



Exceptions for specific public procurement procedures in Colombia and Peru



Public Procurement Principle: **Access**



Procurement Stage: **Tendering**



Audience: **Procuring entity, Private sector, Policy maker**

Description

In Peru, the regulatory framework allows a number of exceptions that make it possible for a contract to be awarded directly to a specific supplier. Legislation No. 1017 and 30225 on state procurement provide exceptions for the following procurements:

Law No. 1017	Law No. 30225
a) those undertaken between public entities;	1) advertising services provided by the media;
b) in the case of an emergency situation derived from catastrophic events, or from situations that affect national defence and security;	2) consulting services that are the continuation or update of a previous work performed by an individual consultant;
c) in a shortage situation that affects or prevents the public entity from fulfilling its activities;	3) goods and services for research, testing or development of a scientific or technological nature;
d) a procurement that is secret and related to the military or due to internal reasons;	4) the lease of real estate and the acquisition of existing real estate;
e) whenever there is a single supplier of goods or provider of services that does not allow for substitutes; and	5) specialised legal services for the protection of officials, servants or members of the armed forces and police;
f) special services delivered by natural persons.	6) an urgent need to continue implementation of non-performed features from a determined contract or a contract declared void;
	7) training services that have a selection process for the acceptance of the persons interested.

In Colombia, the number of exceptions are more specific, allowing direct awarding in the following cases:

- 1) manifest urgency
- 2) loan agreements

- 3) agreements between government agencies (including agreements to undertake jointly the mission of government agencies as well as the actual business between government agencies and state-owned enterprises which affect open competition)
- 4) goods and services for the defence of government agencies that require keeping data in reserve
- 5) trust agreements to be entered into by the subnational level when agencies have started an organisation of debt proceedings
- 6) when there is no plurality of bidders
- 7) for professional services to support the operations of the government agency
- 8) lease and sale of real estate

Source: OECD (2018), Public Procurement in Nuevo León, Mexico: Promoting Efficiency through Centralisation and Professionalisation, OECD Public Governance Reviews
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