

# Enhancing the Public Procurement Suppliers Registry in Colombia



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# **Enhancing the Public Procurement Suppliers Registry in Colombia**

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This paper was authorised for publication by Elsa Pilichowski, Director, Public Governance Directorate.

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### **Abstract**

This report provides Colombia with key recommendations and policy options related to the future improvement of their supplier registry system, Single Suppliers Registry (Registro Único de Proponentes - RUP), in order to enhance further the participation of companies of all sizes into public procurement, in particular for micro, small and medium sized enterprises (MSMEs). These recommendations represent a key input for the upcoming National Development Plan (2022 – 2026).

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# Executive Summary

In Colombia, public procurement accounted for 11.4 % of GDP in 2019, slightly below the OECD average of 12.6%. In response to the Covid-19 crisis, the government of Colombia developed the Policy for Reactivation and Sustainable Growth, which identifies public procurement as a strategic lever for sustainable and inclusive growth in the recovery phase, highlighting the need to enhance the access of companies, especially micro, small and medium sized enterprises (MSMEs), to the public procurement market.

A supplier registry is a useful tool for the public sector to collect, store, and disseminate data of suppliers and/or potential suppliers - allowing public entities to identify and/or select reliable suppliers. Despite its potential benefits, some elements of the supplier registry, if not designed properly, may act as barriers to accessing public procurement opportunities, which may – in turn – affect the public procurement system's efficiency. These include: (1) mandatory or voluntary registration; (2) fees; and (3) administrative procedures, such as the types of required documents, digitalisation, and automation. These elements should, therefore, be carefully analysed during supplier registry establishment and reform.

In Colombia, participation in public procurement processes requires registration in two systems: i) the Single Suppliers Registry (*Registro Único de Proponentes: RUP*), a registry of qualified potential suppliers for public procurement processes which is managed by Chambers of Commerce, and ii) the e-procurement platform SECOP (*Sistema Electrónico para la Contratación Pública*) administered by Colombia Compra Eficiente (CCE), the public procurement authority and national central purchasing body. Established in 1993 and in accordance with the law, the RUP is managed by the 57 Chambers of Commerce across the country. Economic operators need to provide relevant information and documents related to their i) legal capacity, ii) financial/ organisational capacity and iii) experience.

This report provides Colombia with key recommendations and policy options to enhance the RUP's performance and further drive the participation of companies of all sizes, particularly MSMEs. These recommendations are expected to serve as a key input for the upcoming National Development Plan (2022–2026) through stakeholder engagement process with key actors including Chambers of Commerce and CCE (Colombia Compra Eficiente).

## Key findings and policy recommendations

### ***Addressing duplications between RUP and SECOP***

Participation in Colombian public procurement processes generally requires separate registration within two independently-operated systems: (1) RUP; (2) SECOP. These registration processes overlap, for example, requiring similar information and documents. To reduce administrative burdens, further streamlining could be implemented. As the Chambers of Commerce and CCE work toward the integration of RUP information within SECOP, Colombia could consider two options:

- Option 1: In the medium to long-term, requiring economic operators to register only in SECOP and enabling (through the same platform) verification and validation of potential suppliers' capacity; or
- Option 2: Further advancing SECOP-RUP data integration.

### ***Reducing administrative burdens for economic operators and the entity in charge of managing the registry***

The RUP's registration process requires the submission of more documents and information than SECOP or other supplier registries in different countries. An example of this can be found in the provision of previous experiences' proof – which requires neither a time-period specification nor duration limit (e.g., the past 3 years). Although the RUP now offers digital registration and renewal processes since 2015, it has not yet been integrated into certain governmental platforms, such as the Tax Register System (RUT). Therefore, Colombia could benefit from:

- Reducing the number of documents and data required at the registration stage:
  - Avoid requesting for the information on past experiences at the moment of registration
    - enable economic operators to, instead, provide self-declarations of past experience;
    - Request supporting documents on past experiences only from successful bidders for each procurement procedure, rather than at the registration or renewal phases;
  - Limit past experience requirements to specified timeframes;
- Integrating SECOP's public contracts' performance information into RUP – to reduce verification costs and associated time-spent (Should Colombia opt for integrating SECOP-RUT); and
- Advancing RUP integration with other government digital platforms.

### ***Reducing RUP-related fees***

Despite the digitalisation process launched in 2015, the RUP's associated fees remain higher than the ones in other countries. This is likely due to time-consuming tasks to verify information such as past experiences and financial capacity. In addition, the same fee is applied to registration and renewal processes for all category sizes of potential economic operators, potentially creating a barrier for economic operators, in particular MSMEs, to participate in public procurement opportunities. Colombia could benefit from:

- Performing cost assessments of RUP processes, as data is currently scarce ;
- Considering the possibility of utilising public funds to cover RUP costs and/or reducing administrative burdens;
- Lowering renewal fees which are currently the same with the registration fees;
- Reflecting cost-savings gained from digitalisation in fees;
- Centralising the registration process (Option 2);
- Imposing a sliding 12-month, period-based registration fee or ensuring that economic operators pay proportional fees, based upon the time remaining until mandatory registration renewal; and
- Exploring the possibility of a fees model that accounts for economic operators' size– to encourage economic operators of all sizes to participate in procurement processes.

### ***Enhancing the RUP's transparency***

- Colombia could benefit from increasing the information covered in the RUP and SECOP, as well as making the list registered economic operators more easily accessible, via:

- Providing further data on registered economic operators, such as: (1) total public sector contract amounts; (2) contract performance scores; and (3) data related to women-owned businesses; and
- Providing readily-available information on RUP-registered economic operators, without tax identification number search constraints and separate requests to the Chamber of Commerce (Option 2);
- Colombia could set up a minimum bid-submission timeline – considering the average time required for document collection and registration validation.

# 1. Introduction

Public procurement represents 11.4 % of GDP in Colombia, slightly below the OECD average of 12.6% in 2019 (OECD, 2021<sup>[1]</sup>) and is considered as a crucial pillar of strategic governance and public service delivery (OECD, 2015<sup>[2]</sup>). Given the sheer volume it represents, it is also a key economic activity for companies of all sizes. This has been further highlighted during the COVID-19 crisis. Public entities across different levels of government acknowledged public procurement's strategic role in ensuring the delivery of essential goods and the maintenance of critical public services, most notably within the health sector. As in other countries, Colombia experienced a Covid-19-related economic shock – placing enormous stress on national budgets and impacting businesses, particularly micro, small and medium sized enterprises (MSMEs) (DANE, 2020<sup>[3]</sup>).

The pandemic has amplified both the urgency and the opportunity to improve its national procurement system. In this context, the Colombian government has developed the Policy for Reactivation and Sustainable Growth (CONPES, 2021<sup>[4]</sup>) which identifies public procurement as a strategic lever to achieve a sustainable and inclusive growth during the recovery phase (Departamento Nacional de Planeación, 2021<sup>[5]</sup>). The policy underscores the need to enhance the access of companies, especially MSMEs, to public procurement markets.

A well-functioning and efficient public procurement system relies on different elements including an adequate institutional and regulatory framework, a capable procurement workforce and the appropriate tools.

A supplier registry could impact different dimensions of the public procurement – from system access to overall efficiency and effectiveness. If left undeveloped or improperly managed, procurement registries may become entry barriers – limiting fair and equal access to associated markets and impeding competition. Different elements need to be evaluated when establishing a public procurement registry, including: (1) decisions related to mandatory versus voluntary use; (2) registration and renewal fees; (3) administrative workloads and support processes, etc.

In Colombia, participation in most public procurement processes requires registration in two systems: i) the Single Suppliers Registry (Registro Único de Proponentes - RUP), managed by Chambers of Commerce, a registry of qualified potential suppliers for public procurement processes, and ii) the e-procurement platform SECOP (Sistema Electrónico para la Contratación Pública).

This report provides Colombia with key recommendations and policy options for the future improvement of the supplier registry process – to encourage the participation of companies of all sizes (particularly micro, small and medium sized enterprises). These recommendations serve as key inputs for Colombia's upcoming National Development Plan (2022 – 2026).

## 2. Ensuring access to public procurement market by reforming supplier registries

### 2.1. The role of registries in the public procurement system

While no international definition is available, a supplier registry could be defined as a database tool that compiles and stores information on suppliers and/or potential suppliers of the public sector, and that has or might have a specific role or functionality in the way these companies participate in public procurement. These roles and functionalities are explained below and throughout this report. Supplier registry usually collects, stores and disseminates data in support of procuring entities to identify and/or select reliable suppliers. Usually, two categories of supplier registries exist across OECD countries:

Supplier registries that include only information about suppliers of the public sector (e.g., persons and companies which have already supplied goods and services to the public sector). They aim at:

- Centralising information concerning these suppliers, which could contribute to reducing administrative burdens when participating in other public procurement opportunities;
- Reporting supplier's performance of the contract (when applicable).

Supplier registries that include information about potential suppliers of the public sector. Their main aims:

- Centralise information on potential suppliers – to enhance efficiency and to easily, quickly provide supply market information to procurers, which, subsequently, reduces transaction and administrative costs for procuring entities;
- Standardise information – to reduce duplication of documents and administrative burdens for potential suppliers;
- Validate the qualification of potential suppliers (when applicable).

The OECD Recommendation on Public Procurement is comprised of twelve integrated principles (see Figure 2.1). Supplier registry can be linked to several of these principles, including the principle on Access. The access of economic operators<sup>1</sup> to public procurement opportunities of different sizes depends upon the enabling environment in place, including regulatory framework and processes (OECD, 2015<sup>[2]</sup>). If not established and managed efficiently, a supplier registry can represent a barrier to participate in public procurement opportunities. Supplier registries can also be linked to the principle of Efficiency. Indeed, the OECD Recommendation calls adherents to develop processes to drive efficiency throughout the public procurement cycle aiming at satisfying the needs of the government and its citizens, and this could also include processes related to the supplier registry. In relation to the principle of “E-procurement”, the recommendation highlights that information and communication technologies should be used in public procurement to ensure transparency and access to public tenders and increase competition. In relation to the principle of “Transparency”, the recommendation calls upon adherents to allow free access to public

procurement information, through an online portal, for all stakeholders. In this context, supplier registries provide contracting authorities and citizens with key information on current and/or potential suppliers of the public sector. To enhance the transparency of supplier registries, it is key to access the information through digital tools such as online databases or websites.

**Figure 2.1. The 12 integrated principles of the OECD Recommendation on Public procurement**



Source: (OECD, 2015<sup>[2]</sup>)

Usually, the supplier registry is part of the e-procurement system. In 2018, 48.5% of the OECD countries, which responded to the OECD Survey on the Implementation of the 2015 OECD Recommendations on Public Procurement, used a central supplier registry within their e-procurement system (see Figure 2.2). In the other countries, supplier registries do not exist or are not integrated in the e-procurement system (such as in Colombia).

**Figure 2.2. Central supplier registry within the e-procurement system in OECD countries**



Source: (OECD, 2018<sup>[6]</sup>)

## 2.2. Elements to take into account when establishing a public procurement registry

Despite the usefulness of the supplier registries, some elements can represent barriers to accessing public procurement opportunities and can affect the efficiency of the public procurement system. Therefore, different parameters need to be considered when establishing a public procurement registry.

### 2.2.1. The mandatory vs voluntary registration in a supplier registry

The registration of economic operators in a supplier registry should provide a certain degree of flexibility to avoid being a barrier to access public procurement opportunities. Across the globe, different models related to the mandatory or voluntary use of a supplier registry have been implemented:

- The registration is voluntary (e.g., the list of economic operators of the Slovak Republic <sup>2)</sup>)
- The registration is mandatory prior to bid submission (e.g., Colombia, Korea, Ecuador, Chile)
- The registration is mandatory only after the bid is successful (e.g., Mexico)

These different models are related to the objectives of the supplier registry and its scope (e.g., if the supplier registry provides information on suppliers of the public sector or information on potential suppliers, the role of the registry in the validation of the qualification of economic operators, etc.).

In the Slovak Republic, for instance, registration in the supplier registry is not mandatory and aims at simplifying the bidding processes for potential suppliers through the submission of documents necessary for the bidding process only once. The registry is managed by the Public Procurement Office and stores information on companies' eventual insurance status, tax obligations, and solvency (Slovensko, 2021<sup>[8]</sup>).

Some countries require a mandatory registration in the supplier registry to participate in public procurement opportunities. The establishment of a mandatory registration in a supplier registry should not represent a barrier to participate in public procurement opportunities, if some considerations such as registration fees, the administrative burden, and the duration of the registration process are considered. Typically, in countries with mandatory registration the supplier registry is integrated within the e-procurement system (e.g., Chile, Ecuador and Korea) – this is not the case for Colombia. In Korea, for example, all bidders who wish to participate in public procurement must register in the Public Procurement Service platform at least one business day prior to bid opening (PPS, 2020<sup>[9]</sup>). In Chile, economic operators must be registered in the e-procurement platform “*Mercado Público*” in order to access public procurement opportunities. To participate in public procurement processes and to validate their capacity, economic operators must register within the supplier registration module of “*Mercado Público*”. However, the formal validation of the supplier registration is needed only before contract signature.

In Mexico, economic operators participating in public procurement opportunities provide basic data in the e-procurement system *CompraNet*. While the registration in the Mexican supplier registry “*Registro Único de Proveedores y Contratistas*”- RUPC, is mandatory to get a public contract, an economic operator can request the registration in the RUPC when notified that its bid is successful, ahead of the award of a contract. The entity awarding the contract oversees the verification of necessary documentation prior to registration. In addition, the RUPC enables contracting authorities to assess the performance of the contract by suppliers. In this context, the Mexican supplier registry provides a clear picture of public sector suppliers. It also decreases economic operators’ administrative burdens. They are not required to register again for following tenders, and to have access to data on the performance of contracts by suppliers (Gobierno de Mexico, 2020<sup>[10]</sup>).

### **2.2.2. Fees to integrate the national supplier registry**

The participation of economic operators in public procurement operations is not without costs. In addition to administrative costs that depend on the organisation and capacity of each economic operator and on the requirements related to public procurement processes, some countries introduced a fee to use the e-procurement system and/or to be part of the national supplier registry (see Table 2.1). Research shows that generally requiring a registration fee for suppliers and contractors could represent a barrier to participate in public procurement opportunities particularly for micro, small and medium sized enterprises (MSMEs) (EBRD, 2015<sup>[11]</sup>).

The registration in a supplier registry could be considered as a public service provided to businesses. However, it can be considered as a public service of a special nature as public entities and citizens are indirectly the final beneficiaries of this service – they are indeed the final beneficiaries of public procurement outcomes. In this context, some countries have not set any fees and cover the cost related to registries through general taxation (Kwatiah, n.d.<sup>[12]</sup>). The zero-fee policy will not only directly benefit economic operators, but also indirectly benefit public buyers because it incentivises the registration of more economic operators and, therefore, increases competition. When a country wants to set a fee for the registration, renewal or any other actions related to a supplier registry, it is recommended to set a fee that does not exceed the maximum cost incurred by the entity in charge of managing the process. If the price is equal to the cost incurred, this is known as the “No Profit, No Loss Policy” that is usually used in pricing services provided by public sector enterprises (Kwatiah, n.d.<sup>[12]</sup>). For instance, the public procurement law in Chile (*Ley N° 19.886 de bases sobre contratos administrativos de suministro y prestación de servicios*) mentions that the fees should cover the direct costs of operating the register while ensuring that the fees do not impede or limit the free and equal access to the registry (Biblioteca del Congreso Nacional de Chile, 2021<sup>[13]</sup>).

In addition, rational economic operators will undertake a cost-benefit analysis to assess whether or not they will be willing to pay a fee to be part of the supplier registry. However, if the registration is mandatory

prior to bid opening and with a fee, economic operators could perceive it as an obstacle to participate in public procurement opportunities. They will assess carefully the benefits of integrating the registry and the probability of obtaining a public contract.

The analysis of different registration fees in selected countries shows that countries have adopted different strategies, depending on their objectives (see Table 2.1).

For free such as in Mexico and Ecuador (Gobierno de Ecuador, 2022<sup>[14]</sup>) (Gobierno de Mexico, 2021<sup>[15]</sup>). In those cases, governments have a clear objective of easing the access of economic operators of all sizes to public procurement opportunities.

Registration fees depending on the category/size of economic operators (Micro / SMEs vs large enterprises). The main assumption is that the price paid for the supplier registry is more important for micro and SMEs. This means that these categories of economic operators are more sensitive to fees/ prices. For instance, in Chile, since 2019, the registration fee to the supplier registry module of “*Mercado Público*” for micro enterprises is 60% lower than the one for large enterprises. The differentiated fees aim at enhancing MSMEs access to procurement opportunities which will in turn have positive impact on the national economy (ChileCompra, 2019<sup>[16]</sup>).

Different registration fees depending on the online or paper-based registration process. For instance, in the Slovak Republic, the government aims at encouraging the digitalisation of public services. In this context, the fee set for a digital registration represents half the fee of a paper-based registration (Slovensko, 2021<sup>[8]</sup>).

Flat fees such as in Colombia. Regardless of the category of the economic operator, or the type of process (digital or paper based), economic operators must pay the same fee.

In any case, the registration in supplier registry is considered as a public service where no profit should be made. If not free of charge, the fee should reflect costs related to the registration for the entity in charge of managing the registry and/or validating the registration. The same logic should be followed for fees related to the renewal of registration or modifications. Indeed, in addition to registration fees, economic operators also consider the validity period of the registration (e.g., one year, two years, etc.), the frequency and the process to renew the registration and the related fees. For instance, in Colombia and Chile, fees should be paid on a yearly basis (although in Chile, MSMEs have the possibility to choose to pay registration fees for a period: 6 months or 1 year depending on their interest to participate in public procurement opportunities)<sup>3</sup>. In other countries, registration fees are paid for several years (e.g., Slovak Republic for 3 years).

**Table 2.1. Registration cost in selected countries benchmark**

Countries/cost	Registration fee	Renewal
Colombia	EUR 139 – for one year	EUR 139 – for one year
Slovak Republic	EUR 66 or EUR 33 (if online) - for 3 years	EUR 16.5 or EUR 8 (if online) - for 3 years
Chile	EUR 52.9 if Large company EUR 52 if SME EUR 21.2 if Micro enterprise For one year	EUR 52.9 if Large company EUR 52 if SME EUR 21.2 if Micro Enterprise For one year
Mexico	EUR 0	EUR 0
Ecuador	EUR 0	EUR 0

Note: 28 January 2022 exchange rates (1 EUR= CLP 890.81) (1 EUR= COP 4 412.5)

Source: (Slovensko, 2021<sup>[7]</sup>) (Gobierno de Mexico, 2021<sup>[14]</sup>) (ChileCompra, 2021<sup>[16]</sup>) (Gobierno de Ecuador, 2022<sup>[13]</sup>)

### 2.2.3. Simplifying requirements for registering suppliers

Streamlining and simplifying the registration requirements in supplier registries for economic operators could improve their participation in the public procurement market which could have a positive impact on procurement outcomes and value for money achieved (OECD, 2015<sup>[18]</sup>). This is particularly relevant when it is mandatory to be part of the national supplier registry to participate in public procurement opportunities. In addition to fees, different elements should be considered including: i) the documentation required and the validity period of the registration, and ii) the average time for getting enlisted in the registry (OECD, 2015<sup>[18]</sup>).

#### *Requiring only essential documentation and ensuring the integration of the supplier registry with other platforms*

Several documents and data are usually required from economic operators to be registered in a supplier registry. In most countries the process can be done virtually. Most registries across OECD countries require filling a registration form, proof of registration in the business registry, proof of financial and technical capacity and information on ownership. Table 2.2 provides a list of required documents or information to be part of supplier registries in Chile, Mexico, Slovak Republic and Colombia. Compared to other countries, the registration in the Colombian supplier registry (*Registro Único de Proponentes - RUP*) requires more documents and data.

**Table 2.2. Main required documents or data to register in the supplier registry in selected countries**

Documents or data	Chile	Mexico	Slovak Republic	Colombia
Online application form	X	X	X	X
Self-declaration that the company is not banned from participating in public procurement			X	
Business registration/ Certificate of existence and legal representation	(automatically provided)	X		X (*)
Extract from criminal record			X	
Information on ownership	X	X		X
Size of the company declaration				X
Past experience (certification of contract completion, past experience form signed by clients) (**)		X		X
Official authorisation to supply goods and services			X	
Financial and organisational capacity		X	X	X
Financial Situation Declaration				X
Proof of no arrears from the customs office			X	
Information on tax payment	(automatically provided)		X	X
Information on social security payment			X	X
Copy of professional card of the tax auditor				X
Certificate from the Central Board of Accountants for the tax auditor				X
Proof of payment of the administrative fee for registration			X	

Note: (\*) The certificate of existence and legal representation is not required for economic operators who are registered in the Mercantile Registry or the Registry of Nonprofit Entities (Registro de Entidades in Ánimo de Lucro), because these registration systems are also administered by managed by Chambers of Commerce. (\*\*) Economic operators can provide (i) certification signed by their client, or (ii) a copies of past contracts, purchase orders etc, whichever is easier for them.

Source: (Slovensko, 2021<sup>[77]</sup>) (Slovak Republic Government, 2020<sup>[18]</sup>) (Chile Compra, 2020<sup>[19]</sup>) (Gobierno de Mexico, 2021<sup>[14]</sup>) (Cámara de Comercio de Bogotá, 2019<sup>[20]</sup>)

The administrative burden is not only related to the data required or the number of documents, but also to the possibility to upload electronic documents and/or data from other platforms. Indeed, the use of electronic document and the interoperability of e-procurement systems with other government applications are a major vector for simplifying procedures for both contracting authorities and economic operators as it helps to significantly reduce the number of documents suppliers should submit (EBRD, 2015<sup>[11]</sup>) (European Commission, 2018<sup>[22]</sup>).

In Chile, for example, the registration in the supplier registry requires the registration in the e-procurement platform “*Mercado Público*” which is fully digital. Economic operators only have to complete one e-form application, after which the required data is uploaded from other governmental systems - interconnected with “*Mercado Público*”, such as the business registry and tax register among others (Chile Compra, 2020<sup>[20]</sup>).

Similarly to Chile, the registration in the RUPC (in Mexico) requires the registration in the Mexican e-procurement platform *CompraNet*. When registering in *CompraNet*, economic operators provide basic information and data. If the registered economic operator has a successful bid, this information is then verified by the contracting authority that will award the contract. This means that the information required for the RUPC is already uploaded from the virtual platform *CompraNet*, thus simplifying the registration process for bidders (Gobierno de Mexico, 2019<sup>[23]</sup>).

In the Slovak Republic and in Colombia, the registration processes are also digital. However, economic operators must upload documents to the relevant platforms / websites of supplier registry<sup>4</sup>.

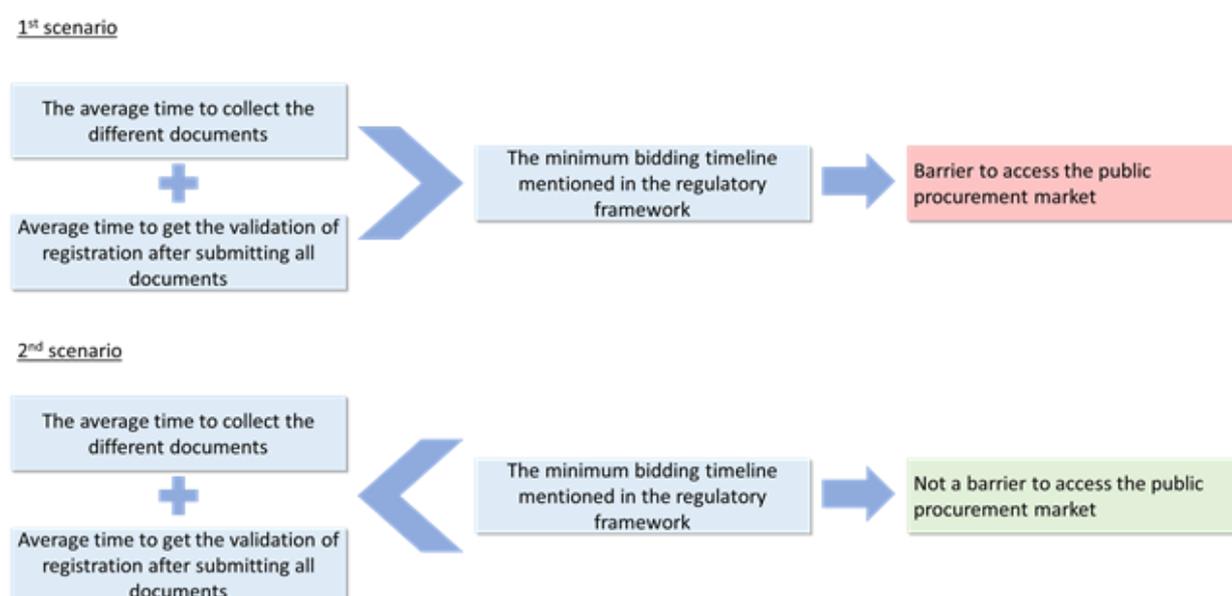
As described in Table 2.2, the documents required in Colombia’s RUP have a digital form that must be downloaded by economic operators, completed and then uploaded to the relevant platforms/ websites of supplier registry. Many of these documents require signature (digital for the online registration or manual for the physical registration), and others need to be obtained from other governmental bodies, such as the tax registry (Cámara de Comercio de Bogotá, 2021<sup>[24]</sup>)<sup>5</sup>.

In Korea, business registration certificates and tax-payment certificates are transmitted through appropriate data exchange interfaces. In addition to collecting information from external sources, information from KONEPS is also shared with 28 public entities and 34 private sector information systems (OECD, 2016<sup>[24]</sup>).

### *The average time for being enlisted in the registry and the timing for renewal*

When the registration in the supplier registry is mandatory to participate in public procurement opportunities (such as in Chile, Colombia, Korea and Ecuador), the timeline to get the different documents and the timeline to get enlisted in the registry is a key element to consider. Indeed, for the supplier registry not to be considered as a barrier to participate in public procurement opportunities, the average time to collect the different documents and the average time to get the validation of registration after submitting all documents should be lower than the minimum bidding timeline (the timeline between the publication of a procurement opportunity and the time limit to submit a bid) mentioned in the regulatory framework (see Figure 2.3). For countries such as the Slovak Republic where the integration of the supplier registry is voluntary, the timeline to finalise the registration does not represent a barrier to participate in public procurement operations.

**Figure 2.3. Barriers to access the public procurement market and timelines to integrate the supplier register**



In relation to the average time to collect the necessary documents, it is recommended that countries undertake a deep assessment and try to identify potential bottlenecks and appropriate mitigation measures. To ease the collection of documents and data available in other government's systems, conducting the process online and the interoperability between the supplier registry and other relevant systems and tools can help reduce barriers and costs and therefore simplify the procedures both for the procuring entities and the economic operators (European Commission, 2018<sub>[22]</sub>).

Regarding the timeline to get the validation of the registration after submitting all documents, Table 2.3 shows that it varies from one country to another in particular for countries where the registration in the supplier registry is mandatory to participate in public procurement opportunities. For instance, while in Ecuador, the registration is done instantly, and the verification is performed later by the contracting authority that awards the contract (Gobierno de Ecuador, 2022<sub>[14]</sub>). In Korea, the registration takes less than 8 Hours. In Colombia, however, Chambers of Commerce legally have up to 15 days to deliver the registry, as they need to check and validate documents and therefore registration is not automatic. This time limit has been extended to 20 days in accordance with Article 5 of Decree 491 of 2020 in response to the COVID-19 pandemic. This measure remained till May 22, 2022, when Article 6 was repealed by Law 2207/2022. Longer time limits could impact the access to public procurement opportunities.

**Table 2.3. Maximum legal timeline to complete the registration process in selected countries**

Country	Colombia	Korea	Mexico	Chile	Slovak Republic	Ecuador
<b>Time to complete the registration process</b>	15 days	Within 8 working hours	2 days	Immediate	15 days	Immediate

Source: (Slovensko, 2021<sub>[7]</sub>). (Gobierno de Colombia, 2020<sub>[25]</sub>) (Servicio Nacional de Contratacion Publica, 2020<sub>[26]</sub>) (Gobierno de Mexico, 2019<sub>[22]</sub>) (Chile Compra, 2020<sub>[19]</sub>) (Government of the Republic of Korea, n.d.<sub>[27]</sub>)

In addition, the third parameter to consider is the minimum legal time to submit bids in the different countries. For Chile and Ecuador, where the registration takes less than one day, the time limit to submit a bid varies between 5 and 30 days depending on the type of procurement processes (Gobierno de Ecuador, 2016<sup>[29]</sup>) (Chile Compra, n.d.<sup>[30]</sup>). In those countries, to evaluate whether or not the supplier registry can constitute a barrier to access the public procurement market, it is necessary to assess the average time to collect the different documents and data to register or renew the registration in the supplier registry.

In addition, the timeframe during which economic operators can renew their registration will impact also the efficiency of the system. Indeed, in some countries, such as Chile, suppliers can renew their validation status to contract with the public sector in the supplier registry 30 days prior to the expiry of the accreditation while in other countries like Colombia, economic operators can renew their registration only between January and mid-April every year.

### **2.3. Competition law and policy perspectives on supplier registries**

When assessing if a process or mechanism can represent a barrier to enter a specific market, the national competition authority is a key stakeholder. For the fact-finding for this report, the OECD held online meetings with the competition authorities of Colombia, Chile, Mexico, Peru and Ecuador. While competition authorities would not evaluate supplier registries, absent competition enforcement concerns or advocacy priorities, they investigate public tenders and the conduct of bidders, and may assess whether registries, and the way they are structured and operate, impede competition in public tenders or facilitate competition law breaches.

#### ***2.3.1. Can a supplier registry be a barrier to access the public procurement market?***

A supplier registry, like the RUP, can be a barrier to participate in public procurement opportunities when it directly or indirectly impedes suppliers from participating in tenders. The OECD Council has adopted a Recommendation on Competition Assessment, which encourages governments to identify existing or proposed public policies that unduly restrict competition (OECD, 2019<sup>[31]</sup>). According to this Recommendation, governments should give particular attention, among others, to policies that limit the number or range of market participants.

To support the Recommendation's implementation, the Competition Committee developed the OECD Competition Assessment Toolkit ("OECD Toolkit") (OECD, 2019<sup>[32]</sup>), which helps countries eliminate barriers to competition through a method that identifies unnecessary restraints on market activities and develop alternative, less restrictive measures that still achieve government policy objectives. The OECD Toolkit includes a checklist that enables countries to identify laws and regulations that have the potential to unnecessarily restrain competition. The checklist identifies as potential barriers the rules that restrict the ability of some economic operators to provide a good or service, as well as those significantly raising the cost of entry or exit by a potential supplier. The checklist signals that such rules should be analysed in-depth to determine their impact on competition and whether they are justified by public policy objectives.

In this context, and given their impact on the economy, supplier registries could be assessed in the framework of competition assessments. For instance, in the context of a competition assessment in Greece in 2017, the OECD analysed how public procurement registries can limit the number or range of suppliers (see Box 2.1).

### Box 2.1. Greek public works registries can affect competition for tenders

In Greece, in order to participate in public works tenders, individuals and companies are required to belong to registries where persons and companies are ranked depending on the nature of the activities that they can undertake, their experience, staffing and financial standing. Individuals are required to be registered in the Registry of Acquired Experience (MEK) and construction companies must register with the Registry of Contractors (MEEP). Companies can register in one or more categories of works, depending on their specialisation, and they are assigned one class (rank), on the basis of criteria set out by the law, principally their financial size, the number of personnel they employ and their fields of specialisation.

The categorisation and classification of a company is reflected in the call for tenders and the company's eligibility to participate in such tender. Only companies in a certain class (or classes) can participate in a tender for works of a given budget. Thus, registries serve as a pre-selection process tool, filtering individuals and companies that wish to participate in tenders according to their professional skills, experience and financial capacity. The contracting authority, when initiating a call for tenders, matches the budget and nature of the project being procured with the relevant classes in question, and therefore the pool of potential participants for any tender is known in advance.

After an in-depth assessment of the construction sector of Greece and the registries system in Greece, the OECD found that making class registration a requirement for participation in a tender created direct barriers to entry in that country. In particular, the OECD concluded that:

Tendering according to registries' classes could limit the number and range of bidders, by allowing participation only to those belonging to the class designated in the call for tenders and excluding all the rest. Limiting eligible operator participation can hinder competition and may result in worse price outcomes.

The time required for a company to register could result in a provider not being able to participate in a tender until the registration is finalised. The OECD pointed out that time and costs for registration did not burden firms of all sizes symmetrically; they tended to be greater for smaller firms.

The OECD recommended that class registration no longer be a requirement for participation in tenders, and that participation should be conditional on the economic operator fulfilling the criteria, requirements and qualifications specified in the call for tenders.

Source: (OECD, 2017<sup>[32]</sup>)

The OECD has not analysed public procurement registries from the perspective of the Recommendation on Competition Assessment in any other project apart from the one mentioned in Box 2.1. Discussions with competition authorities of Colombia, Chile, Mexico and Ecuador highlighted that they have not conducted a standalone analysis to evaluate whether the registries in their countries are a barrier to access the public procurement market. The Commission for the Elimination of Administrative Burdens (Comisión de Eliminación de Barreras Burocráticas) of Peru's competition authority Indecopi has reviewed questions around the lawfulness and reasonableness of the Peruvian suppliers' registry.

The OECD Council Recommendation on Fighting Bid rigging in Public Procurement (OECD, 2012<sup>[34]</sup>) also provides guidance on how to avoid suppliers' registries constituting a barrier to access the public procurement market. This Recommendation, notably, details actions to maximise the participation of potential bidders.

Regarding barriers for national companies, in its 2021 report “*Fighting bid rigging in the health sector in Peru: A review of public procurement at EsSalud*,” the OECD analysed the requirements for registering in the National Supplier Registry in this country (*Registro Nacional de Proveedores*, RNP) in light of the OECD Recommendation on Fighting Bid Rigging in Public Procurement. The RNP is an electronic platform composed of four registries covering different procurement categories: goods, services, consultancies for works, and works. The OECD concluded that the requirements for registering for works and consultancies were onerous. In particular, registration required proving past experience in works supervision or the elaboration of technical work files by submitting copies of documents. Suppliers not able to show evidence of experience were only allowed to participate in lower-value procurement procedures (where less or no experience is required). As a consequence, the OECD recommended that the requirements for registration should be reviewed and, if appropriate, made easier (OECD, 2021<sup>[35]</sup>).

The OECD Recommendation on Fighting Bid Rigging in Public Procurement (OECD, 2012<sup>[34]</sup>) also encourages countries to allow economic operators from other countries or from other regions within the country to bid. Box 2.2 provides an example of how supplier registries may restrict participation of foreign companies in public procurement.

### **Box 2.2. Restrictions concerning the participation of foreign companies in Brazil**

In the 2021 report “*Fighting Bid Rigging in Brazil: A Review of Federal Public Procurement*,” the OECD found that foreign bidders had traditionally faced a number of hurdles when participating in public procurement processes.

Importantly, in the past, foreign bidders had to obtain an authorisation from the Ministry of Economy in order to register in the national electronic registry of suppliers (*Sistema de Cadastramento Unificado de Fornecedores*, SICAF) and bid. The authorisation was not required where foreign companies participated in the processes as part of a consortium with local companies, which incentivised joint bids. Brazil lifted the requirement to obtain an authorisation in May 2020.

In addition, in the case of procurement for works and engineering services, the OECD found that most tender notices required that foreign companies and their engineers be registered in a Regional Council of Engineering and Agriculture (*Conselho Regional de Engenharia e Agronomia*, CREA). Foreign bidders were disadvantaged by CREA’s registration procedure as international experience was not recognised.

The OECD concluded that these restrictions artificially reduced participation in tenders. In the report, the OECD encouraged Brazil to consider measures to further relax the rules on tendering by international companies, as it had done by lifting the requirement to obtain an authorisation from the Ministry of Economy.

Source: (OECD, 2021<sup>[35]</sup>)

### **2.3.2. Supplier registries should integrate and centralise information relevant to bidders**

To ease the collection of documents, make efficient use of data available in other government’s systems, and, ultimately, reduce costs, time and effort for suppliers, it is good practice to ensure interoperability between the supplier registry and other public data-keeping systems. Efforts to streamline multiple data sources and reduce duplication among public procurement registries and other databases have been ongoing in other OECD countries.

In many OECD jurisdictions, companies that have been found guilty of bid rigging are debarred from participating in public procurement procedures for a period. Research from the OECD shows that

jurisdictions impose debarment either automatically, or at the discretion of the procurement (usually) or competition (rarely) authority. In some OECD Members, supplier registries mark debarment decisions, thus helping contracting authorities exclude the convicted supplier.<sup>6</sup>

For example, in the United States procurement officials must check the System for Award Management (SAM), an on-line registry that consolidates different legacy databases and systems used in U.S. federal procurement and awards processes, to see if an exclusion exists (see Box 2.3). Germany follows a different approach: there is no central supplier registry but there is a central registry with information on any white-collar crime that may have been committed by companies that bid for public contracts. This is the so-called Competition Register for Public Procurement, which is kept by the Bundeskartellamt (Germany's competition authority), and contains information about convictions, penalties and fines related to economic offences, including: corruption and bribery; human trafficking; criminal or terrorist organisations; terrorist financing; fraud; anti-competitive agreements including bid rigging; labour law crimes; money laundering, and tax evasion. The data inputs are sent by bodies that have information on economic offences, such as public prosecution offices or customs authorities as well as the Bundeskartellamt itself.

### **Box 2.3. The United States System for Award Management (SAM)**

The U.S. System for Award Management (SAM) is a free-to-use website owned and operated by the US federal government. It serves to:

- Register to do business with the U.S. Government
- Update, renew, or check the status of entity registration
- Search for entity registration and exclusion records.

SAM is a platform that draws upon and integrates several supplier information sources, the Central Contractor Registration (CCR) and the Excluded Parties List System (EPLS).

The CCR was the federal government's primary vendor database that collected, validated, stored and disseminated vendor data in support of agencies' acquisition processes. Only vendors registered in the CCR were eligible for federal contracts. Once vendors were registered, their data were shared with other federal electronic business systems that promote paperless communication and co-operation between systems. CCR's information and capabilities were transferred into SAM.

The EPLS was a web-based system that identified parties excluded from receiving federal contracts, certain subcontracts, and certain types of federal financial and non-financial assistance and benefits. The EPLS was updated to reflect government-wide administrative and statutory exclusions, and also included suspected terrorists and individuals barred from entering the United States. The user was able to search, view, and download current and archived exclusions. If an entity or its principals are subject to an exclusion, they are not eligible to be awarded contracts by any federal agency. All the exclusion capabilities of the EPLS were transferred to SAM in November 2012.

Source: (U.S Government, 2021<sup>[36]</sup>)

### **2.3.3. Annual registration renewal can be burdensome**

Many supplier registries (including the RUP) require, in addition to first-time registration, regular renewal. This means that economic operators should consider not only original registration time, efforts and fees but also the duration of the registration, requirements to renew the registration in order to keep it valid and renewal fees.

A requirement to renew the registration annually is not always burdensome. However, in some instances the obligation to renew the registration annually can be burdensome. For instance, in Argentina, for the public works registry, registered economic operators were required to file a new registration every year (OECD, 2019<sup>[38]</sup>). The OECD recommended that registered economic operators should be allowed to update information contained in the registry but not be required to file a new registration application every year. In 2015, the Commission for the Elimination of Administrative Burdens of Peru's competition authority Indecopi identified the obligation of annually renewing the registration to the Peruvian service suppliers' registry as an administrative burden that can be subject to a reasonableness test (Indecopi, 2015<sup>[39]</sup>) (see Box 2.4).

### **Box 2.4. Annual renewal of registration can be burdensome**

#### **The annual renewal of registration in the Argentinian public works registry – The OECD recommendations**

In 2018 the OECD reviewed Argentina's federal procurement of public works. Argentina spends a significant portion of public resources on contracting public works: ARS 232 billion were budgeted for 2018, 40% of which was allocated to transport infrastructure; ARS 215 billion were budgeted for 2019. Procurement of public works is particularly challenging because of the works' magnitude, budget implications and technical complexity. The OECD provided recommendations to align Argentinian federal public-works procurement regulations and related procurement practices with the OECD Recommendation and Guidelines on Fighting Bid Rigging in Public Procurement.

Among others, the OECD reviewed Argentina's National Registry of Constructors. This Registry gathers a wide range of information about the technical and economic capacities of companies that wish to participate in public-works tenders and certifies them according to their estimated capacity, speciality and market category. This certification is valid for one year.

The OECD found that the Registry can be a valuable tool for the public administration and potential bidders as it lowers bidding and bid-checking costs and times. However, the OECD pointed out that annual repeat registration could be burdensome and recommended that registered contractors should not be required to re-apply for registration every year, but only allowed to update information contained in the Registry when relevant. The OECD also recommended that Argentina consider integrating the Registry in its electronic procurement system *contrat.ar*, to avoid registration duplication.

#### **The annual renewal of registration to the Peruvian service suppliers' registry- the findings of the competition authority Indecopi**

In 2015, the Commission for the Elimination of Administrative Burdens (*Comisión de Eliminación de Barreras Burocráticas*) of Peru's competition authority Indecopi reviewed the obligation of annual renewal of registration to the Peruvian service suppliers' registry (*Registro de Servicios del Registro Nacional de Proveedores*). The Commission qualified this obligation as an administrative burden, since a supplier needs to annually renew registration to be able to remain in the public procurement market and noted that it can be reviewed for reasonableness and proportionality, as well as for lawfulness. The Commission did not examine reasonableness in that case, as the complainant failed to raise specific arguments that the annual renewal process was unreasonable, and rather objected against the process of renewal in general.

Legislative Decree 1341 of January 2017 and amended Peruvian public procurement law 30225 (adopted in July 2014 and effective from January 2016) and turned registration to the RNP into a one-off process for indefinite duration, without an annual renewal obligation. Registered suppliers should only update their information, if it changes. This reduces administrative burden, time and effort for suppliers.

Source: (OECD, 2019<sup>[37]</sup>) (Indecopi, 2015<sup>[39]</sup>) (OECD, 2017<sup>[40]</sup>)

## Notes

<sup>1</sup> Economic operators are defined as any person and/or entity which offer the execution of works, the supply of products or the provision of services on the market, irrespective of the legal form under which they have chosen to operate.

<sup>2</sup> In the Slovak Republic there is a registry called the Register of Public Sector Partners (RPVS) which is managed by the Ministry of Justice. This registry which aims at identifying illegal activities of ghost companies that receive public funds for money laundering and terrorism financing is not considered as a supplier registry. However, economic operators are required to register for RPVS before signing the contract with the public sector.

<sup>3</sup> In Chile, the registration fee that Micro enterprise have to pay for 6 months is EUR 12 and for SMEs for 6 months is EUR 28,2 (28 January 2022 exchange rates (1 EUR= CLP 890,81)).

<sup>4</sup> In Colombia, the supplier registry is managed by Chambers of commerce (see section 2.1.1). However, there is no single supplier registration platform. Therefore, economic operators must upload documents on the website of each Chamber of Commerce of the city/jurisdiction where they are located.

<sup>5</sup> However, according to the information provided by the Chamber of Commerce of Bogota, economic operators can fill out the form virtually in the registration at the Chamber of Commerce of Bogota. It also displays the information that is already registered in the RUP and in the Mercantile Registry and Non-Profit Entity, as appropriate.

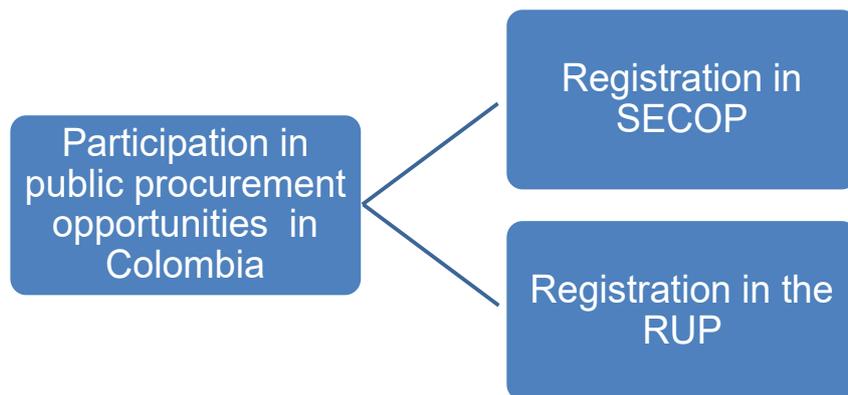
<sup>6</sup> RUP marks suppliers that cannot contract with the state after being found guilty of corruption and transnational bribery.

# 3. Towards a more efficient public procurement registry system in Colombia

## 3.1. The need to register in different platforms to participate in public procurement opportunities in Colombia

In 2019, public procurement accounts for 11.4 % of GDP in Colombia (OECD, 2021<sup>[1]</sup>). In general, the participation in public procurement processes in Colombia requires registration in two systems: i) the Single Suppliers Registry (*Registro Único de Proponentes* - RUP) which is a registry of qualified potential suppliers for public procurement processes and ii) the e-procurement platform SECOP (*Sistema Electrónico para la Contratación Pública*) which enlists the actual and potential suppliers of the public sector (see Figure 3.1).

**Figure 3.1. The need to register in two platforms to participate in public procurement opportunities in Colombia**



### 3.1.1. The RUP: State of Play

The RUP has been in place since 1993. The public function of managing this registry has been delegated to Chambers of Commerce by law:

- Law 80/1993 (which then was modified by Law 1150/2007, and Decree Law 019 2012) and,

- Regulated by Decree 1082/2015 and the single Circular 2/ 2016 of the Superintendency of Industry and Commerce (SIC).

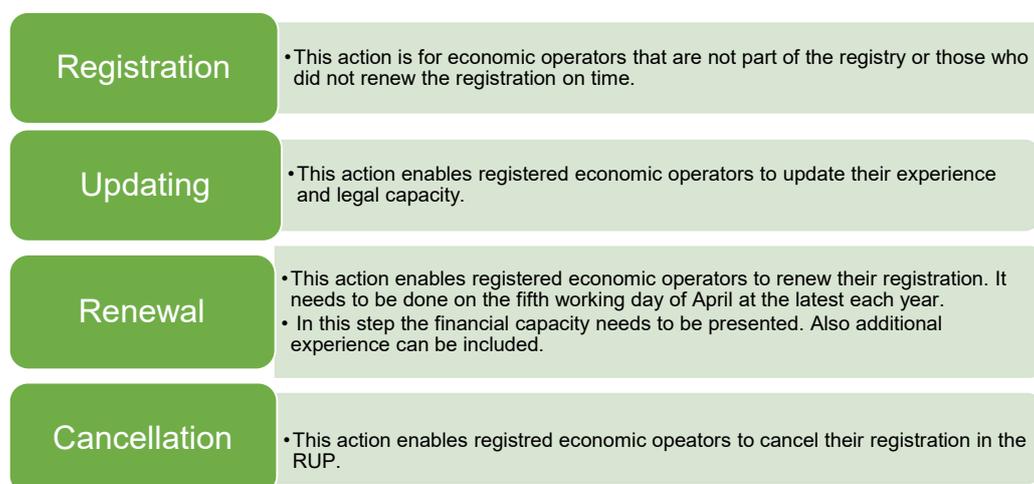
Article 6 of Law 1150/2007 provides that this registry serves primarily to give the right to natural and legal persons (national or foreign) to participate in public procurement opportunities in the country. When established, the RUP aimed at:

- Unifying the list of potential suppliers at the national level
- Streamlining processes and decreasing costs for potential suppliers
- Centralising the storage of the potential suppliers' various documents in the Chambers of Commerce
- Enhancing the transparency of the procurement process by mandating the independent third party (Chambers of Commerce) to verify the requirements of potential bidders
- Decreasing the documentation required to participate in public procurement opportunities (Confecámaras, 2021<sup>[42]</sup>)

In Colombia, there are 57 Chambers of Commerce across the country and each of them manages the registry within its geographical scope.

There are four procedures related to the RUP: i) the registration, ii) the yearly renewal of the registration, iii) the update of the information available in the registry (when needed), and iv) the cancellation of the registration (see Figure 3.2).

**Figure 3.2. Procedures performed by economic operators in the RUP**



Source: (Confecámaras, 2021<sup>[41]</sup>)

In addition, public entities should report in the RUP fines/ penalties, sanctions, disqualification (inhabilidades) and information on the performance of the contract.

In order to be part of the RUP, economic operators need to submit a form with specific information and provide relevant documents related to their i) legal capacity, ii) financial, organisational capacity and, iii) experience (see Figure 3.3).

**Figure 3.3. Requested information to register and renew the registration in the RUP**

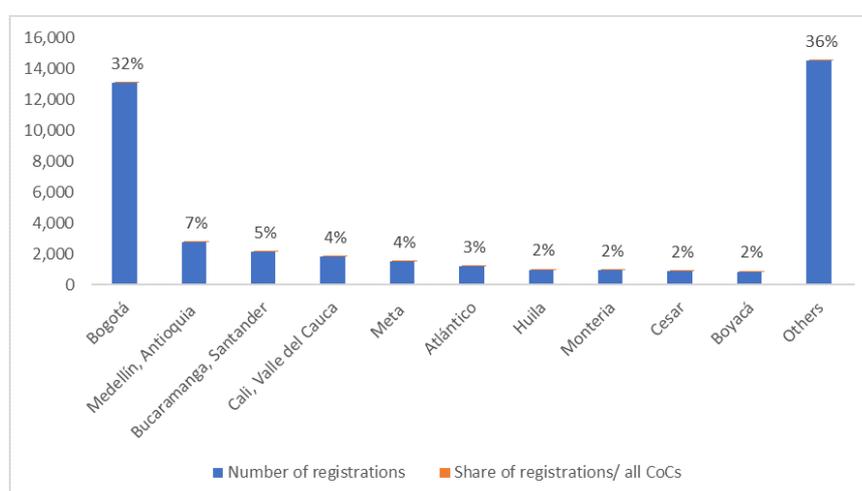
1) Legal capacity	2) Financial and Organisational capacity	3) Experience
<ul style="list-style-type: none"> <li>• <b>Legal national persons:</b></li> <li>• Commercial register</li> <li>• <b>Legal foreign persons:</b></li> <li>• Certificate of existence and legal representation</li> <li>• <b>Natural persons:</b></li> <li>• Citizenship card or foreigner's identity card</li> <li>• <b>For everyone</b></li> <li>• Parafiscal declaration (Art. 50 Law 789/2002): A statement under oath needs to be signed to prove that the information is valid. (Chambers of Commerce are not going to verify if this information is truthful)</li> <li>• Copy of the Single Tax Registry RUT (<i>Registro Único Tributario</i>)</li> <li>• Professional Accountants Card</li> <li>• Certificate of disciplinary record</li> </ul>	<ul style="list-style-type: none"> <li>• To prove the <b>financial capacity:</b></li> <li>• Liquidity ratio = Current assets / Current liabilities</li> <li>• Debt ratio = Total liabilities / Total assets</li> <li>• Interest coverage ratio = Operating Income / Interest Expenses</li> <li>• To prove the <b>organisational capacity:</b></li> <li>• Return on equity</li> <li>• Operating income/Equity</li> <li>• Return on assets</li> <li>• Operating Income / Total assets</li> <li>• Requested financial statements (International financial reporting standards IFRS) are required according to the size of the company:</li> <li>• IFRS I Large size</li> <li>• IFRS II Medium and small size</li> <li>• IFRS III Micro size</li> </ul>	<ul style="list-style-type: none"> <li>• Economic operators must register :</li> <li>• Certificate of past experience provided by past clients or a copy of past contracts: Public and private (national or foreign)</li> <li>• The identification of goods, services, and public works needs to be in accordance with the UNSPSC (<i>United Nations Standard Products and Services Code</i>) classification</li> <li>• The value of the contracts</li> <li>• The date of execution</li> <li>• If there are no contracts, only orders, "sales certificate" are also valid</li> </ul>

Note: Additional information and formats could be asked depending on the size of the company.

Source: (Colombia Compra Eficiente, 2018<sup>[42]</sup>) (Camara de Comercio Casanare, 2021<sup>[43]</sup>)

In the recent years, Colombia has taken initiatives to streamline RUP processes. In 2015, the procedures related to the RUP were digitalised in accordance with Decree Law 019 2012. This digitalised process was further accelerated due to the COVID-19 pandemic. Confecámaras, the confederation of Chambers of Commerce in Colombia, is supporting the digitalisation efforts of the majority of Chambers of Commerce. Indeed 53 Chambers of Commerce (out of 57) are using a platform provided by Confecámaras to digitalise RUP processes. Each of the other Chambers of Commerce (Bogotá, Medellín, Cali and Bucaramanga) have developed their own digital platform for the RUP operations. As described in Figure 3.4, those four Chambers of Commerce are the ones that account for the largest number of registered suppliers. Almost half of registered economic operators in the RUP (49 %) are registered through these Chambers of Commerce.

**Figure 3.4. Number and share of registered suppliers in the RUP in all the 57 Chambers of Commerce**



Note: CoC stands for Chambers of Commerce. "Others" include the rest of 47 CoC

Source: (Confecámaras, 2021<sup>[41]</sup>)

In addition, the registration in the RUP is not mandatory to participate in public procurement opportunities under certain circumstances. Those cases are listed in article 6 of the Law 1150/2007 (see Box 3.1). Furthermore, foreign suppliers that are not domiciled in Colombia, are not required to register in the RUP.

### Box 3.1. Situations where the registration of economic operators in the RUP is not needed

- Direct award
- Contracts regarding health services
- Contracts whose value does not exceed 10% of the small budget account item of each entity
- Contracts whose object is the acquisition of state assets
- Contracts for the procurement of products of agricultural origin
- Contracts whose direct object is the commercial and industrial activities of the state's industrial and commercial enterprises and mixed economy companies
- Concession contracts

Note: In the aforementioned cases, each procurement authority must check and verify all the conditions and requirements of the suppliers.

Source: (Gobierno de Colombia, 2007<sup>[44]</sup>)

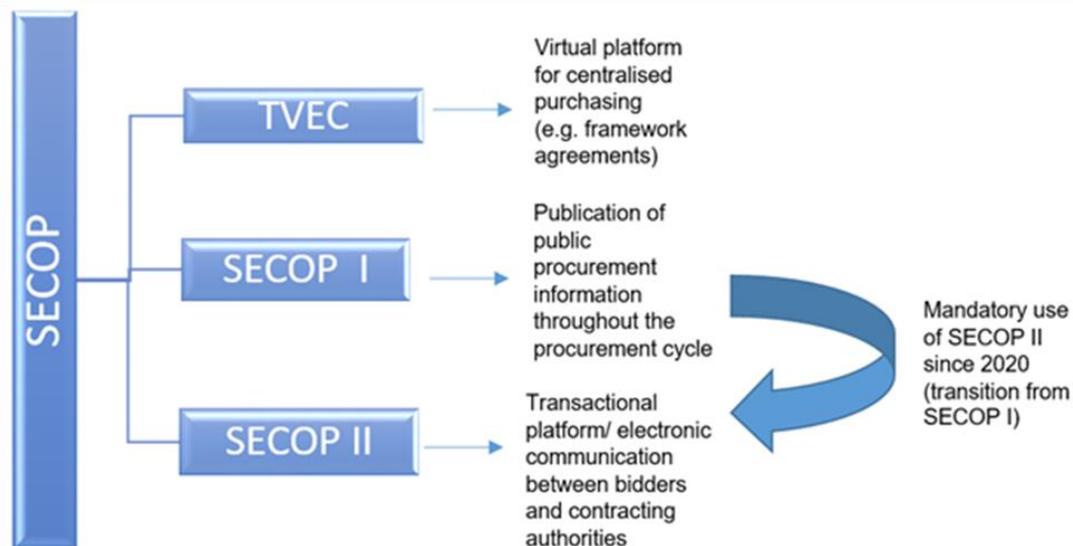
To support economic operators regarding RUP processes, Chambers of Commerce implemented a helpdesk to respond through telephone and e-mail.

#### 3.1.2. SECOP: State of Play

The e-procurement system in Colombia, SECOP, was created by article 3 of the Law 1150/2007. It is administered by *Colombia Compra Eficiente* - CCE, the public procurement authority in Colombia. Currently, SECOP consists of the three platforms: (i) SECOP I; (ii) SECOP II and, (iii) the TVEC (*Tienda*

*Virtual del Estado Colombiano*) which is the virtual marketplace of the Colombian State for framework agreements and other instruments of demand aggregation (see Figure 3.5)

**Figure 3.5. Snapshot of the different platforms within SECOP**



Source: Prepared based on (Colombia Compra Eficiente, 2018<sup>[45]</sup>) (Colombia Compra Eficiente, 2020<sup>[46]</sup>) (Díaz et al., 2019<sup>[47]</sup>)

SECOP I is a platform where contracting authorities have to publish information on public procurement processes. The use of this platform is mandatory since 2011 (Botero, 2020<sup>[48]</sup>). Contracting authorities must publish in SECOP I all documents related to procurement processes, throughout the procurement cycle, including procurement opportunities, unless they do it in SECOP II (Colombia Compra Eficiente, 2020<sup>[46]</sup>).

SECOP II was launched in 2015 (Gobierno de Colombia, 2015<sup>[50]</sup>) (Colombia Compra Eficiente, 2017<sup>[51]</sup>). In addition to the functionalities provided by SECOP I, SECOP II is also a transactional platform (Osorio, 2018<sup>[52]</sup>). It also enables contracting authorities and bidders to communicate electronically. In particular it enables bidders to submit electronically their bids, and contracting authorities to issue electronic contract awards (Colombia Compra Eficiente, 2018<sup>[43]</sup>). The use of SECOP II by contracting authorities is only mandatory since 2020 when a progressive deployment plan of mandatory use was launched by CCE (Colombia Compra Eficiente, 2019<sup>[53]</sup>) (Colombia Compra Eficiente, 2018<sup>[46]</sup>). However, in practice, the platform is not used by all contracting authorities in the country, in particular at the local level (Botero, 2020<sup>[49]</sup>). Therefore, to find comprehensive data on public procurement procedures, both SECOP I and SECOP II can be consulted, in addition to TVEC for call-off procedures of framework agreement.

The electronic marketplace TVEC is used to procure goods or services that are available through framework agreements and other instruments of demand aggregation administered by CCE. The registration of economic operators in SECOP II and TVEC is free of charge (Colombia Compra Eficiente, 2018<sup>[46]</sup>).

### 3.2. Main challenges identified in the RUP

In 2020, the data provided by Confecámaras through RUES shows that Colombia accounted for 1 487 821 companies at the national level. However, only 40 672 companies were registered in the RUP which represents less than 3% of all Colombian companies (Confecámaras, 2021<sup>[42]</sup>). While not all companies

are operating in relevant sectors for public entities, in some sectors, the share of companies registered in the RUP could be improved. For instance, usually governments spend important shares of their procurement budget in public works, in particular in the context of recovery plans (La República, 2020<sup>[54]</sup>). However only 10% of companies operating in the construction sector are registered in the RUP (Informa Colombia S.A, 2021<sup>[55]</sup>) (Confecámaras, 2021<sup>[42]</sup>). In addition, the participation of MSMEs has decreased in recent years, from 30 % by number of contracts and 37 % by the procurement volume in 2015, to 18 % and 17 % in 2018, respectively (Departamento Nacional de Planeación, 2021<sup>[5]</sup>). This could be due to several reasons including the administrative burden to participate in public procurement opportunities.

This section aims at identifying the main challenges regarding the RUP and its implications in terms of participation of economic operators of different sizes in public procurement opportunities; it also aims at providing the Colombian government with concrete recommendations to enhance the system in place.

### 3.2.1. Reducing the duplication with SECOP

As mentioned earlier, economic operators willing to participate in public procurement opportunities need to be registered in both the RUP and SECOP II (except in specific cases). When analysing the data and documents to be registered in both platforms, there are clear duplications which increase the administrative burden for economic operators (see Table 3.1). For instance, both SECOP and RUP require information about experience (although under a different format and SECOP only requires self-declaration without requiring the signature from the past clients unlike RUP), financial statements and certificate of existence of legal representation.

**Table 3.1. Required documents to register in SECOP and RUP**

Documents / Data	RUP	SECOP II
Online application form	X	X
Business registration/ Certificate of existence and legal representation (*)	X	X
Information on ownership	X	
Past experience (certification of contract completion, past experience form signed by clients) (**)	X	X
Information on tax payment	X	
Financial situation declaration	X	X
Financial and organisational capacity	X	X
Authorisation of data treatment		X
Information on social security payment	X	
Size of the company declaration	X	
Copy of professional card of the tax auditor	X	
Certificate from the Central Board of Accountants	X	

Note: (\*) In the RUP, the certificate of existence and legal representation is not required for economic operators who are registered in the Mercantile Registry or the Registry of Nonprofit Entities (Registro de Entidades in Ánimo de Lucro), because these registration systems are also administered by managed by Chambers of Commerce. (\*\*) In the RUP, the experience form requires the signature by all the past clients. Economic operators can provide (i) certification signed by their client, or (ii) a copies of past contracts, purchase orders etc, whichever is easier for them. In the SECOP only requires self-declaration by potential bidders without requiring the signature from the past clients

Source: (Colombia Compra Eficiente, 2020<sup>[55]</sup>) (Colombia Compra Eficiente, 2018<sup>[45]</sup>) (Cámara de Comercio de Bogotá, 2019<sup>[20]</sup>)

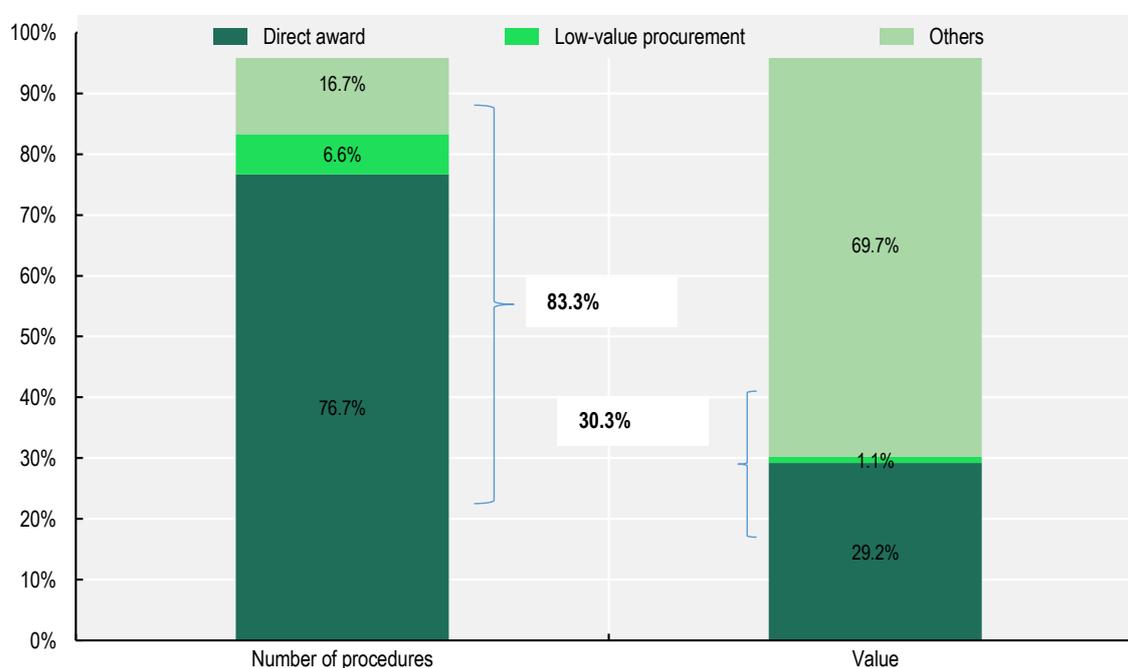
Aware of the need to streamline the registration process and the duplication of information required, the Chambers of Commerce and CCE are working towards the integration of the information of the RUP within SECOP. Indeed, Confecámaras and CCE mentioned the organisation of several working meetings between the two institutions and the advancement of the integration process between the two platforms. They also mentioned upcoming projects of integrating the RUP and SECOP with the one-stop-shop for businesses (Ventanilla Única Empresarial - VUE) (Ministerio de Comercio, 2017<sup>[57]</sup>) (Gobierno de

Colombia, 2021<sup>[58]</sup>). However, despite the integration of RUP data in SECOP, there is no concrete plan to do the reverse, i.e., integrate SECOP data in the RUP. Indeed, as mentioned in section 0, according to Chambers of Commerce, one of the most consuming tasks in RUP processes is the verification of economic operators' experience. While economic operators can provide experiences from the public and private sectors in the RUP, the integration of information on the performance of public contracts from SECOP would substantially reduce the verification costs and time.

The need to register in two platforms could still be questionable. Indeed, to enhance the access to public procurement opportunities, it is recommended to streamline the process for economic operators and to reduce the administrative burden. This could include the registration in only one platform (OECD, 2015<sup>[2]</sup>). In Colombia, the fact that Chambers of Commerce manage the RUP and thus validate the capacity of economic operators is related to historical reasons, as the RUP was established in 1993. At that time, e-procurement systems did not exist in most countries and the implementation of the RUP was a major step towards enhancing the efficiency of the procurement system. However, with the implementation of the e-procurement system SECOP, the benefits of the RUP managed separately are fewer.

The RUP does not capture information on a significant portion of suppliers of the public sector, who are exempted from registration in the RUP (see Box 3.1). When analysing public procurement data from 2020, it seems that a significant share of contracts (30.3% in value and in 83.3% in numbers of procedures - only for direct award and low-value procurement) were awarded through procedures for which the registration in the RUP is not mandatory (see Figure 3.6).

**Figure 3.6. Share of public procurement contracts in value and in number where the registration in RUP is not mandatory, 2020**



Note: Direct award and low-value procurement are not subject to the mandatory registration in RUP. Low-value procurement refers to contracts whose value does not exceed 10% of the small budget account item of each entity

Source: based on (Ministerio de Tecnologías de la Información y las Comunicaciones, 2022<sup>[58]</sup>)

Data from SECOP I and SECOP II enables to collect information on all actual suppliers of the public sector and potential suppliers registered in SECOP II including foreign suppliers not domiciled in Colombia. In general, SECOP does not certify the qualification of potential suppliers. However, when the RUP is not mandatory, or when contracting authorities have some specific requirements that go beyond the RUP ones, bidders are asked to provide evidence for specific requirements such as financial capacity and past experiences through SECOP (see Table 3.1).

In addition, CCE is currently advancing the integration of tax information from Colombian businesses (data provided by the National Directorate of Taxes and Customs) with SECOP. From a technical viewpoint, SECOP could also enable the possibility to validate/ certify the capacity of potential bidders. This will require additional investments and the integration with other systems including the Chambers of Commerce's business registry. This option is adopted by OECD countries such as Chile, Korea and Mexico.

Another argument in favour of having only one platform is that foreign suppliers not established in Colombia are not required to register in the RUP. They only need to provide in SECOP documents attesting their qualification. This could be considered as discriminatory regarding national companies or foreign companies established in Colombia. In countries like Chile, foreign suppliers are also required to register in the supplier registry and to pay the registration fee.

In this context, Colombia has two options i) requiring in the medium to long term economic operators to register only in SECOP and enabling through the same platform the verification and validation of the capacity of potential suppliers of all kinds and origins or ii) furthering the data integration between SECOP and the RUP.

### ***3.2.2. Reducing the administrative burden for economic operators and the entity in charge of managing the registry***

Reducing the duplication between SECOP and RUP is key to decreasing the administrative burden for economic operators and the entity in charge of managing the registry. However, there are other elements to consider to further lower the administrative burden, such as the necessity for certain documents and data, and the need to integrate the supplier registry with other governmental platforms to reduce the information submitted by potential bidders.

#### *Reducing the number of documents and data required at the registration stage*

Similarly to other countries, the registration in the supplier registry requires the provision of a certain number of documents and data. However, in Colombia, the registration in the RUP requires the submission of more documents and information than SECOP or other supplier registries in different countries. For instance, no other country requires the copy of professional card of the tax auditor or the certificate from the Central Board of Accountants for the tax auditor.

In addition, some documents and data could be required at the tendering phase. For instance, in Colombia, the registration in the RUP requires the provision of proof of past experience without specifying any time limit (e.g., in the last 3 years). To prove their past experience in the RUP, economic bidders must provide a form signed by all relevant past clients or provide copies of signed contracts and certificates of contract completion. Given that it is challenging to obtain the signature of previous clients, economic operators usually provide the signed contracts and the certificate of contract completion. The provision of these documents at the registration or renewal stage represents a significant burden for both the economic operators and the entities managing the supplier registry (currently chambers of commerce). Furthermore, in Colombia, in addition to the registration in the RUP, contracting authorities may request bidders to provide supporting documents regarding their past experience for each procurement procedure based on its value and complexity, which further increases the administrative burden for bidders. In this context,

Colombia could consider not requesting at the registration or renewal stage information on past experience or requesting economic operators to only provide a self-declaration on past experience. In addition, supporting documents related to the past experience shall be requested only to the successful bidder for each tendering procedure. Therefore, contracting authorities should oversee collecting and verifying past experience. Leaving the function of verifying past experience to contracting authorities could significantly reduce the time and the cost related to the validation of the registration or renewal processes for the entity managing the supplier registry. This reinforces the accountability of contracting authorities as there is no external validation of the process as in many countries. In Chile, for example, the information related to the experience of economic operators is not requested at the registration or renewal stage. However, it is required by contracting authorities for each tendering procedure. (Chile Compra, 2020<sup>[20]</sup>). In addition, the past experience required from economic operators should be limited to a specific timeframe and proportionate to the complexity and value of the procurement opportunity.

### *Advancing the integration of the supplier registry with other platforms*

In many countries, the registration in the supplier registry requires filling a form and providing specific documents and data. In Colombia, economic operators are required to submit numerous documents and data to register or renew the registration in the RUP. Usually, the form itself or the data required is not an issue itself. The issue is more related to the lack of integration of the data included in the form or in other documents needed for the registration or renewal with other platforms. Indeed, in Colombia, although the registration and renewal processes can be done digitally since 2015, the RUP is not yet integrated with some governmental platforms such as the tax register system (RUT) and the social security platform that is managed by the Pension and Parafiscal Management Unit –UGPP of the Ministry of Finance. Resolution 000110 of October 2021 of the National Directorate of Taxes and Customs provided the staff of Chambers of Commerce with access to the tax system (RUT), so that they could verify the information related to the fiscal compliance submitted by potential bidders. However, it does not mean that the RUT data are integrated in RUP (Dirección de Impuestos y Aduanas Nacionales, 2021<sup>[60]</sup>). The integration of the supplier registry with additional platforms will further lower the administrative burden for economic operators and the verification costs for the entity managing the registry.

In Chile, for example, economic operators do not need to submit any documents for the registration in the supplier registry. They only need to input their “business number” in the supplier registration page within *Mercado Público*, and the information is automatically and instantly uploaded from other government systems interconnected with *Mercado Público*.

The different recommendations related to reducing the administrative burden discussed in this section will contribute to decreasing the costs (and, by extension, the fees) related to RUP processes which will be discussed in the next section.

### **3.2.3. Reducing the fees related to the RUP**

The registration and renewal of registration in a supplier registry is considered as a public service provided to businesses. In Colombia, the registration within the RUP is managed by Chambers of Commerce, exercising public functions delegated by law.

The different fees related to RUP processes are determined by the government in Decree 1074/2015 and Decree 2260/2019. Prior to 2019, these fees were adjusted annually to the applicable legal minimum monthly wage. As of 2020, they are adjusted to the “Tax value unit” (*Unidad de Valor Tributario – UVT*) (See Table 3.2 for the fees in 2022).

**Table 3.2. Fees related to the RUP for 2022**

Registration and renewal	EUR 139 (UVT* 16.17)
Update	EUR 74 (UVT 8.64)
Certificates	EUR 13 (UVT 1.46)
Copies	EUR 0.7 (UVT 0.08)

Note: The copies serve only for evidence effects, to have specific information. UVT refers to Unidad de Valor Tributario (tax value unit). 1 UVT in 2022 = COP 38 004 = EUR 8.61, 1 EUR= COP 4 412.5 as of 28<sup>th</sup> of January 2022.

Source: (Confecámaras, 2021<sup>[41]</sup>) (Cámara de Comercio de Bogotá, 2022<sup>[60]</sup>)

### *RUP fees in Colombia are substantially higher than in other countries*

Compared to other countries, the fees to register in the RUP are higher, which could represent a barrier for economic operators, particularly MSMEs, to participate in public procurement opportunities. For instance, in countries like Mexico and Ecuador, the registration is free of charge. In those countries, the government is covering the costs related to the supplier registry through public funds. For large companies, the registration fees in Colombia are 2.7 higher than in Chile. The difference for micro-enterprise is even higher (6.75 times). These findings apply also to the renewal fees. However, it is worth mentioning that the fees in those countries do not reflect the same tasks performed by the entities in charge of the registration and renewal processes (see next section).

Stakeholders at the national level such as the business association representing MSMEs, ACOPI (Asociación Colombiana de las Micro, Pequeñas y Medianas Empresas), also highlighted the impact of such fees on the participation of economic operators in public procurement opportunities. To enhance the access to public procurement opportunities, the Colombian government should consider reducing or eliminating the fees related to the RUP. This could be done using public funds to cover RUP costs and/or reducing the administrative burden that increases the related costs.

### *The need to assess the costs related to RUP processes*

Currently, RUP processes are carried out by Chambers of Commerce for which they might represent a reasonable size of their revenues. For instance, RUP generated 3% of the ordinary income of the Chamber of Commerce of Bogotá and the Chamber of Commerce of Cali in 2020 (Cámara de Comercio de Cali, 2021<sup>[62]</sup>) (Cámara de Comercio de Bogotá, 2021<sup>[63]</sup>), and 6.2% for the Chamber of Commerce of Barrancabermeja (Cámara de Comercio de Barrancabermeja, 2021<sup>[64]</sup>). However, no concrete data or study has been undertaken to assess the real cost for Chambers of Commerce of maintaining the RUP and performing the different processes.

In relation to the registration and renewal of registration in the RUP, Chambers of Commerce are responsible for certain tasks that involve several costs, including labour costs related to the different operations and the help desk, and other costs related to IT equipment, office space, and marketing to promote the RUP. Indeed, in addition to verifying if the information provided by economic operators is consistent with the information available within Chambers of Commerce, they are also responsible for verifying the financial capacity of economic operators and their past experience, which is the most time-consuming and burdensome task. Based on discussions with Chambers of Commerce, depending on the experience provided by economic operators, the overall registration and/or renewal process can take between 2 hours and a few days. Such variations on the verification time arise mainly from the different documents provided by economic operators to prove their experiences (see section *Reducing the number of documents and data required at the registration stage*). In countries like Mexico and Ecuador, as the past experience of suppliers is required only at the tendering stage, contracting authorities are the ones in

charge of the verification process which has significant impacts on costs as they are spread across contracting authorities. In this context, the Colombian government could consider undertaking an assessment of the costs related to the different operations required to maintain and operate the RUP in large and small Chambers of Commerce. Indeed, this assessment could support the government in i) setting appropriate fees for operations related to the RUP, ii) reducing the administrative burden related to RUP processes and choosing the best option related to the management of the RUP (Chambers of Commerce operating the RUP independently from SECOP vs integrating the RUP in SECOP that is managed centrally by CCE).

In addition, while the integration of data from RUP to SECOP has been advancing, the integration of data on the performance of public contracts from SECOP to RUP has not been implemented. Indeed, according to Chambers of Commerce, this integration could have a significant and positive impact on the time spent on the verification process and thus on the costs related to RUP.

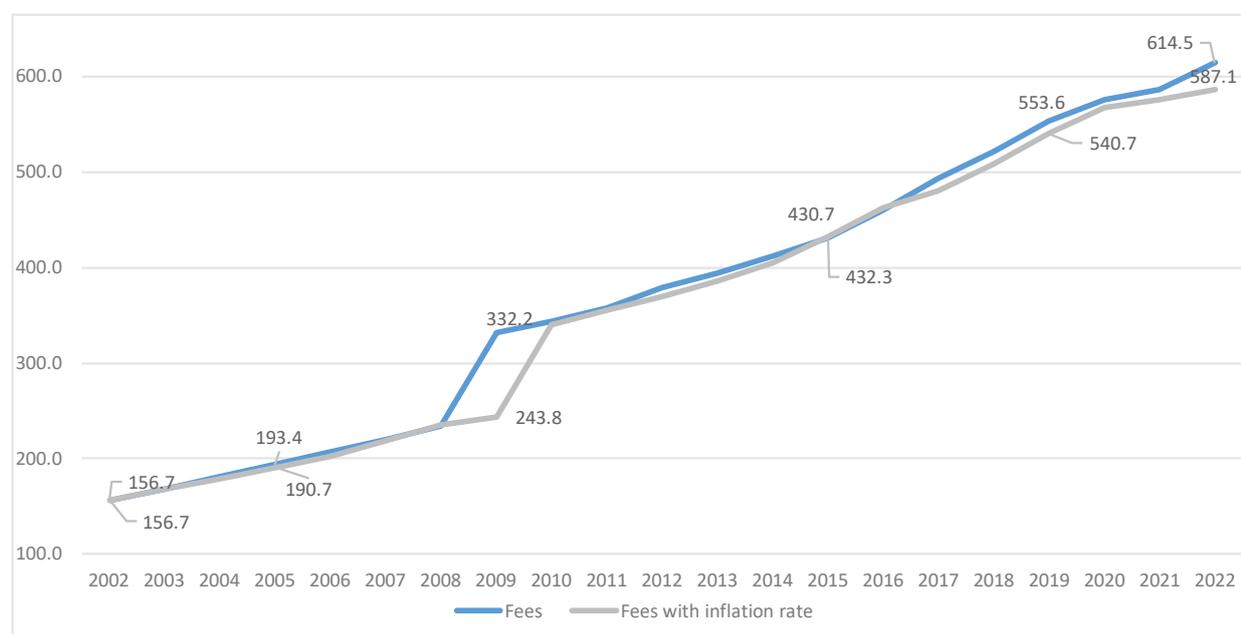
Furthermore, currently in Colombia, the fees related to registration are identical to the renewal fees. However, in practice the renewal process involves less tasks than the registration process. Indeed, Chambers of Commerce verify different documents and information that had changed since the previous year. However, for the most time-consuming task, which is the verification of past experience, they only check the additional proof of experience (if any) provided by economic operators in the last 12 months following the registration. Therefore, the costs related to the renewal of registration in the RUP could be on average lower than the ones related to the registration, and this should be reflected in the fees. In this context, the Colombian Government should ensure that the renewal fees set for the RUP are lower than the ones set for the registration.

#### *Reaping the benefits of the digitalisation of RUP processes to decrease the fees*

Since 2015, Chambers of Commerce provide services related to the management of all registries they administer, including the RUP, digitally. In this context, economic operators can fill in their applications for registration, updating, renewal and cancellation online. The digitalisation of the process usually contributes to decreasing costs and should therefore be reflected in the fees paid by economic operators. For example, the digital submission of the required documents leads to a certain extent to decreasing the costs registration and renewal costs. For instance, Chambers of Commerce can reduce administrative costs by receiving digital instead of physical documents. However, in Colombia, despite the digitalisation efforts, the fees related to RUP processes have been increasing in the last years. Between 2002 and 2022, the registration and renewal fees increased on average annually by 7.3% (see Figure 3.7)

In addition, the evolution of fees related to the RUP has been higher than the evolution of the inflation rate. Indeed, during the same period, the inflation rate increased by 4.4%. In addition, as mentioned in section 3.1.1, Confecámaras is supporting the digitalisation efforts of most Chambers of Commerce. Indeed 53 Chambers of Commerce (out of 57) are using a platform provided by Confecámaras to digitalise RUP processes. Therefore, cost savings performed through the digitalisation of RUP processes should be reflected in the fees. Further digitalisation initiatives such as the verification through the integration of the supplier registry with other platforms will contribute to the decrease in fees (see section 3.2.2).

**Figure 3.7. Evolution of the effective registration fees compared to the evolution of fees based inflation rate in Colombia 2002-20 related to the RUP for 2022 in thousands of Colombian pesos (COP)**



Source: data provided by DNP (Departamento Nacional de Planeación) and (The World Bank, 2020<sup>[64]</sup>)

In addition, the fact that each individual Chamber of Commerce manages the RUP within its geographical scope is related to historical reasons, as the RUP was established in 1993 and at that time the registration process was paper based. With the digitalisation of RUP processes there are further opportunities to lower the management costs of the RUP and to further streamline registration processes by centralising the registration process. In this context, if the government does not integrate the RUP with SECOP, Chambers of Commerce should consider centralising the registration process. If the government integrates the RUP within SECOP, the process will be centrally managed and will have a positive impact on costs.

#### *Setting fees proportionate to the duration of the validity of the registration*

In most countries, when a yearly fee is introduced for the registration in the supplier registry, the fee covers twelve sliding months. This ensures that the fees are proportionate to the validity of the registration process, and this also spreads the workload regarding the registration process throughout the year. In Colombia since 2013, with the Decree 1510/2013, the payment of fees for the registration and renewal of the RUP does not cover a sliding 12-month period. Indeed, the renewal of the registration in the RUP is taking place from the 1<sup>st</sup> of January to the fifth working day of April. This has two main impacts: i) an increased workload for entities managing the RUP from January to mid-April, and ii) economic operators, in particular MSMEs, have decreasing incentives to register in the RUP after mid-April, otherwise they will pay a fee for less than 12 months.

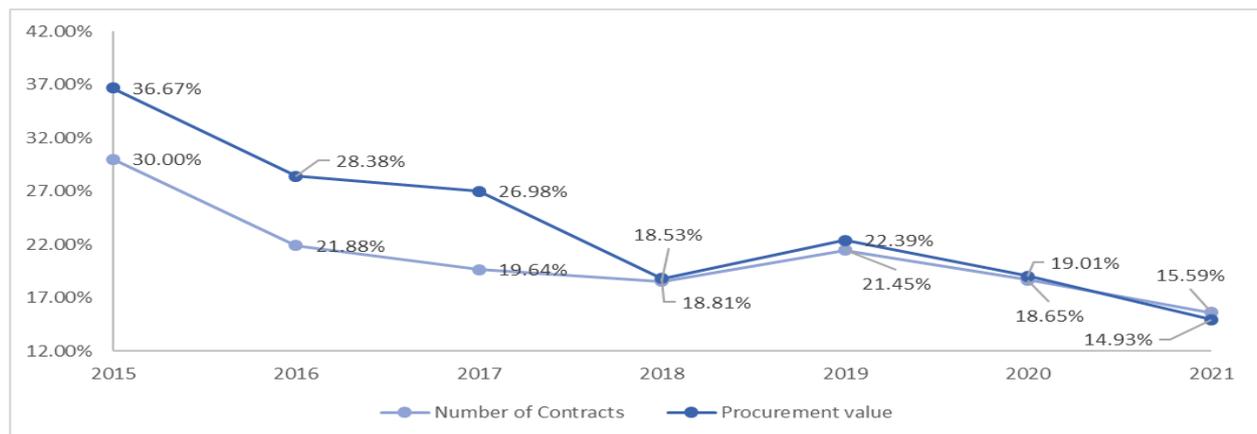
Before 2013, the registration in the RUP had a validity of twelve months and economic operators had to renew the registration before the expiry of the registration. However, according to the interview with Chambers of Commerce, registrations or renewals taking place across the year could lead to unfair situations between economic operators. For instance, depending on the registration or renewal month in the RUP, the verification of the fiscal compliance of economic operators (which is based on the latest RUT information available) might be based on different years. Therefore, the government decided to fix the

renewal period from the 1<sup>st</sup> of January to the fifth working day of April to ensure that the fiscal compliance data covers the same year for all economic operators (Departamento Nacional de Planeación, 2013<sup>[66]</sup>). In this context, Colombia should consider imposing a registration fee for a sliding 12-month period or ensuring that economic operators pay only a fee that is proportional to the number of months remaining until the mandatory renewal of the registration.

### 3.2.4. Exploring the possibility to establish different fees depending on the size of economic operators

MSMEs represent 99.6% of companies in the Colombian economy (ANIF, 2021<sup>[67]</sup>). Currently, 38 510 MSMEs are registered in the RUP, representing 94.7% of the total registered companies. However, in some regions this share is lower than 90%. In addition, data provided by the CCE shows that participation of MSMEs in public procurement has been steadily decreasing since 2015 both in numbers of contracts and value (see Figure 3.8). A survey launched by ACOPI in 2018, highlighted that 73.7% of respondents (MSMEs) are not registered in the RUP and that 51.9% of respondents find the public procurement processes complex, lengthy and costly (ACOPI, 2018<sup>[68]</sup>). The complexity, lengthiness and costs of procurement processes could be linked to RUP processes.

**Figure 3.8. Share of public procurement contracts awarded to SMEs in value and in number 2015-21**



Source: Based (Ministerio de Tecnologías de la Información y las Comunicaciones, 2022<sup>[68]</sup>)

Regarding the costs, if not for free, some countries such as Chile ask for different fees depending on the size of the economic operators (ChileCompra, 2019<sup>[16]</sup>). While this practice could be considered by some countries as discriminatory, it could be explained by economic arguments related to the price elasticity of the supplier registry for MSMEs. Indeed, MSMEs are more sensitive to fees compared to large companies. In Colombia, as the registration in the supplier registry is mandatory to participate in most of the public procurement market, it is essential to set an appropriate fee that does not prevent economic operators to register. This has been highlighted in the “Policy for the recovery and the sustainable and inclusive growth: the new compromise for the future of Colombia” published by the National Council for Economic and Social policy in Colombia - CONPES (CONPES, 2021<sup>[4]</sup>). This document includes a section related to the low participation of MSMEs in the public procurement market which highlights the need to reduce the costs related to the RUP for smaller companies. It highlights that proportionally to their average income: microenterprises pay a fee that is 125 times higher than for large companies. Furthermore, the registration or renewal fee is not the only cost to consider for MSMEs. Indeed, according to ACOPI, large companies have the internal capacity or the available resources to carry out the registration and renewal procedures related to RUP. It is worth noting that Chambers of Commerce provide trainings on RUP on a regular basis.

However, MSMEs might need to rely on external consultants, in particular financial consultants and accountants, to perform RUP processes given the number of documents and the difficulty that the process may entail, and this represents an extra and significant cost for them. Therefore, ACOPI calls for reducing significantly RUP fees and providing further support to MSMEs in the registration process.

Aware of the necessity to support MSMEs in general (Ministerio de Comercio, Industria y Turismo, 2020<sup>[69]</sup>), the Colombian government decided in 2020 to lower the registration fee to the business registry for MSMEs by 5% only for 2021 as special measures taken during the pandemic of Covid-19. (Decree 1756 of the 23<sup>rd</sup> of December 2020). However, for business associations, the fee reduction is too low to have a significant impact. This shows that specific actions need to target specifically MSMEs to enhance their registration in the RUP and therefore their participation in the public procurement market. Given the impact of COVID-19 on businesses, Decree 579 /2021 provided further flexibility to economic operators in relation to the financial requirements for RUP processes. Indeed, the decree allows economic operators to submit the financial statements of the last three years rather than the previous year, so that the decreased business activity during the pandemic does not impair their chances to bid for and win public contracts. This measure, which is valid until the end of 2022, is expected to contribute to economic reactivation by easing the financial requirements for MSMEs that are willing to register in the RUP (Departamento de Planeación Nacional, 2021<sup>[70]</sup>). Colombia could consider assessing the impact and efficiency of this measure on the registration and renewal of registration of economic operators, in particular MSMEs. Depending on the results of the assessment, Colombia could introduce this measure on a permanent basis.

In addition, there were some attempts to set specific RUP fees for MSMEs. For instance, the National Planning Department (*Departamento Nacional de Planeación - DNP*) recommended in 2020 differentiated fees for MSMEs in a paper on the “identification and analysis of the regulatory and procedural obstacles that limit the access of MSMEs to the Public Procurement market”. The DNP recommends that the fee paid by Micro enterprises should represent 25% of the regular fee, while the fee paid by small companies should represent 50% of this fee. (Departamento Nacional de Planeación, 2020<sup>[71]</sup>)

In 2021, the Green Party (*Partido Verde*) also submitted a proposal to the Congress to reduce the RUP fees for MSMEs depending on their revenue in order to facilitate their access to public procurement opportunities (See Table 3.3). This proposal was not reviewed by the Congress due to the legislature *closure*, but reconfirms the awareness to decrease the fees for MSMEs.

**Table 3.3. Differentiation of RUP fees proposed by the Green Party**

Revenue (EUR)		RUP fee (EUR)			
From	to	Registration and renewal	Updating	Certificates	Copies
0	385.8	43.09	17.24	5.17	0.69
385.8	3 715.8	86.18	34.47	8.62	0.69
3 715.8	-	137.88	77.56	12.06	0.69

Source: (Cámara de Representantes, 2021<sup>[71]</sup>) Exchange rates from 28<sup>th</sup> of January 2022

### 3.2.5. Enhancing the transparency on the RUP

Transparency is key for the well-functioning of the public procurement system, and it is also central to promoting good governance in the public sector. The OECD Recommendation on Public Procurement calls on “Adherents to ensure an adequate degree of transparency of the public procurement system in all stages of the procurement cycle” (OECD, 2015<sup>[2]</sup>).

However, transparency is not limited to publishing information and data on public procurement. It should also ensure the availability of information to different stakeholders in a user-friendly format (OECD, 2021<sup>[72]</sup>). This includes also transparency requirements related to the supplier registry.

Regarding the RUP, Law 1150/2007 states that the information available in the registry is public and available free of charge. However, the list of economic operators registered in the RUP is not available. Through the RUES (*Registro Único Empresarial y Social*), which is a platform established to integrate different registries, such as the RUP and the business registry, it is only possible to search for economic operators registered in the RUP, using the tax identification number (*Número de Identificación Tributaria* - the NIT), the name of the entity or key words, which is not user friendly. Anyone can request for the information to the Chamber of Commerce, but it will be ideal if the information is available to the public in a user-friendly way without the procedures to request for it. When using the search engine, if an economic operator is registered in the RUP, it is only possible to have access to its name, the tax identification number, the RUP registration number and the Chamber of Commerce that performed the registration. In other countries, like Mexico, the list of economic operators registered in the supplier registry is available to the general public and includes key information (see Box 3.2).

### Box 3.2. Supplier registry data available to the public in Mexico

The RUPC, the Registry of suppliers of the government at the federal level provides information to the public in addition to a search engine with several entries. A list of suppliers is available to the general public with the following information:

- The taxpayer numbers
- Registration number in the RUPC
- Country
- Category of economic operator (Micro, small, medium sized enterprise or large company)
- Sector of operation and activity
- Number of public procurement contracts
- Number of public procurement contracts with a performance evaluation (for public works and for goods and services)
- Level of compliance (performance of the contract - for public works and for goods and services)
- Registration date
- Website of the economic operator

Source: (CompraNet, 2021<sup>[73]</sup>)

On the other hand, the information on registered suppliers in SECOP is available in the open data portal of SECOP, which was created in April 24, 2018. This portal aims at providing some key information on the suppliers registered in SECOP such as: the name of the supplier, the tax identification number, the geographical location (country, department, municipality), the registration date, the registered procurement categories using in the UNSPCS classification (United Nations Standard Products and Services Code), the category of the entity (MSME or large company), information on legal representatives, etc. However, some of these data are not always available, such as the UNSPCS category (Ministerio de Tecnologías de la Información y las Comunicaciones, 2022<sup>[59]</sup>). Furthermore, SECOP could provide further data such as the total contract amounts with the public sector or the contract performance score. In addition, both RUP and SECOP could also provide data related to women-owned businesses to support the

implementation of Law 2069/2020 that aims to enhance entrepreneurship and includes specific provisions for women-owned enterprises. In line with international good practices, Colombia could consider publishing online the complete list of economic operators registered in the RUP. In addition, this list should include relevant information for public entities such as the total contract amount and contract performance excluding commercially sensitive information and personal data.

### ***3.2.6. Providing more flexibility in the timeline to register in the supplier registry***

As mentioned in section 2.2.3, when the registration in the supplier registry is mandatory to participate in public procurement opportunities, the timeline to get the different documents and the timeline to get enlisted in the registry is a key element to consider. Indeed, for the supplier registry not to be considered as a barrier to participate in public procurement opportunities, the average time to collect the different documents and the average time to get the validation of registration after submitting all documents should be lower than the minimum bidding timeline mentioned in the regulatory framework.

In many countries around the globe, public procurement regulatory frameworks set a minimum timeline for bid submission. For instance, in countries under the European public procurement directives, this timeline is set at 30 days minimum for open procedures. In Colombia, one of the gaps of the public procurement regulatory framework is the absence of minimum timeline for bid submission for all procurement procedures except the low value procurement which do not require the RUP registration (Cinco Dias, 2020<sup>[75]</sup>) (Gobierno de Colombia, 1993<sup>[76]</sup>). Given this gap, the need to be registered in the supplier registry prior to the submission of bids could be considered as a barrier to access the public procurement market. Indeed, some contracting authorities could set a timeline that is lower than 20 days which is the legal time Chambers of Commerce need to validate the registration. Therefore, Colombia should consider introducing a minimum timeline for bid submission.

In addition, some countries like Mexico provided significant flexibility in the registration timeline: the registration in the supplier registry is mandatory to get a public contract but provides the possibility for economic operators to request this registration when being notified that the bid is successful, ahead of the final award of a contract. In this context, Colombia could consider providing more flexibility on the registration timeline by exploring the possibility of allowing potential bidders to register in the supplier registry prior to the contract award

# 4. Summary of recommendations

The table below presents a summary of recommendations to be implemented in different terms:

- Short-term (ST): Less than one year
- Medium-term (MT): Between one to two years
- Long-term (LT): above two years

Duplication with SECOP	Option 1: Requiring economic operators to register only in SECOP and enabling through the same platform the verification and validation of the capacity of potential suppliers ( <i>medium/ long term measure</i> ) (MT-LT)	Option 2: Furthering the data integration between SECOP and the RUP (MT)
Administrative burden	<p>Not requesting at the registration or renewal stage the information on past experience, or requesting economic operators to only provide a self-declaration on past experience (ST).</p> <p>Requesting supporting documents regarding the past experience only to the successful bidder for each tendering procedure, not at the registration or renewal phase (ST).</p> <p>Past experience required should be limited to a specific timeframe and proportionate to the complexity and value of the procurement opportunity. (S T)</p> <p>Leaving the function of verifying past experience to contracting authorities (ST)</p>	<p>Integrating the information on the performance of public contracts from SECOP in the RUP to reduce the verification costs and time (MT).</p>
Cost / fees	<p>Advancing the integration of the supplier registry with other platforms (MT) such as RUT.</p> <p>Undertaking an assessment of the costs related to the different operations required to maintain and operate the RUP (ST).</p> <p>Reducing the fees related to the RUP by i) covering the RUP costs using public funds and/ or ii) reducing the administrative burden that increases the related fees (MT).</p> <p>Ensuring that the renewal fees set for the RUP are lower than the ones set for the registration (MT).</p>	<p>Centralising the registration process (MT).</p> <p>Reflecting the cost savings performed through the digitalisation of RUP processes in the fees (MT).</p>
Transparency	<p>Imposing a registration fee for a sliding 12 month period or ensuring that economic operators pay only a fee that is proportional to the number of months remaining till the mandatory renewal of the registration (MT).</p> <p>Providing further data on the registered economic operators, such as the total contract amounts with the public sector (or the contract performance score) (ST).</p>	<p>Providing the complete list of economic operators registered in the RUP with relevant information for public entities such as the total contract amount and contract performance excluding commercially sensitive and personal data (ST-MT).</p>
MSMEs	<p>Providing data related to women-owned businesses to support the implementation of Law 2069/2020 that aims to enhance entrepreneurship and includes specific provisions for women-owned enterprises (ST-MT).</p> <p>Exploring the possibility to establish different fees depending on the size of economic operators (ST).</p>	
Flexibility	<p>Introducing a minimum timeline for bid submission (MT).</p> <p>Providing more flexibility on the registration timeline by exploring the possibility of allowing potential bidders to register in the supplier registry prior to the contract award (MT).</p>	

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