, as well as the companies controlled by them;</p> <p>h) Public servants who exercise functions in the convening entity, as well as the companies controlled by them;</p> <p>i) Participants/tender candidates awarded who have not formalized the contract through a contract, purchase order or service order, may not participate until one (1) year after the date of withdrawal, unless force majeure, fortuitous event or other causes duly justified and accepted by the entity, having to register the information in SICOES, according to conditions and deadlines established in the</p>	
--	--	--	--

		<p>Operations Manual;</p> <p>j) The suppliers, contractors and consultants with whom the contract has been resolved, for reasons attributable to them, may not participate for three (3) years after the date of the resolution. Likewise, suppliers that have not complied with the purchase order or service order may not participate for one (1) year after the date of default. In both cases, the entity must register the information in SICOES, according to the conditions and deadlines established in the Operations Manual.</p>	
			DS Nº0181
		<p>Ministerial Resolution No. 751 and 1011 of the Regulation for the Registry of Suppliers for the "Bolivia Changes" Program, Content of the Base Contract Document:</p> <p>(...) Preliminary quality evaluation method and award, technical proposal and cost method of selection and award</p> <p>Method of selection and awarding of fixed budget</p>	RM Nº 751 y 1011 SICOES

			Method of selection and award of least cost Terms of reference and technical conditions required for the consulting service.	
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>Efficiency Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 35:</p> <p>The procuring unit for each procurement process, has the following main functions:</p> <p>c) Request the advice of other units or hiring specialists when the procuring unit does not have qualified technical personnel for the preparation of the technical specifications or terms of reference;</p> <p>Article 44:</p> <p>I. Natural or legal persons, who advise a public entity in a contracting process, may not participate in the same process for any reason or circumstance.</p> <p>II. The individual or legal entity or its subsidiaries, hired by the procuring entity to provide goods, perform works or provide general services, may not provide consulting services with respect to them or vice versa.</p>	DS N°0181

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>Transparency</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 49:</p> <p>IV. The bidder who wishes to participate in a contracting process, will directly access the DBC of the SICOES website (www.sicoes.gov.bo), without having to gather any additional documentation from the procuring entity.</p>	DS N°0181
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. – [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>Transparency</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 49:</p> <p>I. For contracting greater than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIAN), regardless of the source of financing, public entities must register in the SICOES, on a mandatory basis, the following information: a) The PAC, the DBC and its amendments , extension of deadlines, adjudication, contract and its modifications, purchase order and service order; as appropriate, according to the contracting modality.</p>	DS N°0181

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>Transparency</p>	0		DS N°0181
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] <p>Transparency</p>	0.25	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 22:</p> <p>I. Once the adjudication or declaration has been made void, the Evaluation and Recommendation Report will be public.</p> <p>II. The unsuccessful bids and the ones not awarded will not be public, their subsequent use for other purposes being forbidden, unless written authorization of the bidder exists.</p> <p>III. In public tenders, the applications of unsuccessful bidders will be returned at their request, with the procuring entity retaining a copy of the proposals.</p> <p>IV. In the ANPE modality, the proposals not awarded will not</p>	DS N°0181

			be returned.	
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] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p>Transparency</p>	0.5	<p>Article 22 of Supreme Decree No. 181:</p> <p>I. Once the adjudication or declaration has been made void, the Evaluation and Recommendation Report will be public.</p> <p>(Scanned report)</p>	DS N°0181
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>Competitiveness and Impartiality Source: EU Standard</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 40:</p> <p>Within the framework of the Responsibility for Public Function established in Law No. 1178 and its regulations, public servants involved in the contracting process are prohibited from carrying out the following acts: (...) m) Addressing the content of the DBC, taking as evaluation criteria the commercial brand and / or exclusive characteristics of a supplier. When it is absolutely necessary to cite them, the words "or their equivalent" should be added after the reference, in order to clarify a specification that would otherwise be incomplete;</p>	DS N°0181

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>Efficiency</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 21.</p>	DS N°0181
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</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 decisionmaking 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>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 44:</p> <p>I. Natural or legal persons, who advise a public entity in a contracting process, may not participate in the same process for any reason or circumstance.</p> <p>II. The individual or legal entity or its subsidiaries, hired by the procuring entity to provide goods, perform works or provide general services, may not provide consulting services with respect to them or vice versa.</p> <p>Article 11 of Annex 1: In order to contribute to the fulfillment of the integrity value, the principles promoted are those detailed below.</p> <p>Public servants:</p> <p>c) They will request in the related decisions if there are situations of conflict of interest that may affect their judgment or raise doubts regarding their actions.</p> <p>Article 41: I. The RPC, the RPA, the Responsible for Evaluation, the members of the Qualification Commission, the members of the Tender Commission and the public servants of the Legal and Administrative Units that intervene in the procurement</p>	DS N°0181

	Accountability and Integrity Source for a): EU Standard Source for b): OECD Methodology		<p>process, they will abstain from participating in a certain procurement process, through informed report, for the following reasons:</p> <p>a) Have personal or economic interest of any kind, with the tender candidates/participants;</p> <p>b) Have a marriage relationship or degree of kinship up to the third degree of consanguinity, second degree of affinity or the derivative of adoption bonds, in accordance with the provisions of the Family Code, as well as with the legal representatives, shareholders or controlling partners of the candidates/participants ;</p> <p>c) Have litigation pending with the candidates/participants or its legal representatives, shareholders or controlling partners;</p> <p>d) Have a service relationship with the candidates/participants or have provided professional services of any kind during the last year prior to the start of the contracting process.</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>Competitiveness and Impartiality</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 40:</p> <p>Within the framework of the Public Service Responsibility established in Law No. 1178 and its regulations, public servants involved in the contracting process are prohibited from carrying out the following acts: a) Require greater requirements than those established in the DBC ;</p>	DS N°0181

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] 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>Competitiveness and Impartiality</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Article 106 of Supreme Decree No. 181:</p> <p>I. Once the information has been published in SICOES, it can not be modified.</p> <p>II. In the event that the public entity should notice errors in the information published in SICOES, the RPC, the RPA or the Maximum Executive of the Administrative Unit, as appropriate, may request the publication of explanatory and / or rectifying information in accordance with the conditions established in the Operations Manual of SICOES.</p> <p>7.2.1 Extension of the Date of Submission of Proposals (FORM 100-E of Enlargement)</p> <p>a) Deadline for registration: Before the date and time initially registered in SICOES for the presentation of proposals.</p> <p>b) Conditions and particularities:</p> <p>i. This information must be registered for all procurement processes under the Public Tender modality and those whose regulations establish the possibility of extending the deadline for submission of proposals.</p> <p>ii. The extended term will be computed as of its publication in the SICOES, the entity having to publish the new schedule of activities of the process.</p> <p>7.2.3 Suspension (FORM 100-E Suspension)</p> <p>a) Deadline for registration: Maximum two (2) business days from the date of issuance of the suspension resolution or</p>	<p>DS N°0181</p>
-----	---	---	---	----------------------------------

		<p>suspension document for other regulations.</p> <p>b) Conditions and particularities: This information must be registered for all procurement procedures, carried out through a public call.</p> <p>7.2.4 Resumption (FORM - RPS)</p> <p>a) Deadline for registration: Maximum two (2) working days computable from the date of issuance of the Resolution of resumption of the process or document of resumption for other regulations.</p> <p>b) Conditions and particularities:</p> <p>i. This information must be registered for all procurement procedures carried out by public call.</p> <p>ii. The deadlines for the resumption of the process will be computed from the date of publication of the Resolution of resumption in SICOES, and the reprogramming of the schedule of activities of the process must be carried out.</p> <p>7.2.5 Cancellation (FORM 100-E Cancellation)</p> <p>a) Deadline for registration: Maximum two (2) working days computable from the date of issuance of the Cancellation Resolution or annulment document for other regulations.b) Condiciones y particularidades:</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>Transparency</p>	0	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 51:</p> <p>I. For the purposes of the present NB-SABS, notifications will be made via email and / or fax and through SICOES, within a maximum period of two (2) days from the date of issuance of the Impugnable Resolution.</p> <p>II. The candidates / participants and / or appellant must expressly indicate the email address and / or fax for notification. The proof of delivery incorporated into the file of the contracting process, will accredit the notification and will be considered as made on the date of its sending.</p> <p>III. In the event that the notification via email and / or fax, could not have been made, the notification will be given as made on the date of publication of the Resolution in SICOES.</p>	DS N°0181
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> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5] *** If a) is not applicable, b) equals [1 point].</p> <p>Transparency Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) No aplicable</p> <p>b) 1</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 62:</p> <p>i) Preparation of the Resolution, which must contain minimally:</p> <p>i. List of the participants and prices offered; ii. The results of the qualification; iii. Causes of rejection and / or disqualification, if any;</p> <p>Article 22:</p> <p>II. The unsuccessful bids and the ones not awarded will not be public, their subsequent use for other purposes being forbidden, unless written authorization of the bidder exists.</p>	DS N°0181

			III. In public tenders, the applications of unsuccessful bidders will be returned at their request, with the procuring entity retaining a copy of the proposals.	
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> <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>Efficiency Source: EU Standard</p>	<p>Overall: 0.33</p> <p>Components:</p> <p>a) 0</p> <p>b) 1/3</p> <p>c) 0</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 5:</p> <p>For the purpose of the present NB-SABS and its regulations, the following definitions are established: Quality Selection Method, Technical Proposal and Cost: Evaluation method that allows selecting the proposal that presents the best combined rating in terms of quality, technical proposal and cost;</p>	DS N°0181

Post-tendering Phase				
Nº	Indicator	Score	Relevant Article and Law (if applicable)	Link

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> <p>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]</p> <p>b) Subject of procurement. – [0.1]</p> <p>c) CPV codes (or other classificatory system of similar nature). – [0.1]</p> <p>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]</p> <p>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1]</p> <p>f) Date of the signing of contract(s) or of framework agreement(s). – [0.1]</p> <p>g) Duration of the contract. – [0.1]</p> <p>h) Number of bids and their respective amounts received. – [0.1]</p> <p>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> <p>j) Name and address of the body responsible for review and, where appropriate, mediation</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.1</p> <p>b) 0.1</p> <p>c) 0.1</p> <p>d) 0.1</p> <p>e) 0.1</p> <p>f) 0.1</p> <p>g) 0.1</p> <p>h) 0.1</p> <p>i) 0.1</p> <p>j) 0.1</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 62</p>	<p>D.S. Nº 181</p>
----	---	---	--	------------------------------------

	<p>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>Transparency Source: EU Standard</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>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>Transparency</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>		D.S. Nº 181
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>Transparency</p>	<p>0.5</p>	<p>SICOES operations manual</p> <p>3.1 Types of information</p> <p>The following types of information is to be published in SICOES :</p> <p>3.1.1 Basic Information</p> <p>Basic information is understood as that, which must necessarily be published for all contracting processes in accordance with the conditions established in this manual (eg DBC, Resolutions or documents of award or declaratory desert, contract, reception, among others). The Annual Contracts Program (PAC) is included in this type of information. (scanned)</p>	Manual de operaciones del SICOES

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>Transparency</p>	0.5	<p>SICOES operations manual</p> <p>7.2.9 Information on Modifications to the Contract (FORM - 250)</p> <p>a) Deadline for registration: Maximum fifteen (15) working days computable from the date of formalization of the modification to the contract.</p> <p>b) Conditions and particularities:</p> <p>i. This information must be registered for all modifications to the contract made through an amendment contract, change order, modification contract for individual line consultants, modification contract for recurring general services or other document of modifications to the contract established by specific regulations.</p>	Manual de operaciones del SICOES
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>Transparency</p>	0.5	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 49:</p> <p>I. For contracting greater than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIAN), regardless of the source of financing, public entities must necessarily register in SICOES the following information: (...)</p> <p>e) Periodic reports on the progress of contracts in goods, works and consulting services for the case of final design studies and technical supervision;</p> <p>SICOES Operations Manual:</p> <p>7.1.6 Periodic progress reports (...)</p>	D.S. Nº 181

			<p>b) Conditions and particularities:</p> <p>i. This information must be registered for contracts resulting from contracting processes greater than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIAN) and have an execution period of more than six months.</p> <p>ii. Periodic progress reports must be recorded for goods contracts with partial deliveries, works and consulting services for the case of final design studies and technical supervision.</p> <p>iii. The progress report must include information on the destination of the goods, the status of the execution of the work or progress of the consultancies.</p>	
				Manual de operaciones del SICOES

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> <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>Transparency</p>	0		
----	---	---	--	--

7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</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>Efficiency Source: OECD Methodology</p>	<p>Total: 0.5</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0</p>	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 39: [...]</p> <p>III. The receipt of goods may be subject to verification, according to their characteristics; the reception of works will be carried out in two stages: provisional and definitive, with the respective minutes being issued; In services, the partial or final Conformance Reports are required.</p>	<p>D.S. Nº 181</p>
----	---	---	--	------------------------------------

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>Transparency</p>	0.5	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 49:</p> <p>I. For contracting greater than Bs20,000.- (TWENTY THOUSAND 00/100 BOLIVIAN), regardless of the source of financing, public entities must compulsorily register in SICOES the following information: (...) e) Periodic progress reports of contracts in goods, works and consultancy services for the case of final design studies and technical supervision; Note: Scanned information</p>	D.S. Nº 181
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>Efficiency Source: OECD Methodology</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 97:</p> <p>The contract will incorporate at least the following clauses:</p> <p>i) Obligations of the parties;</p> <p>j) Fines and penalties for breach of the parties;</p> <p>k) Conditions for delivery and receipt of goods and services, as applicable;</p>	D.S. Nº 181

10.	<p>PPL defines specific procedures for modifying contracts. – [1 point]</p> <p>Uniformity of the Legislative Framework</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 89:</p> <p>I. The modifications to the contract must be intended to fulfill the purpose of the contract and be supported by a technical and legal report that establishes the technical feasibility and financing. In the case of investment projects, the regulations of the National System of Public Investment - SNIP must be considered.</p> <p>II. Modifications to the contract may be made through:</p> <p>a) Modifying Contract. It is applicable when the modification to be introduced affects the scope, amount and / or term of the contract, without giving rise to the increase of unit prices. The Modified Contract will be signed by the MAE or by the authority that signed the main contract. One or several amending contracts may be made, which summed shall not exceed ten percent (10%) of the amount of the main contract. If for the fulfillment of the object of the Contract, the creation of new items (volumes or unforeseen quantities) is necessary, the unit prices of these items must be negotiated.</p>	<p>D.S. N° 181</p>
-----	---	---	--	------------------------------------

11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <p>Uniformity of the Legislative Framework</p>	1	<p>Supreme Decree No. 0181 of Basic Norms of the System of Administration of Goods and Services (June 28, 2009) Article 87:</p> <p>The contract will incorporate at least the following clauses:</p> <ul style="list-style-type: none"> a) Background; b) Contracting Parties; c) Applicable legislation; d) Integral documents; e) Object and cause; f) Guarantees, when applicable; g) Price of the contract, currency and form of payment; h) Validity; i) Obligations of the parties; j) Fines and penalties for breach of the parties; k) Conditions for delivery and receipt of goods and services, as applicable; l) Termination; m) Dispute settlement; n) Consent of the parties. 	D.S. Nº 181
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>Transparency</p>	0		

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>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>Accountability and Integrity</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Law No. 1178 on Government Control Administration (SAFCO) (July 20, 1990) Article 15:</p> <p>The internal audit will be carried out by a specialized unit of the entity itself, which will carry out the following activities in a separate, combined or integral manner: assess the degree of compliance and effectiveness of the administration systems and the internal control instruments incorporated therein; determine the reliability of the records and financial statements; and analyze the results and the efficiency of the operations. The Internal Audit Unit will not participate in any other operation or administrative activity and will depend on the highest executive authority of the entity, be it a collegiate or not, formulating and executing the program of its activities with complete independence. All your reports will be sent immediately after the conclusion to the maximum collegiate authority, if any; to the highest authority of the body that exercises custody over the audited entity; and the Comptroller General of the Republic.</p> <p>Article 16: The external audit will be independent and impartial, and at any moment it will be able to examine the operations or activities already carried out by the entity, in order to qualify the effectiveness of the administration and internal control systems; comment on the reliability of accounting and operational records; to rule on the reasonableness of the financial statements; and evaluate the results of efficiency and economy of operations. These subsequent external audit activities may be executed separately, combined or comprehensively, and their recommendations, discussed and accepted by the audited entity, are mandatory.</p>	<p>Ley Nº 1178</p>
-----	--	---	---	------------------------------------