

Model Directive

for the **Promotion** of

Sustainable Public Procurement



INTER-AMERICAN NETWORK
ON GOVERNMENT
PROCUREMENT



OAS | Technical Secretariat
INGP



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TECHNICAL TEAM:

Organization of American States (OAS)

Department for Effective Public Management.

Helena Fonseca, , Public Procurement Senior Programme Coordinator/ INGP Technical Secretary.

Hugo Inga, Specialist.

Inter-American Development Bank (IDB).

Adriana Salazar, Procurement Specialist, Office of Financial Management and Procurement for Operations.

International Development for Research Centre (IDRC) Canada.

Carolina Robino, Senior Programme Specialist.

Latin American Network of Impact Lawyers (RLAI).

Constanza Connolly, Lawyer specializing in impact businesses, sustainable procurement and ESG. Founding member of the RLAI Executive Committee

Soledad Noel, lawyer expert in impact businesses and sustainable procurement. Founding member of the RLAI Executive Committee

Franco De Pasquale, Lawyer, specialist in administrative law. Expert in procurement.

The technical team of this initiative also appreciates the valuable contributions made by the **Open Contracting Partnership (OCP)**

MEMBERS OF THE WORKING GROUP:

National Public Procurement Agencies:

(Authorities as of September 2021)

General Directorate of Property Administration and Administrative Contracting (DGABCA), Ministry of Finance, Costa Rica.

Maureen Barrantes, INGP CEO and President

David Morales, Technical Director.

National Directorate of Public Procurement (DNCP), Paraguay.

Melinna Vázquez, National Director of Development and Strategic Information

Liz Centurión, Standards Coordinator.

State Procurement Supervisory Body (OSCE), Peru.

Sofía Prudencio, Executive President.

Patricia Seminario, Technical Regulatory Director.

Carla Flores, Deputy Director of Regulations.

General Directorate of Public Procurement (DGCP), Dominican Republic.

Dahiana Goris, National Coordinator of Sustainable Public Procurement.

Regulatory Agency for State Purchases (ARCE), Uruguay.

Carina Pizzinat, General Coordinator.

Natalia Ferreira Coimbra, Regulation Manager.

Academy and Experts:

Juan Francisco Díaz,

Professor in the Master of Public Administration at the Simón Bolívar University and Member of the Observatory of Public Procurement. Ecuador.

Carlos Oviedo,

Expert in Public Procurement. El Salvador.

Marisa Siboldi,

Expert in Sustainable Public Procurement. Argentina.

Belén Aliciardi,

Professor of Sustainable Public Procurement Universidad Austral. Member of the National Public Procurement Observatory.

Carina Laroca,

Expert in transparency and integrity. Member of the National Hiring Observatory. Argentina.

Federico Morandini,

Expert in Open Government and Citizen Participation. Argentina.

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Model Directive for the Promotion of Sustainable Public Procurement

Recitals

Well-known environmental and social problems require a more articulated, efficient, and rigorous response from the State in order to achieve the targets established by the Sustainable Development Goals - Agenda 2030 (SDG) issued by the United Nations in 2015.

Target SDG 12.7 goal of this Agenda calls on the public sector of each Nation to act as a responsible consumer and as a promoter of Public Procurement practices that promote sustainable economic development, in accordance with national policies and priorities.

According to the Organization for Economic Cooperation and Development (OECD), governments around the world spend around US\$ 9.5 billion annually on public contracts. This figure represents an average of between 12% and 20% of the GDP of any country¹; and in Latin America and the Caribbean it is around 8%².

For government entities, public procurement represents an essential foundation of strategic governance, and provides the opportunity to influence the design of public development policies that promote the production and marketing of more sustainable goods, works and services.

Due to the volume of spending that governments allocate to purchases public procurement is presented as a fundamental mechanism for the strategic strengthening of emerging economic sectors, while complying with sustainability policies.

All of the above represents an opportunity for States to move away from the contracting approach that focuses on exclusively economic principles, and to manage to underpin the implementation of development policies based on a broad perspective of rights, where environmental care and social integration are typical qualities of each of its actions.

Equally, the duty of the Procurement Agencies is to contract goods, services and works in such a way as to optimize the value of public funds and satisfy government needs in the most convenient manner possible for the benefit not only of the organization, but also of society, the environment and the economy.



1. OECD 2010.
Available at:
[MAPS-Methodology-ES-v2.pdf](#)
([mapsinitiative.org](#))

2. Javier Pérez
"Impacto y beneficios de las reformas en los sistemas de contratación pública en América Latina y el Caribe". Available at -
[Red Interamericana de Compras Gubernamentales](#)



One of the fundamental principles of Public Procurement is Value for Money, which promotes the full, effective, efficient and economical use of the resources allocated to contracting, which requires the evaluation of costs, and the quality and sustainability of the proposals made by Suppliers.

Sustainable Public Procurement (CPS) should be considered as a fundamental tool within the framework of national objectives and government policies aimed at achieving sustainable economic development as a means of promoting the principle of Value-for-Money contracting and compliance with government management objectives designed to achieve the objectives set in the 2030 Agenda.

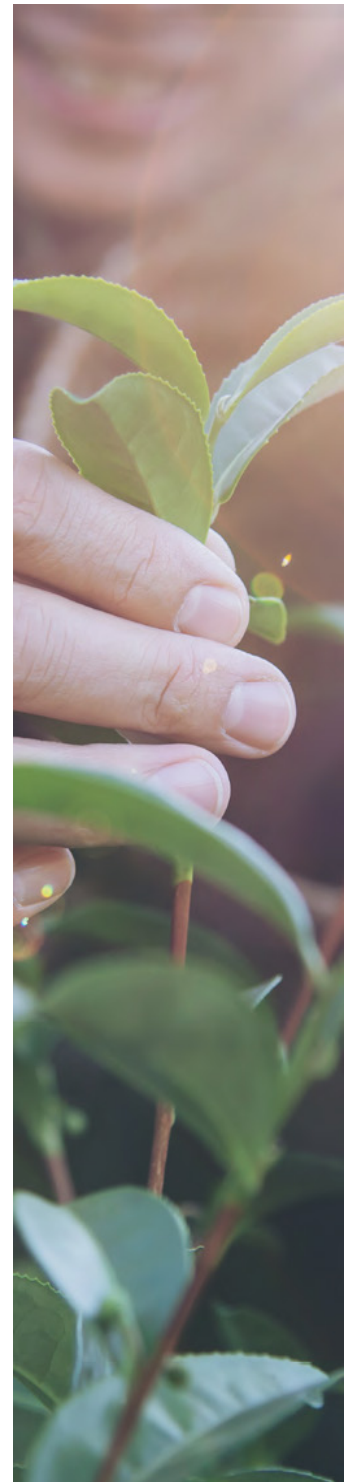
The incorporation of the Sustainable Public Procurement approach promotes the progressive consolidation of economic, environmental and social dimensions through tools and mechanisms that seek to secure greater consideration of these costs in the processes for the contracting of goods, services and works.

Sustainable Public Procurement enables purchasing agents to optimize Value for Money not only at the time of considering an offer and awarding a contract; it also allows improvements to be incorporated throughout the administrative procedure. Amongst other considerations, this would enable unnecessary calls on funds to be reduced; it would minimize the negative impacts of goods, works or services throughout their Life Cycle; promote gender equity; open up the market for SMEs; develop sustainable and innovative economic sectors; and guarantee fair conditions of contract.

The evolution of the traditional contracting approach towards a system focused on generating Value for Money requires deeper and stronger principles to govern the processes of procurement, and administration, and the purpose of public procurement itself. Purchases should become an effective tool to promote Sustainable Development and encourage new models of business management.

Sustainable Public Procurement is presented as an opportunity for countries to implement efficient government management policies, and as a way to participate in the development of economic sectors that use market forces to provide solutions to current social and environmental challenges, aligning their purposes to that of the public good.

A new concept of Impact Economy has been incorporated into the global economy; it is now recognized to be one that seeks to generate benefits for society as a whole and contribute to the public good, broadening the focus of results to three parameters: environmental, social and economic.



The Impact Economy today becomes real and visible in a range of events, such as: (i) The emergence of economic movements (for example, the Blue Economy, the Circular Economy, the Collaborative Economy, the Economy for the Common Good and the Green Economy) that look for a low carbon economy, efficiency in the use of resources and socially inclusion; (ii) the evolution from Shareholder Primacy or Shareholder Value³ -which has been the basic postulate of corporate law - to the Stakeholder Theory; (iii) the existence of new forma of business that seek to provide solutions to environmental and social problems (Purpose-Driven Companies); (iv) the broadening of the spectrum of capital, which is reflected in the growth of new types of investments - responsible, sustainable and impactful - and consequently in the development of innovative financing instruments; and (v) the incorporation of environmental social governance (ESG) factors into the structure of organizations to preserve and scale the value of their business.

Purpose-Driven Companies, as one of the most important actors in the Impact Economy, seek economic success together with the solution of problems of collective interest. They act as great promoters of change to address the global challenges of climate change and sustainable development. Purpose-Driven Companies are born from the intersection between non-profit civil society organizations and private for-profit organizations, and are characterized by: a) The depth of their owners' commitment to generating a positive environmental and/or or social impact as a central element of its identity and its business; and b) The profit motive, which according to the different models can be presented with variations (the models range from those that require internal reinvestment of profits, to allow a limited distribution of profits or allow the distribution of 100% of profits).

The region has a wide range of different regulatory frameworks that identify the different legal models of the *Purpose-Driven Companies*, such as that of the collective benefit and interest companies -or BIC-type Companies.

This link between the procurement system and the Impact Economy provides exponential growth to the possibility of discharging the duties that we as a society must bear. and manages to strengthen compliance with the obligations derived from international agreements.

Indirectly, this would also allow public procurement to become a process of certification and regulation in itself, capable of promoting the so-called Purpose-Driven Companies and bringing countries closer to compliance with the SDGs and, in particular, SDG 12 referred to sustainable production and consumption.

Further, national and global contexts offer the opportunity to rebuild economies seeking sustainable growth solutions that respect natural and human limits, from a logic of impact in its three dimensions: economic, social and environmental.

The fight against fraud and corruption is one of the main lines of economic reactivation, and this is the right moment to promote actions and mechanisms within the contracting processes that enable business integrity among State suppliers to improve: it will promote entrepreneurial structures that operate observing ethical,



3. Shareholder Primacy or Shareholder Value. Shareholder Primacy is a theory in the tenet of corporate government in which the interests of shareholders take pride of place over any other corporate stakeholders



moral and legal values, in order to generate strong, competitive and sustainable business.

Business Integrity improves decision-making within supplier companies; it generates an ethical culture in the organization and promotes more efficient processes, allowing better business to be done while respecting established environmental and social rights. Consequently, it promotes compliance with good practices applicable to the basic dimensions of the criteria of sustainability.

In this light, it would be convenient to consider actions aimed at strengthening Business Integrity within the criteria of economic sustainability, designed to identify, evaluate and respond to the risks involved in the public procurement process in particular; suppliers would reinforce compliance with application regulations regarding procurement, environment and social matters, in addition to ethical conduct on the part of public servants and the suppliers' representatives.

Further also, purchasing agents need to be provided with specific tools -and transversal application to all the processes of acquisition of goods, works or services - that facilitate Sustainable Public Procurement.

Compliance with the SDGs will be achieved if there are joint and coordinated actions between the private sector, government, academe, the financial sector and society, which succeed in redirecting economic, production and the financial system with a protective and watchful sense of mission working for the common public interest and the environment.

This Directive aims to provide an adequate framework to consolidate all the efforts of the public sector as a responsible purchaser and, in turn, generate specific incentives for the development of the market that provides sustainable goods, works and services.

This Directive provides a strategy for the allocation of public funds to achieve strategic objectives of the government, and to support and provide leverage for policies that promote the creation of environmental and social impact, such as those of inclusion, diversity and equal opportunities, human rights, due diligence, employment, local development, fair trade and treatment, environmental protection, CO2 reduction, renewable energy, waste, and sustainable production, among others.



This Directive therefore contains the following provisions:

Article 1.

Sustainable Public Procurement as a strategic focus of the Procurement Regime

Sustainable Public Procurement is declared as a strategic focus of the contracting regime, within the framework of national objectives and government policies designed to achieve sustainable economic development; it aims to contribute to the promotion of equitable social development, economic development of vulnerable sectors, environmental protection and the promotion of Innovation.

Sustainable Public Procurement is to be understood to be that approach to procurement that promotes Sustainability through the integration of economic, social and environmental dimensions in the processes of acquisition of goods, services and works of the jurisdiction.

These dimensions must be progressively incorporated through specific criteria, tools and/or mechanisms in each of the stages of the contracting processes, seeking to maximize the principle of Value for Money and guarantee greater civic satisfaction along with progress towards social and environmental well-being.

Article 2.

Objective of the instrument

The objectives of this instrument are:

- a)** To consolidate procurement practices that promote Sustainable Development, in accordance with national policies and priorities, positioning the Public Sector as a responsible consumer.
- b)** To strengthen the principle of Value for Money and to integrate the criteria of economic, social and environmental sustainability into all the various stages of the process of acquiring goods, works and services, promoting decision-making under a Cycle-of-Life based approach consideration of the value chain of goods, services and works, and the impact on the environment and society.
- c)** To promote the active participation of government entities in the growth and development of sustainable production and consumption markets, encouraging supplier businesses to operate in accordance with standards of economic, social and environmental sustainability.
- d)** To promote the monitoring and evaluation of Indicators that enable the Efficiency of the Public Procurement system to be quantified in terms of the achievement of the objectives of government management and sustainable economic development.

Article 3.

Transverse principles of Sustainable Public Procurement

The following principles must be considered together with the current general principles of Public Procurement as part of the administrative procurement procedures:

- a) Value for Money:** This promotes the full, effective, efficient and economical use of the funds allocated to public procurement, and requires the evaluation of the costs, quality and Sustainability of the offer. In the consideration of costs, it implies an assessment of the costs and risks of the complete life-cycle: quality means meeting a specification that is adequate for its purpose and sufficient to meet the requirements of need, and Sustainability includes the economic, social and environmental benefits as appropriate to the object of the contract
- b) Sustainable Consumption:** This represents the State's consumption of goods, services and works that responds to current needs and offers a better quality of life to its citizens, while minimizing the use of natural resources and toxic materials, and the generation of waste and polluting emissions during the Life Cycle of the good, service, or work in order to avoid endangering the needs of future generations.
- c) Justified need:** This provides the solution of a relevant need or problem for the government entity, as well as an analysis of whether or not there are other better alternatives that promote Innovation and Sustainability. It involves an evaluation of the specific need to be satisfied.

Article 4.

Actions designed to promote Sustainable Public Procurement

The promotion of the Sustainable Public Procurement approach requires that the Contracting Entity and/or the Governing Body will encourage the following actions within the framework of the strategic procurement plan:

- a) Design a strategy for the progressive implementation of sustainable public procurement, aligned with national development plans, which includes goals and progress measurement indicators.**
- b) Promote the incorporation of tools that promote the principles of Justified Need, Value for Money and Sustainable Consumption.**
- c) Implement procurement practices that encourage the development of sustainable production and consumption models, participating in the strengthening of economic sectors that source solutions to environmental and/or social problems from the market.**

- d) Generate reference documents, such as manuals for purchasing and sustainable procurement; models of specifications for mandatory use; strategies for the characterization of Suppliers, and sustainable goods and services; models for weighting and verification of economic, social and environmental sustainability requirements, among others.
- e) Promote the evaluation of procurement processes for the measurement of impact and communication of benefits, in addition to the implementation of tools for the evaluation of Suppliers.
- f) Design a training plan for all actors and sectors linked to State procurement, using sustainable public procurement as a transverse element, to be integrated into and complemented by the training actions of the Senior Authority or other entities named by it to provide them.
- g) Design and implement awareness and dissemination campaigns for sustainable procurement and contracting policies.

Annex 1 of this Directive contains a Glossary with the principal notions of *Sustainable Public Procurement*.

Article 5.

Value for Money as a criterion of award of contracts.

Whatever the selection procedure used, the award must be made in favor of the most convenient offer for the Contracting Entity according to the principle of *Value for Money* in procurement.

The determination of the most convenient offer, and the achievement of the best Value for Money, depend on criteria linked to the object of the contract; they include price, quality, solvency and Business Capacity of the bidders, the integrity of their past record in the framework of this or other public procurement processes, the analysis of the Life-Cycle of the product or service, the cost of use, the term of execution or delivery of the supply, the characteristics or attributes linked to compliance with environmental and/or social standards, Innovation, aesthetic or functional issues, maintenance, technical assistance, after-sales service or other similar considerations, as applicable .

Article 6.

Incorporation of the criteria of Economic Sustainability, Environmental Sustainability and Social Sustainability into the Bid Evaluation criteria

The promotion of sustainable economic development and with the premise of maximizing the Value for Money in contracts requires that the criteria of Economic Sustainability, Environmental Sustainability and Social Sustainability need to be incorporated into Bid Evaluation criteria.

Without prejudice to the criteria determined by the Contracting Entity, in accordance with the particularities of each organization and the goods, services and work subject to contract, the following will be considered:

- a)** Criteria of Economic Sustainability: are those that allow the incorporation of conditions that satisfy the need requested in the most convenient way and that help to determine the most advantageous offer in economic terms, considering associated costs and external costs. These criteria also enable a better quality-price ratio to be obtained for the offer, based on the identification of good business management practices, business integrity and financial management by the Supplier. Annex 2 contains a sample list of economic sustainability criteria.
- b)** Environmental Sustainability Criteria: are those that seek to contract goods, services and works that generate the least possible environmental impact throughout their entire Life-Cycle, or that generate a positive environmental impact through their production process. Annex 2 contains a sample list of environmental sustainability criteria.
- c)** Social Sustainability Criteria: are those that seek to reduce social inequalities, include disadvantaged groups, and promote transparency and respect for Human Rights, compliance and adherence to good international regulations and practices in social security, health and hygiene in the workplace. Annex 2 contains a sample list of Social Sustainability criteria.

The incorporation of these criteria may be progressive and must respect the principles of public procurement; and these criteria must be set out in an objective, clear, timely and verifiable manner, relevant to the object of the contract.

Article 7.

Need for the procurement suitability

The Contracting Entity must ensure that the procurement contributes to the objective of solving a need or a relevant problem for the government entity, and an analysis must be made as to whether or not there are other and better alternatives that promote Innovation and Sustainability.

To the extent possible, and progressively, the Contracting Entity must enable the necessary mechanisms to strengthen the Principle of Justified Need through the use of the range of instruments that help motivate the need and the object of the contract, within the terms of the set of regulations governing procurement. The Contracting Entity must evaluate the specific need for the good, service or work to be contracted. It will therefore determine (i) the nature and scope of the needs that are intended to be covered by the projected contract, and (ii) the suitability of its object and content to satisfy them, which must be precisely determined. This must be recorded in the preparatory documentation, before initiating the procedure which ends in an award of contract.

The entities that take part in the process will promote the incorporation of economic, environmental and social considerations in the Specific Conditions and Technical Specifications, in the Bid Evaluation criteria and/or in the conditions of performance of the contract, taking account of the particularities of the object of the contract, the market and the provisions of the set of regulations that govern the contracting regime.

Annex 3 of this instrument contains a model *Requirement model for a good, service or work*, signed to justify the request and comply with the Principle of Justified Need.

Article 8.

Specifications of Specific Conditions for the integration of Sustainability criteria

The Specific Terms and Conditions will define the requirements that will regulate the particular case; the deadlines; consultation and/or clarification mechanisms; The economic, environmental and social considerations to be established as solvency criteria, the evaluation of the offer or special conditions of performance; other evaluation criteria; mechanism if awards; tiebreakers; and other administrative aspects of the process.

The Specific Conditions Specifications may establish penalties, in accordance with the general regulations for procurement, to cover breach or defective performance, which affect its characteristics, especially when economic, environmental or social sustainability criteria are not met. and those criteria were taken into account to define the Bid Evaluation criteria or set special conditions of performance.

Article 9.

Technical Specification Requirements for the incorporation of Sustainability criteria

The Technical Specification Requirements will define the specifications, descriptions, requirements and other technical characteristics of the good, service or work to be contracted.

The Contracting Entity will approve the specifications and documents that contain the technical specifications used to govern the performance of these requirements, and define the qualities and conditions of economic, environmental and social Sustainability to be met in addition to the requirements established for each contract under the general law for procurement.

Article 10.

Rules for the establishment of Technical Specification Requirements with Sustainability criteria

The Technical Specification Requirements will provide Suppliers with equal access to the procurement procedure and will not have the effect of creating unjustified obstacles to the opening of Public Procurement to Competition.

The Technical Specification Requirements may refer to the specific process or method of production or provision of the goods, services and works, or to a specific process of their Life-Cycle, even when these factors are not part of the material substance of the goods, services and works, provided that they are linked to the object of the contract and are proportional to its value and objectives.

If the object of the contract affects or may affect the environment or the rights of a community, the technical specifications will be defined by applying Sustainability and environmental protection criteria, in accordance with the principles regulated in Article. 3 of this Directive and in applicable regulations.

Unless justified by the object of the contract, the technical specifications will not refer to a specific manufacturer or origin, or to a specific procedure that characterizes the products or services offered by a specific entrepreneur, or to brands, patents or types, or to a specific origin. or to a specific production, in order to favor or exclude certain companies or certain products. References of this kind will be authorized, exceptionally, in the event that it is not possible to make a sufficiently precise and intelligible description of the object of the contract, in which case it will be accompanied by a mention of "or equivalent".

The Contracting Entity may not reject an offer on the grounds that the goods, services or works offered do not comply with the technical specifications defined in the respective specifications, provided that the bidder's bid demonstrates by any appropriate means that the solutions it proposes comply with equivalent form the requirements demanded in the corresponding technical specifications

Labels, seals and Certifications of verification of the Sustainability criteria

When the Contracting Entity includes specific features of economic, environmental or social sustainability in the Technical Specifications, in the bid evaluation criteria and in the conditions for performance of the contract it may require labels, seals or Certifications as a means of verifying that the goods, services or works meet the required characteristics and standards.

These requirements must meet the following conditions:

- a) The requirements for obtaining the label, seal or certification refer to criteria linked to the object of the contract and are adequate to define the characteristics of the goods, services or works that constitute that object.
- b) The requirements for obtaining the labels, seals or Certifications are based on objectively verifiable criteria and they are not discriminatory.
- c) The labels, seals or Certifications are adopted in accordance with an open and transparent procedure, in which all parties concerned can take part, such as government agencies, consumers, social interlocutors, manufacturers, distributors and non-governmental organizations.
- d) The labels, seals or Certifications are accessible to all interested parties.
- e) The requirements for obtaining the labels, seals or Certifications have been set by a third party over whom an entrepreneur cannot exercise a decisive influence.
- f) References to labels do not restrict Innovation.

When a label, seal or certification meets the conditions of subsections b), c), d) and e), but entails requirements not linked to the object of the contract, the contracting authorities shall not require the label, seal or certification as such, but, in substitution of this, they may define the technical specifications by reference to the detailed specifications of that label or, where appropriate, to parts of it, which are linked to the object of the contract and are adequate to define the characteristics of said object.

In the event that the Contracting Entity requests a specific label, seal or certification, the request will always be accompanied by the mention “or equivalent”. In its effect, the entity must accept other adequate means of proof that verify that the goods, services or works meet the requirements and standards demanded by the requested label, seal or certification.

The indication of a specific label, seal or certification in the technical specifications in no case exempts the Contracting Entity from its obligation to provide clear details in the terms of reference of the characteristics and requirements which it wishes to impose and whose compliance the specific required label is intended to demonstrate. The burden of proof of equivalence will in any case fall on the bidder.

Article 12.

Reports, certification and other means of evidence

When necessary, the Contracting Entity may request that the bidders or contractors provide a test report and/or clarifications from an evaluation body or a certificate issued by the latter, as a means of verifying compliance with the required technical specifications, compliance of the established Sustainability criteria, or of the conditions of performance of the contract.

When the Contracting Entity requires the presentation of a certificate issued by a specific assessment body, the certificates of other equivalent assessment bodies must also be accepted.

The Contracting Entity must accept other appropriate means of evidence when the Supplier does not have access to said certificates or test reports or the possibility of obtaining them within the established deadlines, provided that the lack of access is not due to a cause attributable to the Supplier and that the evidence serves to demonstrate that the goods, services or works comply with the technical specifications, the criteria of evaluation of a bid or the conditions of performance of the contract, as the case may be.

Article 13.

Models of Specific Terms of Reference and Technical Specification Requirements

It is the business of the Contracting Entity and/or Governing Body to prepare models of Specific Terms of Reference and/or Technical Specification Requirements for certain specific objects of the contract, where economic, environmental and/or social Sustainability criteria and clauses are included.

Once approved and homologated, the Specific Terms of Reference and the Technical Specifications Requirements will be mandatory for the Contracting Entity and/or for the jurisdictions determined by the Senior Authority.

The Contracting Entity may adapt them according to their special nature and possible improvements in the production of goods, provision of services and the execution of works to be contracted, provided that their substantial aspects are not altered.

Article 14.

Proposed Alternative Innovative/ Sustainable Bid

Bidders may make proposals other than that strictly required in the object of the contract, provided that it significantly improves the purposes of the procurement and meets the objective of resolving the requirement of need defined in the administrative process of procurement, in a manner more convenient for the Entity.

Aspects such as new production or construction processes or new methods for their implementation may be taken into account, provided that they provide a new solution that better satisfies the public interest. Likewise, the possible benefits for the environment and the social aspect considerations that accompany the proposal may be considered.

The Contracting Entity will assess the substantive improvement offered in the proposed alternative, and have trained technical personnel to analyse it; and must develop a monitoring and evaluation plan for the resulting contract.

Bidders may make quotations and proposals for Alternative Innovative/Sustainable Bids and such proposals will be accepted for the acquisition of goods, works and/or services provided that the following conditions are met:

- a) The base offer has been quoted;
- b) The base offer has been considered admissible;
- c) The alternative offered does not substantially alter the original conditions of acquisition, or that the proposed innovation is superior for the purposes of contracting, generating benefits for the organization, society, the environment and/or the economy.

Article 15.

Business Integrity in Sustainable Public Procurement

Contracting Entities may provide points in the Scoring Table used to assess bids, within the framework of the actions designed to strengthen the criterion of economic Sustainability and, in order to promote Business Integrity among Suppliers:

- a)** if they have implemented models of prevention and/or Integrity programs appropriate to the size, economic capacity and specific risks of the company. A prevention model or Integrity program is understood to be a set of actions, mechanisms and internal procedures to promote Transparency and Integrity in business management, supervision and control, designed to prevent detect, correct and punish irregularities and unlawful acts.
- b)** if they do not have administrative or criminal records for the commission of irregularities in the framework of public procurement processes.
- c)** if their members, directors, administrators and/or legal representatives -or the company itself- do not have, or have declared, and agree to properly manage, the links of interest they may have with public servants who have responsibilities in procurement, or with senior authorities of the State with direct or indirect influence over procurement, in accordance with the current legal regime.

This applies to b) and c) above unless the circumstances in themselves represent a cause of disqualification or ineligibility in accordance with the current legal regime: in which case the offer should be rejected outright.

Bidders, contractors and/or subcontractors may be required to sign an Integrity Commitment, in the terms of the model in Annex 4, in which they assume the duty to act in an ethical and transparent manner in all instances of contracting, that is, responsibly, in good faith and respecting the applicable guidelines and prohibitions, along with the obligation to collaborate in the prevention, investigation, correction and punishment of irregular or corrupt practices; and in the Transparency of their links of interest.

Article 16.

Evaluation of bids by Scoring Table

The evaluation of the most convenient offer for the Contracting Entity based on the principle of Value for Money will be effected by reference to the conditions, guidelines for valuation and scores established in the Specific Terms of Reference and in the Technical Specification Requirements. For these purposes, the particular and technical conditions of contract and criteria will regulate the related Score Table, which will take account of the particularities and nature of the object of the contract.

These conditions and criteria must be reflected in the Scoring Table so that the correct evaluation will produce the most convenient offer for the Entity, and may follow the model attached as Annex 5. The Table will contain weightings as appropriate for price, solvency, business capacity, the commercial and contractual record of the bidder, the existence of and compliance with Integrity policies and, in particular, the criteria for economic, environmental and social sustainability, amongst others.

These conditions shall not affect the equal treatment that the Contracting Entity must give to all bidders, nor establish arbitrary differences between them. Likewise, the maximum amount of information must be provided to the suppliers, appropriate times must be provided for all the stages of the Public Procurement Process and there should be no merely formal requirements.

In the case of contracts whose assessment requires technical or specialized knowledge, or to guarantee the correct assessment of the Principle of Value for Money, the Contracting Entity or the Evaluating Commissions set up for the tender may require the intervention of technical experts or request reports from State or private institutions with relevant specific knowledge.

Article 17.

Tiebreaker Factors

If there is a tie in the total score of two or more bids in the evaluation process, the Contracting Entity may use the following rules successively and exclusively to select the favored bidder:

- 1.** It may prefer the offer presented by an MSME or cooperative or mutual association; or a plural proponent constituted by MSMEs, cooperatives or mutual associations, in accordance with the regulations that govern the matter. The order of precedence of this preference will be conditioned in the first place to the micro, then to the small and, finally, to the medium-sized company.
- 2.** It may prefer the proposal made by a female head of the family or of the legal entity in which the majority of women participate; or, that of a plural proponent made up of female heads of households.
- 3.** It may prefer companies recognized and established as Purpose-Driven Companies⁴ or Company of Collective Benefit and Interest and/or similar business models that may be regulated in the future.

⁴ Article 21 contains a definition of Purpose-Driven Companies

Article 18.

Financial Advance Payment

The Contracting Entity may authorize the advance of funds on account of the acquisition of goods, services or works awarded, and make instalment payments, when:

- a) It is the only possible form of contracting;
- b) There is a benefit for the interests of government administration;
- c) The supplier qualifies as a Micro, Small and Medium Enterprise (MSME) in accordance with relevant regulations or is categorized as a Purpose-Driven Company⁵ as defined in this Directive, or a Collective Benefit and Interest Company and/or a similar business model that may be regulated in the future.

The bidder must request the advance payment, explaining the reasons for it. If the advance payment is approved, the bidder must provide an adequate guarantee to the satisfaction of the Contracting Entity. The guarantee must cover the total amount received by the successful bidder and will be deposited in the Treasury or equivalent office of the government entity.

No guarantee will be required if the supplier or contractor is an official entity or a State-owned enterprise or a partnership with any other type of public or private entity, with majority national, provincial, or municipal participation of the State or trusts formed mainly with assets or funds from National, Provincial or Municipal State entities or entities belonging to foreign States or Governments.

Article 19.

Contract performance. Obligations in environmental, social and labour matters

The Contracting Entity will take appropriate measures to guarantee that, during the performance of a contracts, suppliers comply with applicable obligations in environmental, social or labour matters established in national laws, collective agreements, the Specific Terms of Reference and the Technical Specification Requirements, or by the provisions of international environmental, social and labour laws that bind the State. The provisions of the preceding paragraph are without prejudice to the power of the Contracting Entity to

take the appropriate measures to ensure that, during the contracting process and during performance of the contract, the bidders and the suppliers awarded contracts comply with the obligations established referred to there.

⁵ Article 21 contains a definition of Purpose-Driven Companies

Article 20.

Sustainable Suppliers - Incorporation of the category of Sustainable Suppliers to the Suppliers' Register

The category of Sustainable Suppliers must be added to the Public Register of Suppliers in order to identify suppliers that meet criteria of social, environmental and/or economic Sustainability -as defined by each jurisdiction- and that address material issues of Sustainable Development to the that organizations can attend to when engaging in procurement.

Third parties may affect the identification of Sustainable Suppliers, using digital platforms and/or other mechanisms of identification that guarantee corporate Sustainability standards.

Article 21.

Purpose-Driven Companies. Accreditation of the status

Purpose-Driven Companies will be those that in the course of their business, beyond the generation of economic value and create social and/or environmental value – to standards higher than those required by current legislation or applicable national regulations - for the benefit of society, the environment and the individual.

The status of a Purpose-Driven Company may be accredited through (i) current regulatory recognition and/ or (ii) Certifications by an approved competent authority. The certification presented for the purposes of accreditation may be of a public, private or mixed, national or international nature.

The Contracting Entity may require the "Purpose-Driven Company to provide reports, reports or additional documentation that corroborate the standards applicable to the course of business, in order to gain acceptance of its status as such.

Purpose-Driven Companies will be considered within the category of Sustainable Suppliers in the Register.

Artículo 22.

Monitoring, evaluation and reporting

The Contracting Entity will exercise control and monitoring of all public procurement procedures, and must promote mechanisms for the evaluation and monitoring of Indicators that allow the Efficiency of the Public Procurement system to be quantified, not only in its immediate object of the acquisition of goods, services or works. But also with regard to the achievement of objectives of sustainable economic development, Integrity and the mediate objective of the contract.

Likewise, the Contracting Entity must implement a system of Indicators that allows the implementation of actions to promote Sustainable Public Procurement to be monitored and evaluated.

At the end of each financial year, the Entity will submit a report under its Open Data Policy, regarding its compliance, evaluation and performance of the contracts performed using the Sustainable Public Procurement approach and the actions taken to promote that approach.

The Contracting Entity or the Senior Authority will be the focal point in reference to the reporting and compliance activities, through different international fora, in particular the Inter-American Network on Government Procurement (INGP).

Article 23.

Scope of the Transparency and Open Data Policy

The Contracting Entity will make the information related to sustainable Public Procurement processes available to the public in a timely manner, and in simple and accessible language, in open data format. The information will cover the procurement in all its stages - including planning, award and performance - and the Sustainability criteria considered, the evaluation reports and related audits.

The Contracting Entity must report under its existing Open Data Policy must publish the data and Indicators referring to Sustainable Public Procurement through an appropriate digital medium, preferably the electronic procurement portal, so as to make provide clear and accessible information for civil society, public organizations and private entities. These data and Indicators will complete those referring to the Strategic Procurement Plan.

Annex 6 includes a model of the Open Data Policy of the Procurement Regime.

Artículo 24.

Data and Indicators on SCP

The Contracting Entity will promote the measurement and publication of the following Indicators together with the data and Indicators provided by the Strategic Procurement Plan, and as an integral part of its Policy for Access to Public Information:

1. Number of processes per year that include clauses and criteria for economic, environmental and social sustainability
2. Number of contracts awarded that include economic, environmental and social sustainability criteria, and the percentage that it represents compared to all the contracts made.
3. Amount of the contracting procedures that include economic, environmental and social sustainability criteria, and the percentage that it represents compared to the entire Budget.
4. Number of contracts awarded to MSMEs companies in relation to the total number of contracts awarded.
5. Total amount contracted to MSMEs companies.
6. Total number of companies qualified as MSMEs in relation to the total number of companies in the Public Register of Suppliers.
7. Number of contracts awarded to Sustainable Suppliers in relation to the total number of contracts awarded.
8. Total amount contracted to Sustainable Suppliers.
9. Total number of companies qualified as Sustainable Suppliers in relation to the total number of companies in the Public Register of Suppliers.
10. Financial advances made to Sustainable Suppliers and/or MSMEs.

To the extent possible, and progressively, they must enable services for consultations so that this information can be obtained in real time.

Article 25.

Sustainable Public Procurement as a fundamental aspect of the professionalization of the purchasing agent

The professionalization of public procurement is declared to be a priority and a strategic aspect for the implementation of Sustainable Public Procurement.

The authorities responsible for the professionalization and modernization of the State will be responsible for the collaborative promotion of a plan to ensure that Sustainability considerations are fully incorporated into the training and professionalization strategy of Public Procurement in the country. In doing so, they must consider all dimensions of Sustainability.

Article 26.

General guidelines for the development of training programs

The following general guidelines will be followed for the preparation of the plan for the professionalization of public procurement:

- 1.** A strategy is to be defined for the promotion of certification of suitability and the ongoing training of public servants responsible for public procurement, in addition to the accreditation of institutional purchasing units: all of this will be the business of the authority responsible for professionalization.
- 2.** In order to achieve optimal levels of professionalization, training programs must: a) be based on principles designed to improve the capacities of public servants, encompassing technical, commercial, social and interpersonal skills; b) include and require a combination of theoretical and practical knowledge; c) break down the competencies in public procurement into individual specialties and specific needs of public servants; d) provide different levels of training - complementary to annual refreshers - and related scores, so that they will serve as an objective guideline to evaluate the forward-looking suitability of public agents for their administrative career; e) Provide regular and continuous training processes for public servants, in order to achieve optimal levels of professionalization and accreditation according to profile or position.
- 3.** Identify innovative thematic trends in training at international level, in order to match them against the training needs of public servants in the system. All of this should aim to promote the provision of training with a novel and successful approach in international practices.

4. Provide for a monitoring and evaluation system which is integrated into the performance measurement system for public servants, as developed in each jurisdiction, which will include monitoring of the institutionalization of sustainable public procurement.
5. Result-orientated.
6. Reach all the actors and sectors linked to State purchases, not only the staff of the purchasing units.
7. Coordinate efforts and generate synergies to strengthen professionalization strategies, and institutional links with public and private organizations that provide training services. In particular, promote agreements with entities such as universities, training centers or subjects of public international law.

Training programs on public procurement will address the following topics regarding sustainable Public Procurement:

1. Potential benefits of sustainable public procurement to generate understanding.
2. The Country's Sustainable Public Procurement Policy and Implementation Plan, in support of the National Policy's objectives to raise awareness.
3. The way in which the legal and regulatory framework supports the inclusion of sustainability considerations in public procurement.
4. Competences and skills of the procurement workforce for (i) the use of specific tools and documents that promote behavioural change; and (ii) the identification and incorporation of, and compliance with the criteria of economic, environmental and social sustainability.
5. Monitor, evaluate and analyse lessons learned in order to introduce change and accelerate the shift towards sustainable procurement

Article 27.

Powers to update

The Contracting Entity and/or Senior Authority is delegated with powers to make regular updates to the contents of the Annexes.



INTER-AMERICAN NETWORK
ON GOVERNMENT
PROCUREMENT

ANNEX

Glossary



Accountability

Managers are assigned the responsibility to carry out certain tasks or duties, and to comply with the rules and regulations applicable to their positions.

Budget

A comprehensive statement of the government's financial plans, including expenditures, revenues, deficit or surplus, and debt. The budget is the most important economic policy document; it demonstrates how the government plans to use public resources to meet policy objectives and to some extent indicates its policy priorities.

Business capacity

The competence and/or suitability that a company has to achieve the object of a contract.

Certifications

The confirmation of certain characteristics of products, production processes or management systems. Certification involves the application of testing procedures and processes to determine whether the standards defined in procurement documents or contracts are met. Certification may also be required to verify data provided by suppliers, such as calculations of environmental benefits. Procurement entities may choose different degrees of evidence, verification, or certification required at various points in the procurement cycle.

Competition

A market situation in which businesses or sellers seek the independent choice of buyers in order to achieve a particular business objective, for example: profitability, sales and/or market share.

Contract Documents

In this context, competition is often equated with rivalry. Competitive rivalry between businesses can occur when there are two or more of them. This rivalry may take place in terms of price, quality, service, or a combination of these and other factors that may be of value to customers.

Contracting Entity

Competition is seen as a fundamental process by which businesses are forced to become efficient and offer a greater selection of products and services at lower prices. It leads to greater allocative efficiency and customer well-being. It includes the concept of “dynamic efficiency”, according to which businesses participate in innovation and drive technological change and progress.

Effectiveness

Documents issued by the contracting entity to establish the terms and conditions of a given tender. The invitation to participate in the procurement procedures (for example, invitation to bid, to participate in a request for proposals or an electronic reverse auction). Alternative expressions: documents or bidding documents.

Efficiency

The agencies, entities or, in general, the legal persons provided for in the regulations that govern the public procurement system.

Governability

Ability to meet the established objectives of an activity.

Governance

Obtaining the maximum result depending on the level of resources used to perform an activity.

Immediate Contracting Objectives

Governance characterized by participation, transparency, accountability, the rule of law, efficiency, equity, etc. It refers to government essentially free from abuse and corruption, and with due respect for the rule of law.

Impact Economy

The exercise of political, economic and administrative authority.

Indicator

The delivery of goods and services necessary to accomplish the government's mission in a timely, economical, and efficient manner.

Innovation	The business sector of the economy which, in addition to maximizing profitability, seeks to generate a positive environmental and social impact.
Innovative/ Sustainable Alternative Bid	A quantitative or qualitative measure derived from a series of observable facts that can reveal relative positions in a given area.
Integridad	The introduction of a new or significantly improved product, good or service, or a new organizational method.
Intermediate Contracting Objectives	The option that companies have to present proposals and make quotations for a sustainable alternative, provided that a bid has been made for the base of the tender, the alternative offered does not substantially alter the original conditions of contract and the proposed innovation is superior for the purposes of the procurement.
Life-cycle	The use of funds, other resources, assets and authority in accordance with official objectives envisaged, on a sound basis, aligned with the public interest and with broader principles of good governance.
Performance	Any of the range of goals - such as sustained green growth, development of small and medium-sized enterprises, innovation, standards of responsible business conduct, or broader industrial policy goals - that the government increasingly wishes to achieve through the use of procurement as political leverage, in addition to the immediate objectives of contracting.
Policy	For the purposes of this document, the life-cycle of a product, work or service will include all consecutive or interrelated phases that occur during its existence and, in any case, the research and development to be performed, manufacturing or production, sales and their related context, transportation, use and maintenance, sourcing of the raw materials required and funding; all of the above until disposal dismantling or final use takes place.
Public Employee	An entity's ability to acquire economic resources and use them effectively and efficiently to achieve performance goals.
Public Procurement	A coherent course of action designed to achieve a goal or objective, or respond to an issue or problem for which the State has identified the need for action or reform. A policy is implemented by a public body (ministry, agency, etc.), although there are elements that can be delegated to other bodies. Relevant current examples include a public policy to face climate change, implement an educational reform, or support entrepreneurship. A public policy is, or should be, linked to the programs of a government and its strategic planning. It is often given a formal framework through legislation and/or secondary regulations, especially in countries with a civil law system. It is given practical effect through a defined course of action, programs and activities.

<p>Public Procurement Process</p>	<p>An employee of the State who will retain his position even if there is a change of government. In addition. A public employee is also governed by a specific public legal framework or other special regulations.</p>
<p>Public servant (official)</p>	<p>The process of identifying a need, choosing the best individual or organization to meet that need, and ensuring that need is satisfied in the right place, at the right time, at the best price, and that all of the above is done in an open and equitable manner.</p>
<p>Public tender (open)</p>	<p>The sequence of related activities, ranging from the assessment of needs, through competition and award or concession, to the management of payments and contracts; and any subsequent monitoring or audit.</p>
<p>Purpose-Driven Company</p>	<p>Expression used to identify individuals employed as civil servants or in public administration by organizations financed by the government. In some countries, both the terms “public servant (official)” and “civil servant (official)” are used to describe government-paid employees, with the former option having a broader application (e.g. including doctors, teachers, local government officials, etc.) than the latter (i.e., “civil servant” implies employees working in the central government).</p>
<p>Regulation</p>	<p>The process whereby a contracting entity calls for offers to be submitted within a certain period. It is typically used for bidding processes that are open to all qualified bidders (open bidding) and where sealed bids are opened to the public for scrutiny and are chosen based on established award criteria. In the context of sub-indicator 1(g), the term “offer” is used interchangeably with the terms “bid” and “proposal”.</p>
<p>Senior Authority</p>	<p>A company that in addition to creating economic value in its activities creates social and/or environmental value – over and above the standards required by current legislation - for the benefit of society, the environment and the individual.</p>

<p>Supplier</p>	<p>A term that covers a diverse set of instruments by which governments impose requirements on businesses and citizens. Regulations include all primary laws, formal and informal ordinances, secondary regulations, administrative formalities, and rules issued by non-governmental or self-regulatory bodies to which governments have delegated regulatory powers.</p>
<p>Sustainability</p>	<p>The Senior Authority develops and modernizes mechanisms and tools related to the public procurement system for the support, advice and guidance of its participants. Its purpose is also to disseminate norms, rules, procedures and best practices for the benefit of all the actors in the Public Procurement systems in order to maintain transparent, timely, agile and efficient procedures for the benefit of the entire society.</p>
<p>Sustainable Development</p>	<p>Development “that meets the present needs without compromising the capacity of future generations to meet their own needs”, World Commission on Environment and Development (1987), Our Common Future, http://www.un-documents.net/our-common-future.pdf.</p>
<p>Sustainable Public Procurement / Sustainable Public Purchase (SPP)</p>	<p>“A process whereby organizations satisfy their needs for goods, services, and works and facilities in such a way that value for money is met on the basis of a complete useful life cycle in terms of the generation of benefits not only for the organization but also for society and the economy, while minimizing damage to the environment”, Department for Environment, Food and Rural Affairs (2006): Procuring the Future: Sustainable Action Plan: Recommendations from the Sustainable Procurement Task Force. London.</p>
<p>Transparency</p>	<p>An environment in which policy objectives, their legal, institutional and economic framework, policy decisions and their supporting arguments, policy-related data and information, and the terms of accountability of agencies or agencies are provided to the public in a comprehensive, accessible and timely manner.</p>
<p>Value for money</p>	<p>An expression used in different ways to communicate the efficient, effective and economical use of resources. In the context of public procurement, it can be defined as the most advantageous combination of cost, quality and sustainability to achieve the defined requirements. Cost implies considering the costs and risks of the complete life-cycle; quality means meeting a specification that is fit for purpose and sufficient to satisfy requirements, and sustainability includes economic, social and environmental benefits.</p>

Criteria for economic, environmental, and social sustainability

a) Criteria of economic sustainability: These criteria represent the inclusion of conditions that manage to satisfy the requested need in a more convenient way and that help to determine the most economically advantageous offer, considering associated costs and external costs of a requirement. In addition, these criteria make it possible to obtain a better quality-price ratio of the offer based on the identification of good business management and financial management practices by the supplier.

The following criteria of economic sustainability will be considered in a contract: corporate policies that contain a commitment to social and/or environmental sustainability, governance structures that promote efficiency and transparency, decision-making processes that promote the adoption of inclusive resolutions, participatory, representative, the integration of social and environmental performance in decision-making, the assignment of competencies in matters of sustainable development; internal policies and procedures for the promotion of integrity, supervision and control, aimed at preventing, detecting and correcting irregularities and illegalities; Code of Ethics or Conduct that provides specific mechanisms or policies to reduce bribery and corruption in all its forms; procedures or programs for dissemination and training in the code of ethics; policies, procedures or mechanisms that implement systems to prevent irregularities and report acts of corruption; information transparency policy (corporate, financial and impact); policies or procedures for the identification of stakeholder groups affected by the company's activities; human rights policies or procedures; procedures and/or other mechanisms to avoid involvement or complicity in anti-competitive conduct; policies to manage the quality assurance of products or services.

The absence or inadequate disclosure and management of conflicts of interest of the company (and/or its members, directors, administrators and/or legal representatives) in a specific procurement procedure may also be assigned a value the absence of sanctions for irregularities committed within the framework of this or other contracts; the absence of firm prosecutions or convictions for acts of corruption or for involvement in organized crime. This applies to all cases, provided that these circumstances do not in themselves constitute a cause of disqualification or ineligibility in accordance with the current legal regime, in which case a bid should be rejected outright. (This list is only a sample.)

b) Environmental sustainability criteria: These criteria seek to contract goods and services that generate the least possible environmental impact throughout their entire Life Cycle, or that generate a positive environmental impact through their production process.

The following will be considered environmental sustainability criteria to be taken into account in a contract: The adoption of policies or practices to maximize the environmental efficiency of the company's facilities; the allocation of resources to innovation, research and development so that the goods or services supplied by the company are more sustainable in environmental terms; the sustainable use of resources (energy, air, water, and soil); practices and/or programs

to protect and restore ecosystems; policies or practices to reduce the consumption of raw materials and/or supplies; policies, programs or practices for the separation, use, recovery, recycling, treatment or environmentally appropriate disposal of waste generated as a result of economic activity; policies aimed at strengthening the circular economy; procedures for the storage, use and final disposal of each type of hazardous material; Policies, Programs or practices to reduce the environmental impact of the goods or services offered; program or policy to reduce and/or offset the carbon footprint caused by economic activities, including transportation. (This list is only a sample.)

c) Social sustainability criteria: Are those criteria that seek to reduce social inequalities, as well as promote transparency and respect for Human Rights, compliance and adherence to regulations and good international practices of health and hygiene in the workplace.

The following social sustainability criteria will be considered to be taken into account in a contract: Good labor practices linked to a fair salary, safe working environments without health risks, equitable work environments and with equal opportunities for human development, and policies on due diligence to eradicate child labor and forced labor; the promotion of diversity through non-discrimination policies applicable to recruitment, selection and hiring processes, procedures to promote the employment of women, people with disabilities, people who were deprived of their liberty, who suffer or suffered addictions, people from the LGTBQ+ community (Lesbians, Gays, Transsexuals, Bisexuals and Intersexuals), among other groups; The incorporation of vulnerable sectors into the value chain or development of inclusive value chains, economic development and training of suppliers to improve their social and environmental performance; Trade and fair dealing; community engagement and development. (This list is only a sample.)



Annex 3

Requirement of good, service or work

1. **Date:** (D-M-Y) _____

2. **Applicant's Name:** _____

3. **Position:** _____

4. **Agency:** _____

5. **Name of authorizer:** _____

6. **Position:** _____

7. **Area/Department:** _____

8. **Signature of Applicant:** _____ 9. **Signature of authorizer:** _____

10. Justification of the Requirement:

Principle of justified need: The objective of solving a need or a relevant problem for a government entity, together with an analysis of whether or not there are other, better alternatives that promote innovation and sustainability. This requires an evaluation of the specific need for the contract to be made.

10,1. Detail:

Principle of Value for Money: An approach that promotes the full, effective, efficient and economical use of the resources allocated to public procurement, which requires the evaluation of the costs, quality and sustainability of the offer. Regarding the consideration of costs, it implies an assessment of costs and risks of the complete life-cycle; quality means meeting a specification that is fit for purpose and sufficient to meet the requirements of need, and sustainability encompasses the economic, social and environmental benefits as appropriate to the purpose of the procurement.

ITEM	CODE	QUANTITY	UNIT OF MEASUREMENT	GOOD, SERVICE OR WORK REQUESTED	TECHNICAL SPECIFICATION (Consider minimum economic, environmental, and social sustainability criteria based on Guidelines and Recommendations of the Senior Authority. If necessary, attach a document with this information), TYPE OF CRITERION (Mandatory, qualifiable or to be determined) and MEANS OF VERIFICATION (Instrument that must be requested from the bidder to verify the criteria included in the contracting process)
1					
2					
3					
4					
5					

11. Specific Conditions:

11,1. Estimated purchase value: _____

11,2. Form of delivery: _____

11,3. Place of delivery: _____

11,4. Other necessary conditions (Specify): _____

12. Observations (when required):

13. Explanatory notes:

The Contracting Entity may require explanatory notes in order to guarantee the correct application of the principles of public procurement.

14. Contract Administrator Proposal or Purchase Order

Name: _____

Position: _____

Area/Department: _____

Annex 4

Integrity Commitment¹ (Legal entity)

I,, Identity Document No....., on behalf of the company [Identification of the Provider], bidder [awardee, contractor and/or subcontractor, as appropriate] in Public Procurement No..... [Identification of the procedure], sign this document by which the entity I represent **undertakes** to perform -in all instances of public contracting and for the duration of its relationship with the contracting body-, with integrity and transparency, in a professional manner, responsible and in good faith, respecting the rules that govern it as well as the applicable environmental, social, and labor regulations; and, in particular, the following guidelines:

a) To observe and make the members of the company observe the national and local regulations and the commercial and ethical standards that govern contracting, which I declare that I know and accept.

To this end, these rules and this commitment will be disseminated within the company and their compliance will be ensured, implementing adequate supervision mechanisms.

b) To comply with the object of the contract within a framework of good business practices.

c) To pursue the development and implementation of integrity programs and/or corruption prevention models -or strengthen existing ones-, in order to promote a culture of integrity within the company and avoid the commission of irregularities.

d) To make transparent and -if applicable to properly manage - those links of interest of the company and/or its members that could configure current, potential or apparent conflicts of interest, in accordance with current regulations. Also, to strive not to place it or them or the public servants of the contracting entity- in situations that generate them.

To this end, I undertake to sign the affidavits required by the contracting body and agree to adopt the measures that it suggests for its appropriate treatment.

1. Fuentes: [Argentina: Disposición ONC 22/2019, Resolución OA 11-E-17](#), [Paraguay: Ley 2051 \(art. 20 inc. "w"\)](#)

e) Not to place public servants with whom we must interact, in situations at odds with ethics. In this sense, I recognize and accept the prohibition of offering them any type of gift, donation, benefit and/or gratuity, whether of goods or services, whatever the purpose for which it is done.

f) To act in a transparent manner, making available to the contracting entity -in a timely and complete manner- the information that it requires, with the exception of that which is classified as secret or reserved in accordance with the provisions of current regulations.

g) To make all inquiries, observations, requests and proposals of a commercial or economic nature, addressing only the competent authority and through the channels established for that purpose in each case.

h) To report any irregularity, illegal act or circumstance contrary to public integrity or institutional transparency of which I become aware within the framework of our participation in the contracting procedure and collaborate with its suppression, investigation, and sanction.²

i) To disseminate among our employees the channels that the Contracting Entity makes available for such purposes.³

Likewise, the company undertakes to respect and enforced respect for those who act on its behalf and interest, the following prohibitions⁴:

a) Corrupt practices: offering or promising -directly or indirectly- any advantage, favor, gratification, object, or benefit: (i) to an official with authority over contracting, in order to delay or do or stop doing something related to their functions; (ii) to an official or to any person to assert his relationship or influence over an official with competence in contracting, in order for him to delay, do or stop doing something related to his functions.⁵

b) Fraudulent practices: to falsify, misrepresent or conceal facts or circumstances to deceive the officials of the contracting entity, with the purpose of obtaining a benefit or avoiding the fulfilment of an obligation.
In particular, carry out actions and/or simulations aimed at avoiding the application of a cause of inability to contract.⁶

c) Coercive practices: To harm or cause harm, or threaten to harm or cause harm, directly or indirectly, to an official, a third party or their assets to improperly influence the decisions that must be adopted in the contracting framework.

d) Obstructive practices: to destroy, falsify, alter or deliberately hide information or documentary elements that are significant for the analysis, evaluation and, where appropriate, investigations that must be carried out in relation to the contracting procedure, or in any other way prevent or hinder that task, as well as the inspection exercise of the contracting body or the review activity by any control body.

2. Source: Provision
ONC 22/2019, Annex II,
Resolution
OA 11-E-2017

3. Source: Annex II,
Resolution
OA 11-E-2017

4. Source: Provision
ONC 22/2021, Annex II,
Resolution
OA 11-E-2017

5. Source: [Argentina](#)
Provision ONC
22/2019, Decree
1023/01 (Art 10),
Law 27.328 (Art. 24)

6. Source: [Argentina](#):
Decree 1030/16
(Art. 68 inc. e)

e) Anti-competitive or collusive practices: to enter into agreements with the intention of achieving a purpose contrary to the principles of concurrence and competition, including practices such as coordination of bids, price-fixing agreements, distribution of areas or markets or any other similar activity. of a nature contrary to the provisions of the rules on defense of competition [Cite legal rules]⁷.

I acknowledge that the prohibitions listed do not exclude others that may arise from the current legal system and that their non-compliance at any stage of the purchase procedure and even in tentative degree⁸, will lead to the rejection of the offer, will prevent the award, the contracting and/or will be cause for rescission of the signed contract. This is without prejudice to the patrimonial, administrative, or criminal responsibilities that may correspond.

Finally, I declare that neither the company nor any of its members (acting for it or on its behalf) have been prosecuted or convicted -in the country or elsewhere for crimes against the Public Administration, against public faith, included in the Inter-American Convention against Corruption, or organized crime; nor are they affected by any cause of disqualification in the legal order applicable to this process from contracting with the [National, Provincial or Municipal] of those provided for in the legal system that governs this procedure.

I sign this document in, on the day of the month of -

7. Source: [Argentina](#): Decree 1030/16 (Art. 68 inc. e) and Law 27.442

8. Source: [Argentina](#): Decree 1030/16 (Art. 68 inc. e) and Law 27.328 (Art. 24)

Scores for the award of contracts

Whatever the selection procedure, the award must be made in favor of the most convenient offer that allows the Contracting Entity to obtain the best Value for Money.

Criteria linked to the object of the contract must be taken into account when determining the most convenient offer: they include price, quality, solvency and business capacity of the bidders, the integrity of their conduct in the framework of this or other procedures of public procurement, the analysis of the life-cycle of the product or service, the cost of use, the term of execution or delivery of the service, the characteristics or attributes linked to compliance with environmental and/or social standards, innovation, aesthetic or functional issues, maintenance, technical assistance, after-sales service or other similar considerable that may be applicable. The requirement of need, the prior studies, the mandatory technical specifications and the supporting documents will serve as support to prepare the conditions of contract. These documents will contain recommendations to incorporate the criteria of sustainability that do not contravene the principle of objective selection and free competition.

If it is determined that a given criterion is suitable for scoring purposes, there must be a systematic way of evaluating bids that assigns an adequate score for it so that the criterion of sustainability will be relevant.

The components and criteria of the Scoring Table provided below for the evaluation of the most convenient offer, and the respective values established for each of them, must be established in the Specific Terms of Reference and in the Technical Specifications that govern the particular contract, always considering the nature and particularities of the object of the contract (*for example, in the acquisition of goods or supplies through short-term contracts or supplies that are exhausted by the delivery of the goods in a single act, as a rule, the financial economic capacity of the bidder is not subject to evaluation; on the other hand, if the object of the contract is the continuous provision of a service over the medium or long term, the consideration of the economic capacity indicators of the offeror may be relevant to the evaluation of the convenience of the offer*).

The Contracting Entity must provide sufficient and timely information to the bidders in relation to the qualification and weighting factors that will be applied for the evaluation of their bids and on which the award decision will be determined. The incorporation of these criteria in the description of the offer will mean that any reader (bidders, the Senior Authority and the public in general) will be aware of the requirement of need, and the terms of reference and the contract will be able to initially identify the existence of a commitment to sustainable characteristics.

These conditions may not affect the equal treatment that the Contracting Entity must give to all bidders, nor establish arbitrary differences between them. Likewise, the maximum amount of information must be provided to the suppliers, suitable deadlines must be set for all the stages of the contracting process and avoid making merely formal demands, such as (e.g.) a

requirement to include in the presentation of the bid administrative documents or background information that could be found in the Suppliers Register, in the case of registered bidders).

Taking the above into account, the n Scoring Table for the evaluation of the convenience of a bid would be as follows:

Criteria	Mode of Verification	Score
Technical Quality/ Service Plan (1)		X puntos
Sustainability Criteria (2)		X puntos
Economic Sustainability Criteria		X
Costs associated with the contract (such as data on the guarantee, maintenance, etc.)		X
Costs external to contracting		X
MSMEs certificate.		X
Model of Prevention and/or Business Integrity Program (ISO 37001 type)		X
Presentation of the Code of Ethics or Conduct of the Business		X
Plan of procedures for the prevention of illicit acts in bidding processes with the State.		X
Absence of administrative sanctions for non-compliance in the framework of other public contracts (*)		X
Absence of firm prosecutions for corruption offenses in the framework of public procurement (*)		X
Declaration and proper management of links of interest (*)		X
Environmental sustainability criteria		X
Demonstrate the ability to meet the energy efficiency rating criteria (ISO 50001 type)		X
Type I Labels (ISO 14024), Type II (ISO 14021) and Type III Labels (ISO 14025) or equivalent.		X
IRAM standards applicable to the various products and services.		X
Energy efficiency labels.		X
International ecological labels such as Forest Stewardship Council (FSC), Electronic Product Environmental Assessment Tool (EPEAT), TCO Certified, etc.		X
Environmental management program or system that covers the generation of waste, energy consumption, water consumption and the generation of greenhouse gases.		X

Program for the measurement, evaluation, savings, efficiency and reporting of the energy footprint and water footprint.	X
Practices and/or programs to protect and restore ecosystems.	X
Presentation of a Program or practices for the use, recovery, recycling, treatment or environmentally appropriate disposal of the waste generated as a result of economic activity.	X
- Goods manufactured or sold that contain materials that can be separated for reuse or recycling.	X
- Goods manufactured or sold contain biodegradable materials or substances.	X
-Goods manufactured or sold that are reusable or have a longer than average useful life.	X
-Goods or services that reduce the levels of water and energy consumption in their use or provision.	X
Program or policy to reduce the carbon footprint caused by the economic activities of the company.	X
Certifications or seals on products of organic origin	X
Social sustainability criterial	X
Demonstration of the inclusion in the production chain of individuals with disabilities, or deprived of their liberty, those who suffer or suffered from addictions, individuals from the LGTBIQ+ (Lesbians, Gays, Transsexuals, Bisexuals and Intersexuals) community, Afro-descendants, migrants and indigenous groups.	X
Demonstration of compliance with fundamental standards of the International Labor Organization within supply chains (ISO 45001 type standards on occupational health and safety standards).	X
Presentation of practices designed to eradicate child labor and forced labor	X
Attachment of policies, programs or practices for the promotion of gender equality	X
Signature of a commitment to employ women as 50% of the payroll during the performance of the contract, provided that they are materially and functionally suited to the provision of the service	X
Attachment of non-discrimination policies applicable to recruitment, selection and hiring processes.	X
Attachment of a purchasing policy designed to promote and develop micro and small businesses, cooperatives, mutual associations and/ or organizations of the social and solidarity economy, purpose-driven companies, companies whose majority partners are women.	X
Presentation of documents to show payment of at least the minimum wage to its workers.	X
Presentation of Occupational Health Policy.	X

Support donation policies aimed at the development of the community in which it operates (financial or in-kind donations, investments for the community, pro bono services, discounts on products or services for specific disadvantaged groups, health care and protection).

X

Supplier background information (3)

X

Business background information

X

History of contracts

X

Economic and Financial Capacity (4)

X

Working Capital

X

Current liquidity

X

Indebtedness

X

Solvency

X

Offer Price (5)

X

Associated costs

X

external costs

X

TOTAL

X

Antecedentes del Proveedor (3)

X puntos

Antecedentes comerciales

X

Antecedentes contractuales

X

Capacidad Económica y Financiera (4)

X puntos

Capital de Trabajo

X

Liquidez corriente

X

Endeudamiento

X

Solvencia

X

Precio de la Oferta (5)

X puntos

Costos asociados

X

Costos externos

X

TOTAL

Total de Puntos

(*) Siempre que no se trate de una causa de inhabilidad y/o inelegibilidad

(1) Technical Quality/Service Plan: The maximum score will be assigned to the offer that exhibits the highest and/or best level of compliance with the technical conditions in the quoted product or service; the other offers will be allotted scores applying the criterion of proportionality or no scores if they do not exceed the minimum reasonable standards required by the terms of reference in each case. This evaluation must be effected based on the objective indicators for functional characteristics and technical specifications defined by the Terms of Reference or Technical Specifications through which the quality of the benefits of the good or input object of the purchase can be determined (acquisitions); or by the service plan or logistics program for performance of the contract (provision of services).

(2) Criteria for Economic Sustainability, Environmental Sustainability and Social Sustainability: These criteria must include the greater consideration of the economic, environmental and social costs of the offers of goods, services and works based on the selection processes established in the contracting regime.

The following criteria will be considered in addition to those set by the Contracting Entity to fir the characteristics of its particular organization and the goods, services and works to be contracted:

a) Criteria of Economic Sustainability: Criteria that allow the incorporation of conditions that will satisfy the need requested in the most convenient way and help to determine the economically most advantageous offer, considering associated costs and external costs of a requirement. In addition, these criteria make it possible to obtain a better quality-price ratio of the offer based on the identification of good business management and financial management practices by the supplier.

The following criteria of economic sustainability will be considered for inclusion in a contract: corporate policies that contain a commitment to social and/or environmental sustainability, governance structures that promote efficiency and transparency, decision-making processes that promote the adoption of inclusive, participatory and representative corporate resolutions, the integration of social and environmental performance in decision-making, the assignment of competencies in matters of sustainable development; internal policies and procedures for the promotion of integrity, supervision and control, designed to prevent, detect and correct irregularities and illegal acts; Code of Ethics that provides specific mechanisms or policies to reduce corruption and bribery in all its forms; procedures or programs for dissemination and training on the code of ethics; policies, procedures or mechanisms that implement systems to prevent irregularities and report acts of corruption; information transparency policy (corporate, financial and impact); policies or procedures for the identification of interest groups affected by the company's activities; human rights policies or procedures; procedures and/or other mechanisms to avoid becoming involved or complicit in anti-competitive conduct; Policies to manage the quality assurance of products or services. Assessments may also include the absence or adequate declaration and management of conflicts of interest of the company (and/or its members, directors, administrators and/or legal representatives) in the specific procurement process; the absence of sanctions for irregularities committed within the framework of this or other contracts; the absence of firm prosecutions or convictions for acts of corruption or for engagement in organized crime. In all cases, these circumstances may not in themselves constitute a cause of disqualification or ineligibility according to the current legal regime: if they do so, the bid should be rejected outright. This list is no more than a sample of considerations.

b) Environmental Sustainability Criteria: These criteria seek to contract goods and services that generate the least possible environmental impact throughout their entire Life-Cycle, or that generate a positive environmental impact through their production process.

The following will be environmental sustainability criteria to be considered for inclusion in a contract: The adoption of policies or practices to maximize the environmental efficiency of the company's facilities; the allocation of resources to innovation, research and development so that the goods or services provided by the company are more sustainable with the environment; the sustainable use of resources (energy, air, water, and soil); practices and/or programs to protect and restore ecosystems; policies or practices to reduce the consumption of raw materials and/or supplies; policies, programs or practices for the separation, use, recovery, recycling, treatment or environmentally appropriate disposal of waste generated as a result of economic activity; policies aimed at strengthening the circular economy; procedures for the storage, use and final disposal of each type of hazardous material; Policies, Programs or practices to reduce the environmental impact of the goods or services offered; program or policy to reduce and/or offset the carbon footprint caused by economic activities, including transportation. This list is no more than a sample of considerations.

c) Social Sustainability Criteria: These criteria seek to reduce social inequalities, promote transparency and respect for Human Rights, compliance with and adherence to regulations and good international practices of health and hygiene in the workplace.

The following social sustainability criteria will be considered for inclusion in a contract: good labor practices linked to a fair salary, safe work environments without health risks, equitable work environments and with equal opportunities for human development, and policies on due diligence to eradicate child labor and forced labor; promotion of diversity through non-discrimination policies applicable to recruitment, selection and hiring processes, procedures to promote the employment of women, individuals with disabilities, ex-convicts, former or current addicts, members of the LGTBIQ+ community (Lesbians, Gays, Transsexuals, Bisexuals and Intersexuals), among other groups; the incorporation of vulnerable sectors to the value chain or development of inclusive value chains, economic development and training of suppliers to improve their social and environmental performance; Trade and fair dealing; community engagement and development.

The score for these items will be determined by adding the number assigned to the economic, environmental and social sustainability criteria; no score will be assigned if the offers do not demonstrate any compliance. The Specific Terms of Reference may assign the same individual score to each criterion or prioritize the achievement of certain goals or objectives by assigning them a higher score than others, as justified by the nature and particularities of public procurement and/or of the needs that are intended to be satisfied and/or promoted.

(3) Supplier background information:

- **Commercial:** The maximum expected score may be awarded to the bidders who can demonstrate the highest number or minimum number of certified past supplies to principals or contractors, to whom goods or services with characteristics similar to those required have been supplied for the purpose of the contract, during the period of time prior to the date of the invitation or tender, as defined by the particular conditions applicable to it. The order of merit for the other offers that do not satisfy that history of background information will be determined in accordance with the rule of proportionality (in certain cases, according to the special particularities of the contract –generally, services in which the expertise of the offeror is relevant. The omission of minimum background information can constitute a cause for rejection of the bid)

- **Contractual:** A specific score may be awarded to bidders with current and renewed registration in the Supplier Register, who do not have a history of sanctions imposed for breaches of contract and/or who do not register unpaid fines for those breaches, during a defined period. of time prior to the invitation/ tender, at least during the previous year. For the evaluation of this indicator, the Contracting Entity will evaluate the files in the Suppliers Register and requests for any other documentation or reports that it considers relevant.

(4) Economic and financial capacity: The business economic and financial capacity of a bidder is generally a matter of evaluation in public contracts for services, in which it is necessary to determine the feasibility of performance by the bidder over the medium /long term. The criteria and indicators for category will be stipulated based on the set of regulations that govern contracting in the jurisdiction.

(5) Bid Price: The bid which, being formally and technically admissible, turns out to be that for the lowest price in the line or group of lines, as appropriate, will earn the maximum score. If an alternative offer is made, it will be considered for the purposes of this evaluation. The other offers will be scored applying the rule of proportionality.

General Open Data policy of the procurement regime

Global Principles for Open Contracting

These Principles are intended to guide governments, their procurement entities and other stakeholders in the application of the principle of proactive disclosure to documents and information relating to government procurement in order to enable meaningful understanding, effective monitoring, efficient performance and accountability for results. These principles must be adapted to specific sectors and local contexts and are complementary to transparency initiatives and other global initiatives on open government.

Proactive Disclosure

1. Governments will recognize the right of the public to access information related to the formation, award, execution, performance and termination of public contracts.
2. Public procurement will be conducted in a transparent and equitable manner, in accordance with the regulations that underlie the workings of the process, including the policies related to its publicity.
3. Governments will require the timely, current and systematic publication of sufficient information related to the formation, award, execution, performance and termination of public contracts in order to allow the public, the media and civil society to understand and monitor the process, as a form of protection against inefficient, ineffective or corrupt use of public resources. This will require proactive disclosure of:
 - a. Contracts, licenses, concessions, permits, subsidies or any other document through which goods, assets or public resources are exchanged (including all annexes, schedules and documents incorporated by reference) and any amendments thereto.
 - b. Prior studies, bidding documents, contract performance evaluations, guarantees and supervision and audit reports.
 - c. Information referring to the formation of the contract according to the recommendations established below.
 - d. Information related to the execution and performance of public contracts, including information referring to subcontracting agreements, amendments and extensions to contracts.
4. Governments will develop systems to collect, manage, simplify and publish data related to the award, execution, performance and termination of public contracts in an open and structured format, which presents the data in a friendly way and facilitates searches; all in accordance with the Open Contracting Data Standard that is being developed.

5. Public information on contracts will be as complete as possible, with the exceptions or limitations defined by law, ensuring citizens the right to appeal in circumstances in which access to information is denied.

6. Entities involved in procurement, including international financial institutions, will support the disclosure of public procurement information by avoiding confidentiality clauses, applying confidentiality narrowly to cover only permitted exceptions, or including provisions in the clauses and contractual conditions that allow disclosure of the contract and related information.

Participation, monitoring and supervision

7. Governments will recognize the right of society in general to participate in the oversight, creation, award, performance and termination of public contracts.

8. Governments will promote a favorable environment that recognizes, encourages, promotes, protects and generates opportunities for consultation and monitoring by the public in relation to public procurement, from the planning stage through to the termination of contractual obligations, for which new legislation may be needed.

9. Governments should work together with the private sector, donors and civil society in order to strengthen the capacities of all these actors, to understand, monitor and improve the performance of public procurement, as well as to create financing mechanisms that support participation in public procurement.

10. Governments have the obligation to assure control agencies –including parliaments and public sector audit offices – and executing entities, forms of access and use of information disclosed. They must further ensure that these entities receive feedback from the public, act on it, and promote dialogue and consultation between the contracting parties and civil society organizations in order to improve the quality of results of contracts.

11. In relation to contracts with a significant impact, the contracting parties must articulate consultation with the public and strategies for participation during performance.

General data and indicators of the contracting system

Public bodies must publish data sets in open format that include the following priority fields:

- Identifier and name of the purchasing entity.
- Unique identifier of the process and/or contract.
- Type of contracting procedure used.
- Estimated value of the process before selecting the supplier.

- Number of bids in competitive processes.
- Unique identifiers and names of bidders in competitive processes.
- Classification codes and description of the contracted items. (goods, works and services, or any other type of classification including UNSPSC).
- Bid selection criteria.
- Value of the award.
- Number of comments received on the process documents, particularly those that establish the terms and conditions of the competition.
- Identification of the parties/actors in the contract.
- The following terms and dates in the purchase process: (i) opening and closing or date of presentation of bids; (ii) closing or presentation of bids and award; (iii) award and signature; (iv) signature and initiation; and (v) duration of the contract.
- Advance payments or financial advances.
- Amendments to the term of the contract.
- Amendments to the value of the contract.
- Performance guarantees.
- Existence of claims, fines or sanctions.

Where possible and progressively, the Contracting Entity and/or the Senior Authority must introduce inquiry services that enable this information to be obtained in real time. The Entity must also define the periods in which the publications must occur, defining deadlines for the publication of the information at each stage of the contracting process, so that compliance with these requirements can be verified.

All information on government procurement is presumed to be public, except for the express provisions of law to the contrary.

Publication of data: monitoring and compliance

The contracting entity will be responsible for monitoring compliance with the publication of the data indicated, and generating aggregate information about them, such as:

- Number of public procurement processes per year.
- Value of public procurement processes per year.

- Total number of procurement processes per year in initial or principal under a framework agreement (operation between the party adding to demand and the market in general).
- Number of procurement processes added per year in secondary operation of an agreement or framework agreement (operation between the final buyer and the final supplier).
- Value of acquisitions added per year in secondary operation (framework agreements and other mechanisms of aggregate acquisition).
- Number of suppliers per year.
- Number of public procurement processes opened to competition, per year.
- Number of public procurement processes opened to competition with a single bidder, per year.
- Number of bidders per competitive process per year.
- Number of public procurement processes per year in which the only criterion for selecting the supplier or contractor is price.
- Number of public procurement processes per year in which the selection criteria are based on the principle of Value for Money.
- Number of public procurement processes per year in which the following are included among the selection criteria: (i) participation of women; (ii) participation of individuals in a situation of vulnerability as victims, or individuals with disabilities; (iii) medium or small companies; (iv) environmental sustainability; or (v) any other criteria in compliance with the country's policies for inclusion. There are social or environmental sustainable components in the selection criteria per year.
- Number of purchasing agencies or entities that record purchases or contracts per year.
- Number of purchase plans or acquisitions published per year and average date of publication.
- Average time for each mode of competition between (i) opening and closing or date of submission of bids; (ii) closing or submission of bids and award; (iii) award and signature; (iv) signature and initiation; and (v) duration of the contract.
- Classification of purchases per year (goods, works and services, or any other type of classification including UNSPSC).

There must be a single register or repository of all the information, easily accessible to the public, where it is possible to verify compliance with the publication requirements.

Data and indicators on SCP.

The Contracting Entity will promote the measurement and publication in open format of the following indicators. together with the data and indicators provided by the Strategic Procurement Plan and as an integral part of its Access to Public Information Policy:

- i.** Number of processes per year that include clauses and criteria for economic, environmental and social sustainability (number of procedures that used attributes other than price)
- ii.** Number of contracts awarded that include criteria of economic, environmental and social sustainability, and as a percentage that it represents of all the contracts made.
- iii.** Amount of the contracting procedures that include economic, environmental and social sustainability criteria, and as a percentage of the total budget.
- iv.** Total number of companies classified as MSME over the total number of companies within the Suppliers Register.
- v.** Number of contracts awarded to MSMEs over the total number of contracts awarded.
- vi.** Number of Sustainable Suppliers registered in the Public Register of Suppliers.
- vii.** Number of processes awarded to Sustainable Suppliers.
- viii.** Total amount contracted to Sustainable Suppliers.
- ix.** Number of tenders contracted to Sustainable Suppliers.
- x.** Financial advances made to Sustainable Suppliers.

Model Directive for the **Promotion** of **Sustainable Public Procurement**



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