



## Infractions in public procurement in the State of Sonora



Public Procurement Principle: **Accountability**



Procurement Stage: **Tendering, Post-award**



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

### Description

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The State of Sonora's Anti-Corruption Law in Public Procurement lists at least seven types of infringements. The law requires individuals to report these to the corresponding control body. It also mandates all those participating in the procurement process and all public servants to report, in writing, the actions or omissions they are aware of in the exercise of their functions that could be sanctioned under the Law. If they fail to comply with this obligation, they may be sanctioned.

Any person who:

- promises, offers or delivers money or any other gift to a public servant or third party, in exchange for performing or refraining from undertaking an act related to his/her functions or to those of another public servant, with the purpose of obtaining or maintaining a benefit or advantage, regardless of the acceptance or receipt of the money or the gift or the result obtained. They will also incur responsibility when the promise or money offered, or if any gift is made to a third party that in any way interferes with the design or preparation of the public bid or any other act related to the public procurement process.
- takes any action that implies or has the purpose or effect of obtaining an improper benefit or advantage in public procurement
- is responsible for acts or omissions whose purpose or effect is to participate in public procurement, despite being prevented from doing so by law or administrative resolution

- is responsible for acts or omissions whose purpose or effect is to avoid the requirements or rules established in public procurement regulations or to simulate compliance with them
- intervenes on his/her own behalf in the interests of another person or persons who are unable to participate in public procurement, so that those persons may obtain, totally or partially, the benefits derived from contracting
- unlawfully obliges a public servant to give, subscribe, grant, destroy or deliver a document or any kind of good, in order to obtain an advantage or benefit for themselves or a third party;
- promotes or uses influence, economic, political or social power, over any public servant, in order to obtain for themselves or a third party a benefit or advantage, independently of the acceptance of the public servants or of the obtained result;
- presents false or altered documentation or information with the purpose of achieving a benefit or advantage

Source: OECD (2019), [Reforming ISSSTESON's Public Procurement for Sustainability](#), OECD Publishing, Paris

