



PUBLIC PROCUREMENT

- March 11 **Notice DNCP No. 06/2020:** Suspended:
- a. public hearings held in the DNCP,
 - b. internal and external trainings of the DNCP, and
 - c. supplier assistance activities.
- For legal procedures where the presence of the parties in the DNCP is necessary, assistance is limited to persons whose presence is indispensable.
- March 12 **Resolution DNCP No. 1092/2020:** preventive measures are established in the face of the risk of COVID-19 spread in the DNCP. The continuity of all essential services provided by the DNCP (processing of processes via SICP, processing of calls and awards, challenges and attention to conveners and suppliers) is guaranteed.
- March 13 **Notice DNCP No. 08/2020:** sets exceptional working hours for the public administration, from Monday to Friday from 09:00 to 14:00hs.
- March 16 **Notice DNCP No. 09/2020:** enables calling public entities to restrict access to the opening act of offers envelopes to persons who have presented COVID-19 symptoms; however, they should receive the bid envelopes. It is established the possibility to make the openings live through their social networks.
- March 17 **RES. DGPPPP. 02/2020:** Suspends all administrative deadlines in connection with projects being analyzed under Law No. 5102/15 (the "PPP Law"), whether public or privately initiated. It also puts on hold inter-institutional meetings organized and scheduled by the *Dirección de Proyectos de Participación Público-Privada* of the *Secretaría Técnica de Planificación*.
- The suspension period will be extended if new regulatory instruments that provide for the extension of the application of sanitary measures are issued by the government.
- During the suspension period, as an extraordinary measure, initial or complementary applications, which are incomplete may be received. These requests must be completed once the sanitary measures are lifted, and therefore, the suspension ends.
- March 19 **Resolution DNCP No. 1220/2020:** a task team is appointed to process the procurement processes for goods or services related to preventive measures implemented in light of the risk of spread of COVID-19.
- March 23 **Resolution DNCP No. 1236/2020:** establishes that the reception desk will be carried out through email.
- March 26 **Law 6524/2020:**
- ✓ **Procurement by means of an exceptional regime:** establishment of administrative, simplified and expeditious contracting measures through an exceptional procurement regime under Law 2051/03 on Public Procurement ("Law 2051"), for the acquisition of goods and services for the Ministry of Public Health and Social Welfare ("MSPBS" for its Spanish acronym), IPS, Clinicas Hospital and other institutions affected by the emergency.
 - ✓ **Simplified direct purchase:** the MSPBS is authorized to acquire goods, works and services through a simplified direct purchase procedure -including foreign suppliers- through an exceptional procurement regime under Law 2051/03.
 - ✓ **Creation of the Health Emergency Fund:** Creation of the Health Emergency Fund for the contracting mentioned above.



- ✓ Authorization of Ad-Hoc purchases: the National Economic Group is authorized to set up ad-hoc purchasing units that collaborate with public entities that provide health services in the acquisition of goods and supplies for emergency care.
- ✓ Prohibition of calls to tender and awards of certain services: calls to tenders and awards of catering services and the acquisition of transport equipment are prohibited, except ambulances and other vehicles used for health services, national security and national emergency situations.

Instructions for workers on road works: which establishes general measures for prevention, hygiene and organization of the camp, as well as general measures to protect workers. It also establishes the steps to be followed in case of detection of a case of COVID-19 in the camp.

March 31

Decree No. 3506:

- ✓ Establishes that the MSPyBS may carry out procurement procedures related to COVID-19 without prior *Certificado de Disponibilidad Presupuestaria*. The MSPyBS will be responsible for ensuring the competitiveness and fairness of the prices awarded. The DNCP shall issue, under these conditions, the *Código de Contratación* ("CC") which the MSPyBS must include in the SICP so that they can be included in the issued CC.
- ✓ The DNCP may regulate other aspects of procurement procedures for the effective implementation of Articles 10 and 11 of the *Ley de Emergencia*.
- ✓ Public entities may authorize bidders to submit affidavits in exchange for the offer maintenance guarantee. Advances and contract performance guarantees may take any of the forms provided for in Law No. 2051/2003 on Public Procurement.

April 26

DNCP Resolution No 1697/20: by which the contracting procedures are regulated by way of the emergency exception that cannot be postponed, classifying them into two:

1. With prior dissemination: The conveners must first opt for this option, publishing their bidding documents and conditions on the DNCP portal, for a minimum period of 5 days before the opening of bids.
2. With notice of purchase intention: The organizers may choose this option in the event that the urgency is of such magnitude that the 5-day wait generates damage to the public interest. This modality has the following characteristics:
 - a. The convener must disseminate a notice of purchase intention, which must contain all the data required by the DNCP, 2 days before the opening of offers.
 - b. For justified reasons and under their sole responsibility, the summons may publish their notices of intention and the insolvency bases for a period less than that of point a.
 - c. The Bidders must invite at least three potential bidders, from the list of registered providers in the corresponding categories of each call.
 - d. The insolvency rules must include as a minimum: (i) description of the good or service, (ii) details that allow the companies to make an adequate price, (iii) terms and conditions of delivery of the acquisitions, and (iv) required amounts.
 - e. Within 10 business days after signing the contract, the conveners must submit the following documents to the DNCP:
 - i. UOC opinion justifying the exception with notice of purchase intention;
 - ii. Budget availability certificate;
 - iii. Contract, purchase or service order;



- iv. Award resolution;
- v. Bid evaluation report; and
- vi. . Act of opening of offers.

May 01 [Instructions for works](#): which contains the preventive measures that must be taken in the construction site, as well as the measures concerning the personnel and suppliers on works.

May 07 [DNCP Resolution No. 1858/20](#): which regulates the use of telematic means to hold hearings that require personal presence in the procedures carried out before the Legal Directorate of the DNCP.

Hearings called in processes before the Legal Directorate may be carried out by telematic means, as per a party's request, or ordered ex officio by the DNCP.

Once done, the official designated to carry out the procedure will prepare the record of the hearing that will contain a brief description of what happened. The same will indicate the date and time of the hearing, the identification of those that appear and will record any other circumstance that is considered relevant. Before the end of the hearing, the minutes will be read, which will be signed by the person in charge of the procedure, who will attest to what has been done. Actions carried out by telematic means will have the same legal efficacy and evidentiary value as those carried out in a conventional manner.