Public Procurement World - Colombia

10. Industry sectors of special importance or with a specific procurement regime

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# a. Are there any specific laws or practices that apply in the technology sector?

As mentioned above, the Procurement Statute establishes the development of scientific and technological activities as an event in which a direct contracting procedure may be carried out. Additionally, public entities may acquire, through an Abbreviated Selection Process, equipment of uniform characteristics (equipment or goods that have the same technical specifications, and share objectively defined patterns of performance and quality) such as computers, cell phones, and others.

However, depending on the scope and purpose of the particular technology procurement, other laws regarding privacy and intellectual property may apply.

# b. Are there any specific laws or practices that apply in the defense sector?

As a general rule, procurement of goods and services related to national defence and security are performed through an abbreviated selection procedure which is a short-form competitive selection procedure (Law 1150/2007, Article 2(2)(i)).

Additionally, and according to Article 2(4)(d) of law 1150/2007, the procurement of classified goods and services for the defense sector, can be handled through a direct contracting scheme. Regardless of this possibility, in practice, Government-owned Entities in the defence sector still follows some form of competitive bidding even when the goods to be procured or services to be retained are of a classified nature.

Lastly, contracts signed by Satena (a Government owned airline), Indumil (Government owned military weapons manufacturer), Tequendama Hotel, the Science and Technology Corporation for the development of the naval, maritime and fluvial industry (Cotecmar) and the Colombian Aeronautical Industry Corporation (CIAC) are not subject to the provisions of the Public Procurement Statute and shall be governed by the legal and regulatory provisions applicable to its activity.

# c. Are there any specific laws or practices that apply in the health care sector?

According to Law 1150 of 2007 and Decree 2025 of 2009 State entities that require the provision of health services, will select their contractors through an abbreviated selection process. In any case, the person or company who provides the contracted services must be registered in the special national registry of the Ministry of Social Protection, in accordance with Law 10 of 1990.

# d. Are there any specific laws or practices that apply to any other particular industry sector?

The general rule in the public procurement is a public bid. However, law 1150 of 2007 provides a list of exceptions to the rule, where contracts are not subject to this proceeding. Most exceptions are related to formal characteristics of the contract, such as overall price and the number of bidders. Nonetheless certain activities are subject to a different procedure, such as:

The Defense Sector;

The Healthcare Sector;

Contracts that develop scientific and technological activities; and

Loan contracts.

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