



Arbitration in public procurement in Peru



Public Procurement Principle: **Accountability**



Procurement Stage: **Post-award**



Audience: **Policy maker, procurement entity, private sector**

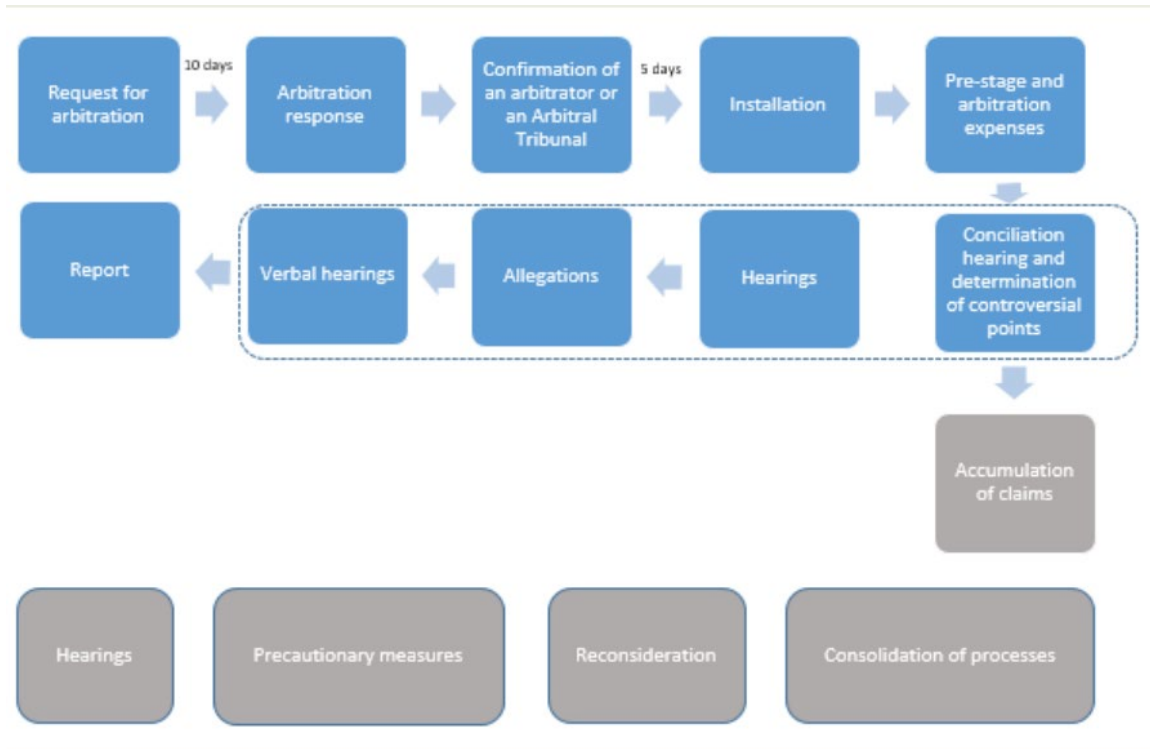
Description

The SNA-OSCE (National Arbitration System) is responsible for organising and administering institutional arbitration proceedings in Peru, with the objective of settling disputes that occur during the execution of contracts, in accordance with the regulatory framework between contractors and public entities.

SNA-OSCE only organises and administers those arbitration proceedings where parties mutually agree to, as well as those that by legal mandate should be administered, in accordance with the following assumptions:

- If the contract does not include an arbitration agreement, the clause referring to institutional arbitration will refer to SNA-OSCE as the body responsible for such an assignment;
- If the arbitration agreement does not refer to a determined arbitration institution, it is understood that the arbitration shall be carried out under the responsibility of SNA-OSCE;
- In case the arbitration agreement indicates that the organisation and administration of the arbitration shall fall to any of the functional authorities of the SNA (National Arbitration System), it will be understood that the SNA-OSCE shall be in charge of such assignment. Additionally, there are arbitration institutions in the private sector that also administer and organise institutional arbitration.

The figure below illustrates how the arbitration proceedings work:



OECD (2021), Public Procurement in the State of Mexico Enhancing Efficiency and Competition OECD Public Governance Reviews <https://doi.org/10.1787/22190414>

