



# Mapping of Public Procurement Regulations and Procedures in **Argentina**

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***It is hereby expressly established that the information included in this report and the conclusions drawn from this information do not reflect the official view of the European Union.***

***The authors included official information that is published by the different jurisdictions as well as information obtained as a result of the contacts established with different public procurement actors in this report. The conclusions reached by the authors are the result of an extensive analysis of mentioned information and the authors' own legal and technical expertise.***

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## Brief Objectives

The present report is the result of a legal analysis of the Argentinean public procurement regime, from the point of view of a company based in the European Union (EU) that is interested in offering goods and/or services in the Argentinean public procurement market.

It has been funded by the EU's Partnership Instrument financial tool<sup>1</sup>, as part of its Policy Support Facility. Its overall objective is to improve EU access to Argentina's public procurement market, especially for EU SMEs, through information and more channels of communication with the relevant public entities.

The main deliverable of the project is a complete overview of the public procurement regulations, requirements and procedures at federal, provincial and local level in Argentina. Thus, apart from the federal State, it covers the complex government procurement systems in the 23 Argentine provinces and the Autonomous City of Buenos Aires, in addition to 36 cities above 300,000 inhabitants, and more than 20 State entities.

This comprehensive study – which was not available in a single document until this date – also contains the contact details of appropriate offices in each jurisdiction, the websites where calls for bidding are published, and the English translations of the most relevant pieces of legislation.

Following a tendering process, the project was awarded to the consulting firm Development Solutions, who worked in Argentina through a consortium with the Argentine law firm Estudio O'Farrell<sup>2</sup>. Throughout its development, they kept consultations with the EU Delegation in Argentina, the EU Member States' Commercial Counsellors and the EU bilateral business chambers in the country.

The legal analysis and the contacts with the involved Argentine public entities were carried out between May 2017 and March 2018. Therefore, any amendment to the regulations in place beyond that date is not included in the current report.

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1 [http://ec.europa.eu/dgs/fpi/what-we-do/partnership\\_instrument\\_en.htm](http://ec.europa.eu/dgs/fpi/what-we-do/partnership_instrument_en.htm).

2 <http://www.development-solutions.eu/> and [www.eof.com.ar](http://www.eof.com.ar).

## Executive Summary

The main takeaways of this analysis are the following:

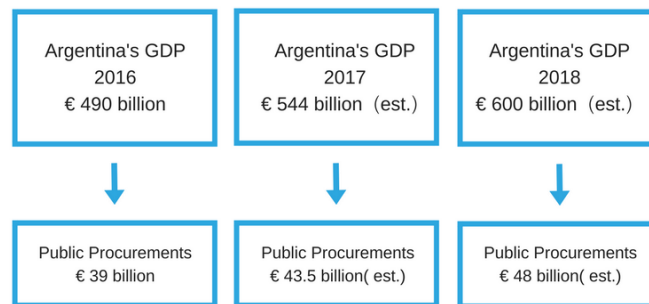
- 1) Regulation of public procurement is divided by governmental levels (national, provincial and municipal) and each one of them is divided by governmental branches (executive, legislative and judicial), with the executive branch spending most of the public money.
- 2) The procurement of goods and services, the procurement of public works and Public-Private Partnership contracts tend to be regulated independently (i.e. by different rules). Furthermore, each procurement type has its own enforcement authority.
- 3) For the procurement of goods and services, the vast majority of public administration including centralized administration (e.g. Ministries) and most decentralized entities (autarkic entities) apply the general public procurement regime. Some decentralized entities, including all public companies, however, establish their own public procurement regimes.
- 4) Most of the procurement regimes are based on a centralized regulation (unique policy making and enforcement authority) with decentralized operations.
- 5) The contractor selection procedure depends on the estimated cost of the procurement, with public tender being the standard selection procedure. For smaller procurements, private tender and price biddings may be used, inviting only a determined quantity of bidders to present their bids. Finally, direct awarding applies in specific circumstances - such as small purchases, urgency, contracts between State agencies or in cases where only a sole supplier exists.
- 6) Foreign companies can be bidders in either "national" public tenders (if they have a branch office in Argentina) or "international" public tenders (if they do not have a branch office in Argentina).
- 7) Preference regimes for national or local goods or services, and national or local companies, are regulated at each governmental level. At the federal level, the national companies currently enjoy 5% preference. Generally, none of those preferences apply to contracts partially or fully funded by International Financial Institutions.
- 8) The websites of the procuring entities contain all the necessary information on the calls for public tenders.
- 9) Electronic procurement platforms are currently being developed and implemented by different jurisdictions.
- 10) Various municipalities are following the global trend of smart cities, which implies large investments in new technologies.
- 11) Public companies are a central factor in public procurements. They have their own procurement regulations and vast experience with foreign investors.



## Introduction

In 2016, Argentina's Gross Domestic Product (GDP) amounted to around € 490 billion<sup>3</sup>. The government officially targets an increase of real GDP by 3% and 3.5% in 2017 and 2018 respectively<sup>4</sup>.

Up to 30% of the GDP is allocated as expenditures of the entire National Public Administration, as well as other entities receiving funds from the National State (except for its banks and financial entities). A part of these expenditures is used for public procurements. There is no publicly available data on the respective percentage of the GDP. However, it is estimated (OECD) that between 5% and 8% of the GDP is allocated to public procurements<sup>5</sup>.



Source: See Footnote<sup>6</sup>.

## Public Procurement Scene in Argentina

In 2018, the total expenditure in public infrastructure is expected to amount to around € 21 billion, representing 3.5% of the country's GDP. This is a 35% increase compared to the projected public infrastructure expenditure for 2017 and compared to the average public expenditure between 2014/2015 (2.6% of the GDP)<sup>7</sup>.

<sup>3</sup> The GDP in € has been calculated on the basis of the GDP in AR\$ (Communication on the Submission of the Budget Project 2018, p. 26, available at: <http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>) and the 2016 average exchange rate (€ 1 = AR\$ 16.30, available at: <https://www.oanda.com/lang/es/currency/https://www.oanda.com/lang/en/currency/average>). If not stated otherwise, this report uses the exchange rate of the Argentinean Central Bank (*Banco Central de la República Argentina*) on 10/30/17 (€ 1 = AR\$ 20.59).

<sup>4</sup> Communication on the Submission of the Budget Project 2018, p. 15, available at: <http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>.

<sup>5</sup> According to the Argentine Government, more than 5% of the GDP is allocated to public procurements (<https://www.argentina.gob.ar/noticias/ley-de-compre-argentino-comenzo-el-debate-en-el-senado>) while the OECD estimates an allocation of around 8% (OECD, Government at a Glance, Latin America and the Caribbean 2017, Country Fact Sheet, Argentina).

<sup>6</sup> For 2016, the GDP in € has been calculated using the GDP in AR\$ (Communication on the Submission of the Budget Project 2018, p. 26, available at: <http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>) and the 2016 average exchange rate (€ 1 = AR\$ 16.30, available at: <https://www.oanda.com/lang/es/currency/https://www.oanda.com/lang/en/currency/average>). For 2017, the GDP in € has been calculated using an estimated GDP in AR\$ (Communication on the Submission of the Budget Project 2018, p. 26, available at: <http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>) and the 2017 average exchange rate (€ 1 = AR\$ 18.90, available at: <https://www.oanda.com/lang/es/currency/https://www.oanda.com/lang/en/currency/average>).

For 2018, the GDP has been calculated using an estimated GDP in AR\$ (Communication on the Submission of the Budget Project 2018, p. 26, available at: <http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>) and the exchange rate of the Argentinean Central Bank (*Banco Central de la República Argentina*) on 10/30/17 (€ 1 = AR\$ 20.59).

<sup>7</sup> Communication on the Submission of the Budget Project 2018, p. 38, available at: <http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>.

Expenditure in public infrastructure has grown remarkably during the last years and is expected to continue growing. The Ministry of Treasury estimates that the investment rate in Argentina for 2018 will increase by at least 5% of the GDP, allowing the economy to grow 3.5% annually for a sustained period of time<sup>8</sup>. Procurement of infrastructure projects or acquisition of goods and services between 2018 and 2020 is specifically authorized up to a total value of around € 106 billion<sup>9</sup>. Public investment in infrastructure, particularly through the use of the new legal framework for Public-Private Partnership (PPP), plays an important role to achieve such result.

The strategic plans for 2018 include important infrastructure projects in hydraulics, transportation, energy, hydrocarbon resources and education. The strategic plans, thus, show the great current and future potential of public procurement in Argentina. There are currently more than 50 public works projects under way in Argentina, including construction of jails, hospitals, highways, safe routes, road corridors<sup>10</sup>, railway networks, high voltage power lines, transformer stations, public lighting, housing, irrigation systems, pipe systems, purification plants, sewage systems, etc. For more information, see **Annex I**.

Many of these infrastructure projects will be carried out through Public-Private Partnerships including water, transportation (train tracks, highways and roads), housing, healthcare and prisons, among others<sup>11</sup>.

## Participation in Bidding Processes

In order to participate in procurement processes in Argentina, it is essential for bidders to understand how they work and which requirements need to be met. This report aims to help bidders, particularly foreigners, to take part in the Argentinean public procurement process, by explaining:

- 1) Specific requirements and procedures at different government levels, to become a bidder and/or a public contractor;
- 2) Additional requirements set out for foreign bidders;
- 3) Preferential treatment of local providers in each public procurement regime, and
- 4) The available sources of information for public procurement opportunities in Argentina, and relevant contacts for current and future public procurement opportunities throughout the country.

Furthermore, the report includes a description of the procurement system at national level, at provincial level (including the Autonomous City of Buenos Aires (*Ciudad Autónoma de Buenos Aires*, hereinafter “CABA”), 36 Municipalities<sup>12</sup> above 300,000 inhabitants and 24 public companies and autarkic entities<sup>13</sup> that were also selected for this project.

<sup>8</sup> Communication on the Submission of the Budget Project 2018, p. 7, available at:

<http://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2017/PDF2017/TP2017/0054-JGM-2017.pdf>.

<sup>9</sup> Spreadsheet annexed to Art. 59 of the Budget Law 2018 by the National Public Administration No. 27,431, available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305347/ley27431.pdf>.

<sup>10</sup> Road section: concessions of roads granted with the aim of improving them.

<sup>11</sup> Budget Law 2018 by the National Public Administration No. 27,431 and Spreadsheet annexed to Art. 59 of the Budget Law 2018 by the National Public Administration, available at:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305347/ley27431.pdf>. For more information, see **Annex I**.

<sup>12</sup> Selected Municipalities in Greater Buenos Aires area: Almirante Brown, Avellaneda, Berazategui, Esteban Echeverría, Florencio Varela, General San Martín, La Matanza, Lanús, Lomas de Zamora, Malvinas Argentinas, Merlo, Moreno, Morón, Quilmes, Tigre and Tres de Febrero.

Selected Municipalities in the Province of Buenos Aires: Bahía Blanca, Mar del Plata / General Pueyrredón, La Plata, Pilar.

Municipalities selected in other provinces: Resistencia, Chaco; Córdoba, Córdoba; Corrientes, Corrientes; Paraná, Entre Ríos; San Salvador de Jujuy, Jujuy; Mendoza (Capital), Guaymallén, Godoy Cruz and Las Heras, Mendoza; Posadas, Misiones; Neuquén, Neuquén; General Roca, Río Negro; Salta, Salta; Santa Fe (Capital) and Rosario, Santa Fe; San Miguel de Tucumán, Tucumán.

<sup>13</sup> ADIF S.E., AGP S.E., Aerolíneas Argentinas S.A. (AASA), Agua y Saneamientos Argentinos S.A. (AYSA), Autopistas Urbanas S.A. (AUSA), Coordinación Ecológica Área Metropolitana S.E. (CEAMSE), Correo Oficial de la República Argentina S.A., Dirección Nacional de Vialidad, Empresa Argentina de Soluciones Satelitales S.A. (AR-SAT), Instituto Nacional de Servicios Sociales para Jubilados y Pensionados (PAMI), Investigación Aplicada S.E. (INVAP S.E.), Operadora Ferroviaria S.E. (SOF S.E.), Subterráneos de Buenos Aires S.E., Trenes Argentinos Cargas (ex Belgrano Cargas y Logística S.A. (BCYLSA), YPF S.A.(YPF S.A.), Instituto Nacional de Tecnología Agropecuaria

This report is the result of a thorough analysis carried out on every procurement regulation at each government level. In addition, the authors liaised with the competent procurement authority at each level of government, which allowed the creation of formal contact points to be used by the beneficiaries of this report (mainly EU Member States, their companies and EU business associations). Moreover, the compilation of additional information obtained through these contacts may be of great practical value. More details on the implementation of this work methodology are included in **Annex II**.

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(INTA), Organismo Regulador del Sistema Nacional de Aeropuertos (ORSNA), Comisión Nacional de Energía Atómica (CNEA), EDUCAR, Banco de La Nación (BNA), Compañía Administradora del Mercado Mayorista Eléctrico (CAMMESA), ACUMAR - La Autoridad de Cuenca Matanza Riachuelo, Instituto Nacional del Agua (INA) and Autoridad del Agua de la Provincia de Buenos Aires (ADA).

# I. Introduction to the Public Procurement System in Argentina: General Considerations

## 1. The Public Procurement System in Argentina

### Public Procurement Basics

Any bidder in the public procurement market must take into account that in Argentina there is not one but several legal regimes that can be applied, depending on the tender. That stems from the fact that Argentina is a federal country with three levels of government:

- 1) The Federal (National) Government;
- 2) Provincial Governments: 23 Provinces and the City of Buenos Aires (CABA)<sup>14</sup>, and
- 3) Municipal Governments: Approximately 2,000 municipalities in the Provinces.



Each level of government applies the principle of division of powers and consequently has three branches:

- 1) Executive Branch;
- 2) Legislative Branch, and
- 3) Judicial Branch.

Each branch at each level of government has the power to establish its own public procurement regime. This Report will focus on procurements by the Executive Branches at the different levels of government, since they are the most relevant from a public procurement perspective.

In general, the Legislative and Judicial Branch establish their own public procurement regulations. Only in exceptional cases the Public Procurement Regime of the Executive Branch applies to the other Branches.

In addition, within the Executive Branch there normally is:

- 1) **General Procurement Regime:** applicable for most of its institutions (The National General Regime will be explained in detail in [Chapter III 1.1](#)), and
- 2) **Special Regimes:** established by some autarkic entities and all the public companies within their structure, which have their own public procurement regimes (The National Special Regimes will be explained in detail in [Chapter III 1.3](#)).

<sup>14</sup> Without prejudice to existing legal and actual differences between provinces and CABA, they are similar in terms of public procurement. Consequently, this report considers them to be at the same government level.

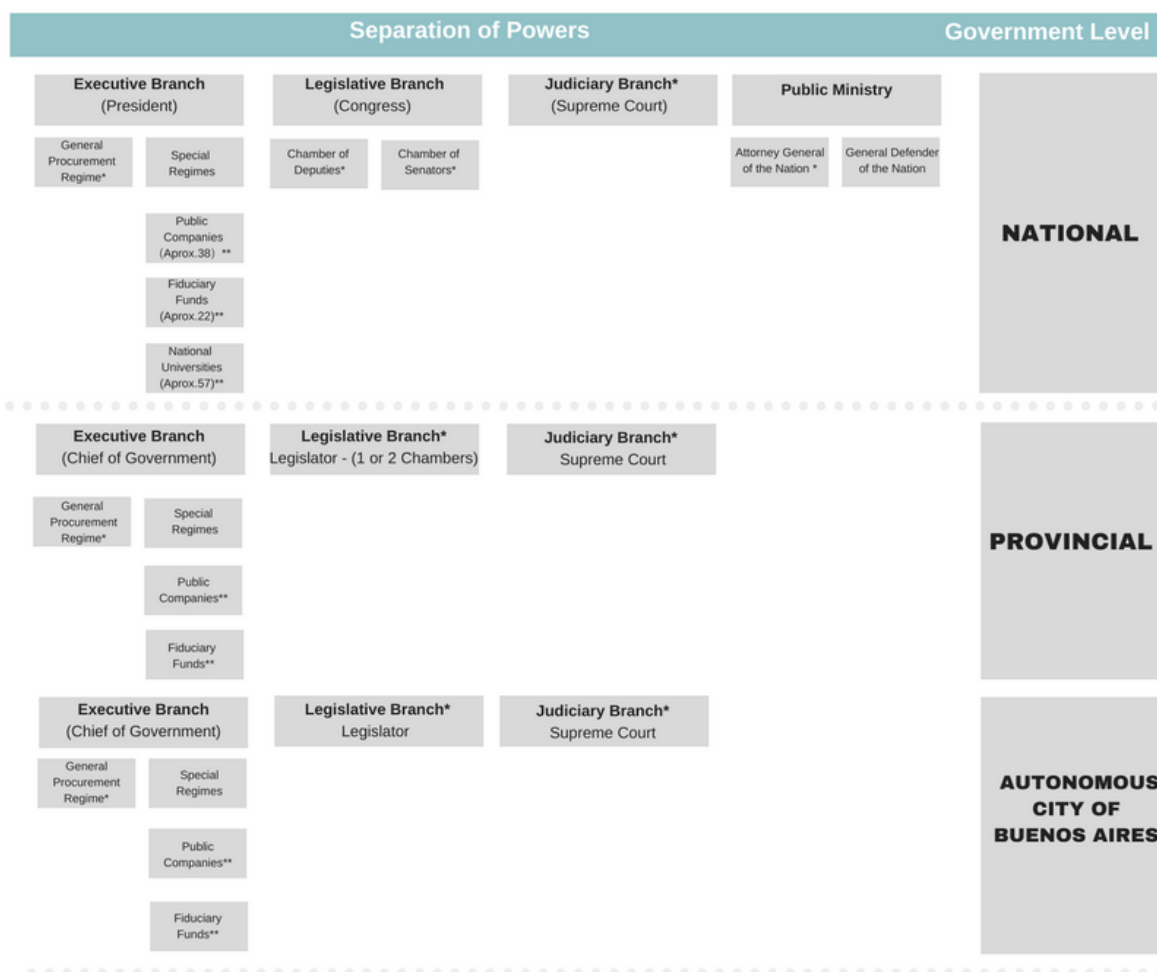
## How to Identify the Applicable Public Procurement Regime

In this framework, from the perspective of a foreign bidder it is important to understand the institutional placement of the institution/government body that is looking to acquire products or services. This will determine the Public Procurement system to be applied, and therefore the actual requirements for eligibility of bidders, the selection procedure, the awarding criteria and contract execution. As a result, bidders should:

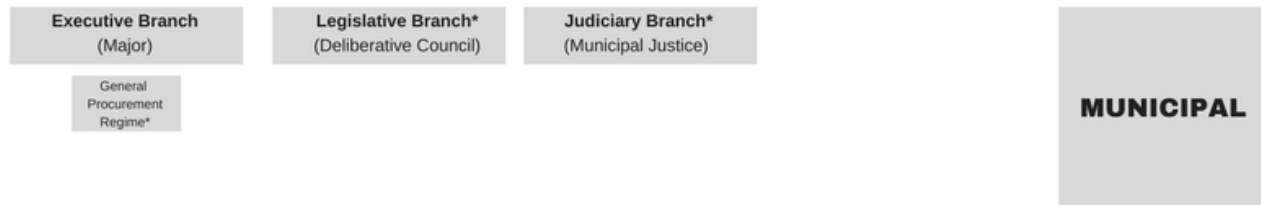
- 1) Start by identifying the government level of the bidding institution: Federal State, Provinces/CABA or Municipalities;
- 2) subsequently, the branch to which the procuring institution belongs to (either Executive, Legislative or Judicial), and
- 3) Finally, whether the institution applies a general or a special regime.

For example, a bidder selling medical equipment to State-health facilities will need to understand whether the institutions making the purchase are within: the National State, the Provinces, CABA or the Municipalities, because each of the governmental levels has its own health facilities, with their own procurement regulations.

The following graphic shows the public procurement regimes that each branch on the different government level applies:







\*: In these cases, only one public procurement regime exists.

\*\* : In these cases, several different public procurement regimes exist (e.g. for public companies, fiduciary funds or universities on each government level).

At national level, there are approximately 39 public companies (see Annex III for more information), 22 fiduciary funds (see Annex IV for more information) and 57 universities (see Annex V for more information).

At provincial level (incl. CABA) the number of public companies and fiduciary funds varies from Province to Province.

## 2. General and Special Public Procurement Regimes and Particular Regulations for Certain Contracts

Every Executive Branch at every level of government (federal/national, provincial (incl. CABA) or municipal) has its own procurement regime. As mentioned before, within these different regimes there will normally be a "General Regime" (applicable to all the procuring institutions without a special procurement regime) and "Special Regimes" (applicable to a few entities which are empowered to establish their own public procurement rules). This further subdivision is related to the structure of public administration in Argentina, and to the division between Centralized and Decentralized Administration.

### 2.1 Centralized and Decentralized Institutions

The *Centralized Administration* is the group of institutions with no legal personality that are under the authority of the Executive Branch. It includes Ministries, Secretariats, Sub-Secretariats and Directorates, among others.

In order to illustrate the importance of the Centralized Administration, it is worth mentioning that the National State consists of the Chief of Ministries, 20 Ministries<sup>15</sup>, 10 Secretariats and 3 Sub-Secretariats under the direct authority of the Ministries.

The *Decentralized Administration* is the group of institutions with their own legal personality. These may either have a public objective ("autarkic entities", such as the National Road Directorate (*Dirección Nacional de Vialidad*)) or a private or commercial objective ("public companies"<sup>16</sup>, such as ADIF S.E.).

15 Ministry of Agroindustry, Ministry of Environment, Ministry of Science, Technology and Productive Innovation, Ministry of Culture, Ministry of Defense, Ministry of Social Development, Ministry of Education, Ministry of Energy and Mining, Ministry of Finance, Ministry of Treasury, Ministry of Justice, Ministry of Modernization, Ministry of Production, Ministry of Foreign Affairs, Ministry of Health, Ministry of Security, Ministry of Labour, Ministry of Transport, Ministry of Tourism and Ministry of the Interior (or Home Affairs).

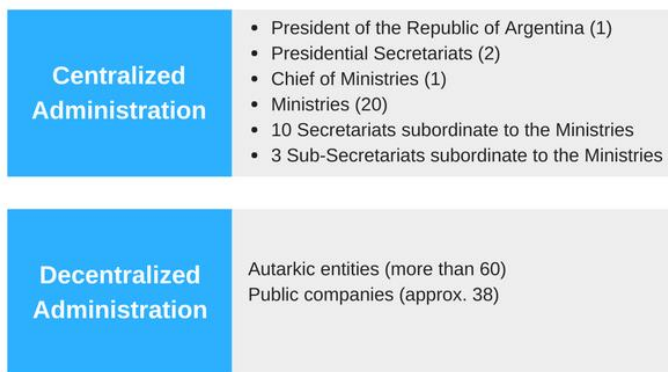
16 In this report we refer to public companies as all companies in which the State is the sole owner or majority shareholder:

- State Companies (Sociedades del Estado (S.E.)) regulated by Law No. 20,705;
- Corporations owned by the State (Sociedades Anónimas (S.A.) de propiedad estatal);
- Corporations with Majority State Participation (Sociedades Anónimas de Participación Estatal Mayoritaria (SAPEM)), and
- Mixed Companies (Sociedades de Economía Mixta (SEM)).

However, it has to be pointed out that the State can be a minority shareholder in private companies, but these companies are not part of the Decentralized Administration.

All decentralized institutions, including public companies, are under the authority of and supervised by a centralized entity. This is an attenuated dependency, which means that the centralized institutions cannot give instructions to or take decisions for their subordinated entities but can control the legality of their decisions. For instance, ADIF S.E., a public company in charge of train infrastructure, is under the authority of the Ministry of Transport, which can execute control over the legality of certain decisions taken by ADIF S.E.

The following graphic illustrates the structure of the Centralized and Decentralized Public Administration at federal level:



## 2.2 Special Regime

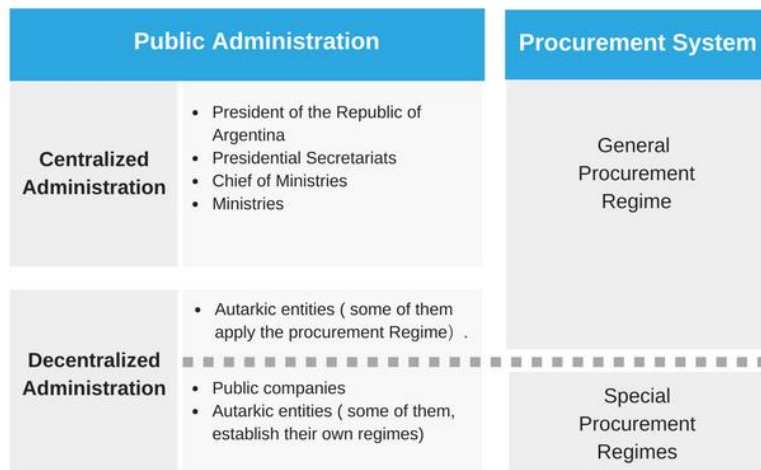
Most institutions of the Public Administration in each of the jurisdictions (including centralized and most decentralized institutions) apply the General Procurement Regime. Some decentralized institutions have been empowered to establish their own public procurement regimes, which are referred to as Special Regimes. However, not all decentralized institutions are authorized to implement their own procurement regulations; in that case, those institutions will need to apply the General Regime.

All public companies (e.g. YPF, Aerolíneas Argentinas, etc.) have Special Public Procurement Regimes, which are expected to be more flexible and dynamic in order to be able to better compete with private companies in the market.

At national level, there are certain autarkic entities with their own procurement regulations (e.g. the National Tax Bureau (AFIP for its initial letters in Spanish) and the National Asset Administration Agency (Agencia de Administración de Bienes del Estado)).

For example, at national level, equipment purchases by the Ministry of Transport, which is part of the centralized administration, are ruled by the General Procurement Regime, while equipment purchases made by ADIF S.E. – a State company under the authority of this Ministry – have their own procurement regime.

Graphically:



The National General Regime will be explained in detail in [Chapter III 1.1](#).

For greater clarity, in the sub-chapters of the General Regime of each of the jurisdictions, it will be specified to which institutions of the Public Administration the respective General Regime applies (the personal scope) and which contracts are regulated by each General Regime (the substantive scope). Both, the General Regime and the Special Regimes establish their own objectives, principles and procedures for different public procurement contracts.

### 2.3 Particular Regulations for Certain Contracts

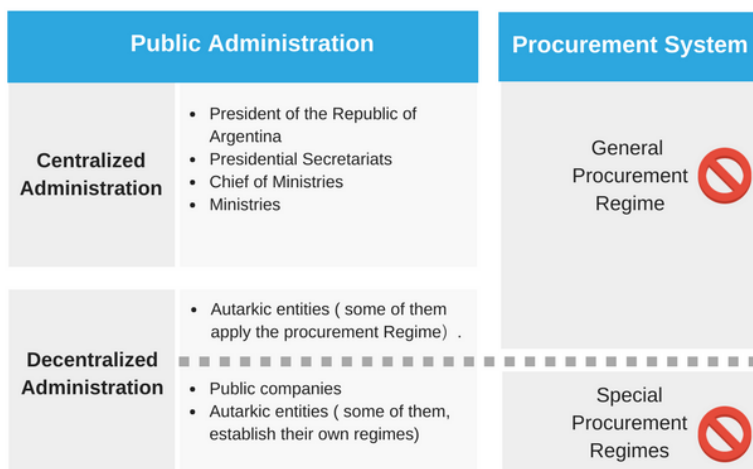
Certain procurements are regulated by "Particular Regulations" meaning that their contractual procedure and execution (rights and obligations of the parties) is different from the General and Special Regimes.

Thus, in some instances, the General or Special Regime is not applied (e.g. Public-Private Partnership contracts) whereas in other cases the General or Special Regime does apply but only to the extent that the Particular Regulations do not apply (e.g. public works contracts).

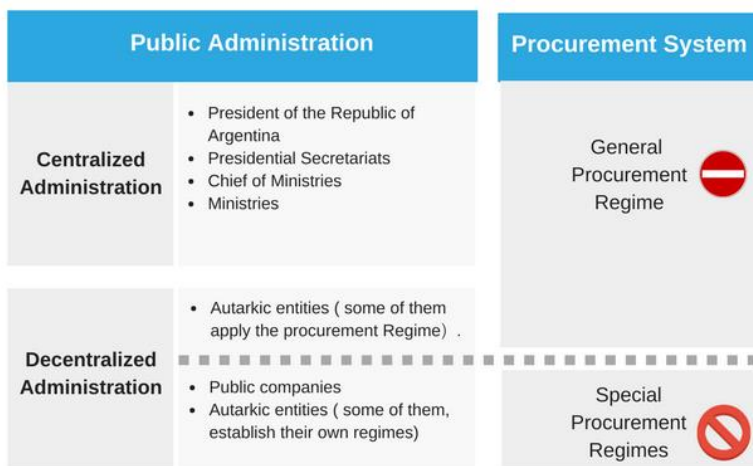
The most important contracts with Particular Regulations will be analyzed in more detail in the General Regime chapters for the Federal State, CABA, Provinces and Municipalities (see [Chapters III, IV and V](#)).

Graphically:


*Particular Contracts: Public-Private Partnership*



*Particular Contracts: Public Works*



 In this case, the General or Special Procurement Regime does not apply.

 In this case, only Chapter I of the General Procurement Regime applies, provided that the particular provisions of the Public Works Law (Ley de Obra Pública) are not infringed.

### 3. Common Rules of all General and Special Procurement Regimes at each Government Level

Even though each General and Special Regime has its own dispositions and characteristics, all of them follow these general rules:

#### 3.1 General Principles in Public Procurement<sup>17</sup>

- 1) Rationale of the project, and efficiency of the procurement to meet the engaged public interest and to achieve the expected results;
- 2) Promotion of competition of interested parties, and among bidders;
- 3) Transparency in the processes;
- 4) Publicity and dissemination of proceedings;
- 5) Responsibility on the government officials who authorize, approve or manage procurements;
- 6) Equal treatment for all interested parties and bidders;
- 7) Free competition between bidders, and
- 8) Adequacy as award criterion.

#### 3.2 Contracts Expressly Exempted from the Public Procurement Regimes

- 1) Public employment contracts;
- 2) Petty cash purchase contracts;
- 3) Contracts settled with foreign States, public international entities or multilateral credit institutions;
- 4) Contracts that are partially or totally financed by the above-mentioned institutions, and
- 5) Contracts including public credit operations.

#### 3.3 Selection Procedures

The State selects the private contractor through one of the following procedures:

- 1) **Public tender:** The call for tender is made to an undetermined number of possible bidders with capacity to commit. This selection procedure applies when the estimated amount to be contracted is higher than a threshold stipulated by law. This threshold is defined by each jurisdiction.
- 2) **Private tender:** In this case the call for tender is made to a limited number of bidders. This selection procedure applies when the estimated amount to be contracted is lower than a threshold stipulated by law. This threshold is defined by each jurisdiction.
- 3) **Price bidding:** It is a quote request addressed to a certain number of suppliers, with a simplified procedure. This figure is not always regulated in the public procurement regimes and its meaning can change in different jurisdictions.
- 4) **Direct awarding<sup>18</sup>:** In this case the contracting entity will award a contract exclusively to a particular contractor. This is allowed in the following cases:
  - a) In case of bidder exclusivity (e.g. when the bidder is the only authorized seller);
  - b) In case of emergency, and

<sup>17</sup> The principles stem from international treaties, national and provincial Constitutions, municipal rules as well as applicable regulation.

<sup>18</sup> There is also direct award procurement in State-State agreements. In these cases, the General Regime does not apply.



- c) If the contracting sum does not exceed a stipulated amount.
- 5) **Public auction:** This procedure applies only to purchases and sales of both real estate and personal property. It is carried out by a public auctioneer, with a basic price that is established previously.

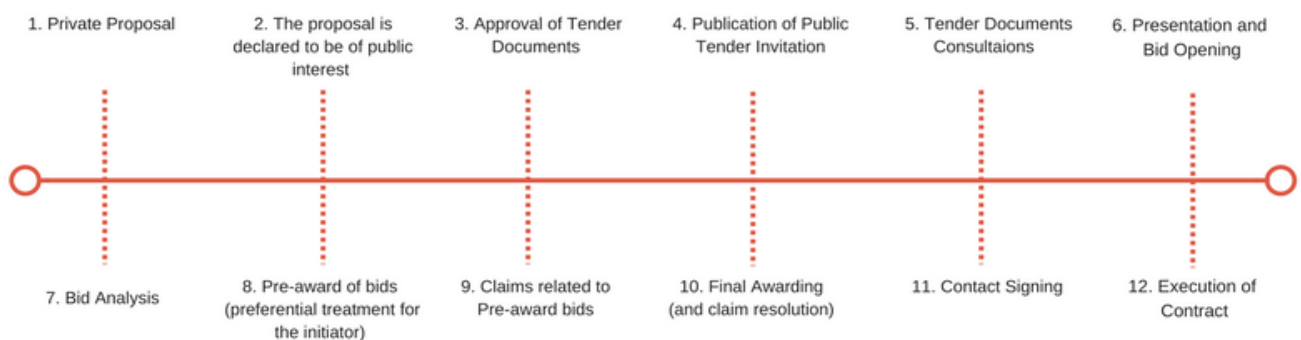
The standard procedures are public tender or public auction, while private tender and direct award are exceptions.

It is important to remark that the contracting entity can use either private tender or direct award when the estimated procurement amount is below a threshold established by the respective regulation.

### 3.4 Other Procedures that Use Public Tender

- 1) **Private initiative:** A natural person or legal entity submits a proposal that involves a scientific or technical innovation and has been declared to be of public interest by the National State, through the jurisdiction or entity with competence in the matter.

This process is illustrated in the following graphic:

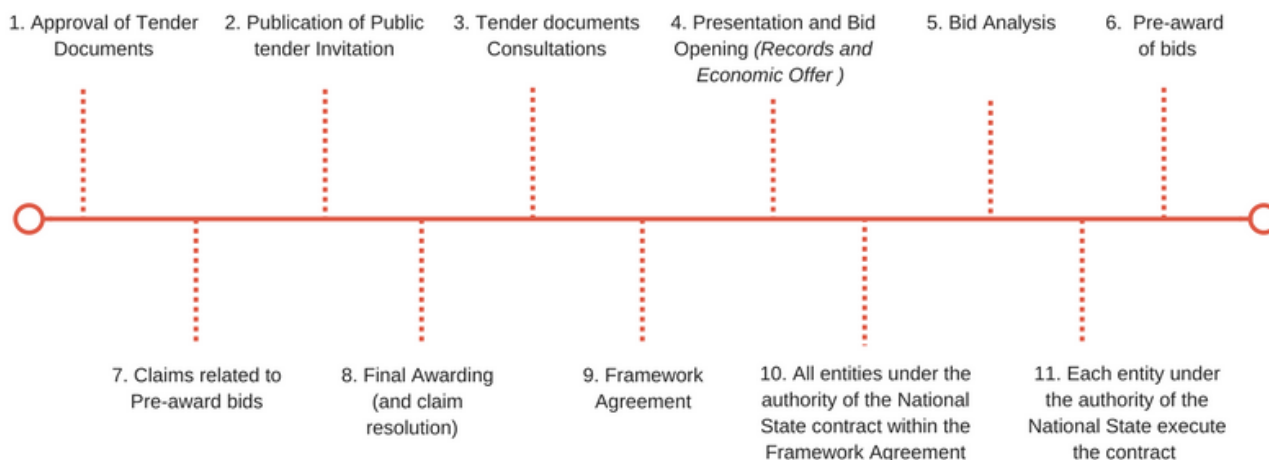


- 2) **Framework agreement:** When the National Procurement Office (Oficina Nacional de Contrataciones (ONC)) selects suppliers (either *ex officio* or by petition of one or more jurisdictions or procurement entities) to contract the supply of goods and services on behalf of those jurisdictions or entities. In case there is an existing framework agreement, each institution must contract through it. The governing body can suspend or eliminate any product or service awarded by a framework agreement upon reasonable grounds. Moreover, for opportunity reasons and if suitable, the ONC can also eliminate any product or service included in the framework agreement and may incorporate new products by opening a new invitation.

As an example, there is a framework agreement concluded by the ONC currently in force at national level for the procurement of cell phone, radio and data transfer services. Four suppliers have been awarded within this framework. For the duration of this framework agreement, the entities within the National State have to contract with these four providers to make use of abovementioned services<sup>19</sup>.

19 Purchase Process No. 999-0001-LPU16 (<https://comprar.gob.ar/PLIEGO/VistaPreviaPliegoCiudadano.aspx?qs=BQoBkoMoEhxIElqT9HsrzKl0asRnHQcfanub83YGuJWmvLmG686kWiHDP1yWu117orRTP7nEom8=>).

The following graphic illustrates the framework agreement structure:



### 3.5 Contract Execution Modalities

The modalities to award contracts are classified depending on:

*Who executes:*

- 1) **Consolidated procurement:** Used when two or more jurisdictions or hiring entities require the same supply - unifying the business selection procedure - in order to obtain better conditions than by individual procurement.
- 2) **Comprehensive project bids:** In case the contracting entity cannot determine the specifications of the contract in detail, potential bidders are invited to propose comprehensive project solutions.

*How contracts are executed:*

- 1) **Turnkey:** When contracting a unique supplier with the responsibility of the comprehensive realization of a project is more suitable from a public interest point of view;
- 2) **Blanket ordering:** When the particular tendering documents cannot establish with enough precision the quantity of goods and services, or cannot establish the dates and delivery deadlines, and
- 3) **Guaranteed maximum price:** If the provider is compensated for the actual costs plus a fixed fee, subject to a maximum price.

### 3.6 Eligibility Criteria

Each procurement regime establishes the requirements which must be met by natural persons and legal entities in order to contract. Some of them are:

- 1) Legal capacity to contract;
- 2) No previous suspension or disqualification to contract with the National State;
- 3) No crimes against property, against the National Public Administration, or against public faith, and
- 4) No tax debts.

### 3.7 National and International Tenders

Many jurisdictions expressly define the criteria to contract with foreign bidders – meaning those whose head office is outside Argentina and do not have a duly registered branch in the country<sup>20</sup>. In general, international tenders are reserved for complex or very important procurements.

Foreign bidders are usually exempted from some requirements which are mandatory for national bidders, like the registration in the National Register of Suppliers (Sistema de Información de Proveedores (SIPRO)) or others.

However, foreign bidders are required to present the documentation from their country of origin (equivalent to what is required from national bidders) to participate in tender processes. Furthermore, foreign language documents have to be translated by a public translator into the Spanish language.

Once a procurement contract has been awarded, it is commonly required for foreign bidders to establish a branch office in Argentina. Often, this is not expressly demanded by the procurement regimes, but becomes a requirement of individual procurement terms.

Regarding particular regulations, many contractual specifications require foreign companies to establish a joint venture with an Argentine company.

*For example, foreign bidders were allowed to participate in the bidding procedure for a tender offer by Belgrano Cargas y Logística S.A. (BCyL) – a state-owned company. A foreign bidder was awarded with the contract and then required by its terms to establish a branch office in Argentina. This situation had an impact in the bid budget.*

### 3.8 Competent Authority

All procurement regimes are based on the idea of centralization of policies but decentralization of management. Thus, practically all General Procurement Regimes designate a governing body in charge of proposing the procurement policies, projecting regulations and clarifying, interpreting and complementing the procurement rules, while each of the procuring institutions under the respective regime is in charge of managing and executing the procurements internally.

For example, in the National General Regime there is a National Procurement Office (Oficina Nacional de Contrataciones (ONC)) in charge of adopting general procurement regulations, whereas all the Ministries manage and execute their own procurement proceedings.

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<sup>20</sup> [Annex VI](#) contains a summary of the different options available pursuant to Argentine laws for a foreign company to conduct business in Argentina through a permanent representation in Argentina.

### 3.9 Award Criteria

Generally, the contract is awarded for the bid that is the most suitable for the contracting body, taking into account price, quality, bidder's adequacy and the remaining conditions of the bid. The selection criteria may consist of economic or non-economic factors, such as technical-scientific capacity, artistic skills or others.

### 3.10 Possibility to Revoke the Call for Tender

Most regimes establish the possibility for the contracting entity to revoke the call for tender during any stage of the tender process before conclusion of contract<sup>21</sup>.

## 4. National and Local Preference

### 4.1 National Preference

The national legislation and certain Provinces establish a preference regime that favors national bidders. Bidders are considered national when they offer goods produced in Argentina or have a legal domicile in Argentina for a determined time.

National bids are favored in the sense that they will succeed even though the respective national bid is higher than competing foreign bids. The national legislation establishes a preference for bids that include national products with identical or similar features, in cash payment conditions. These suppliers must be chosen even if their price exceeds the offer of foreign companies by a 7% (when the domestic company is a Micro, Small and Medium-Sized Enterprise, SMEs) or by 5% (for other domestic enterprises). It is important to mention that these percentages may be raised if Congress passes a draft Bill that was approved by the Argentine Chamber of Deputies in 2017, and until the date of completion of this report had not yet been approved by the Senators Chamber (see further details in Chapter III 1.4).<sup>22</sup>

Provincial legislations use similar thresholds.

As far as Public-Private Partnership contracts are concerned (which are established in various provinces) the contract specifications need to provide for a national participation of at least 33%, in case the provision of goods and services is part of the contract<sup>23</sup>.

### 4.2 Local Preference

Most Provinces and some Municipalities have established a preference regime that favors local bidders. Bidders are considered local if they offer goods produced in the concerned jurisdiction's territory or if they have legal domicile in that jurisdiction for a determined time.

Local bids are favored in the sense that they will succeed even though the respective local bid is higher than competing non-local bids. The threshold depends on each jurisdiction, although it is normally set around 5%.

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21 For example, in the National General Regime this is established by Article 20 of Decree No. 1,023/01. Also, Article 47 of Decree No. 1,030/16 sets forth that a revocation needs to be published on the website of the ONC (<https://comprar.gob.ar/>).

22 The Bill increases national preference to 15% (when the domestic company is a micro, small and medium-sized enterprise) or to 8% (for other domestic enterprises).

23 Article 12 of Law No. 27,328, see text in Annex XVIII (translations).

## 5. Public Tender Phases

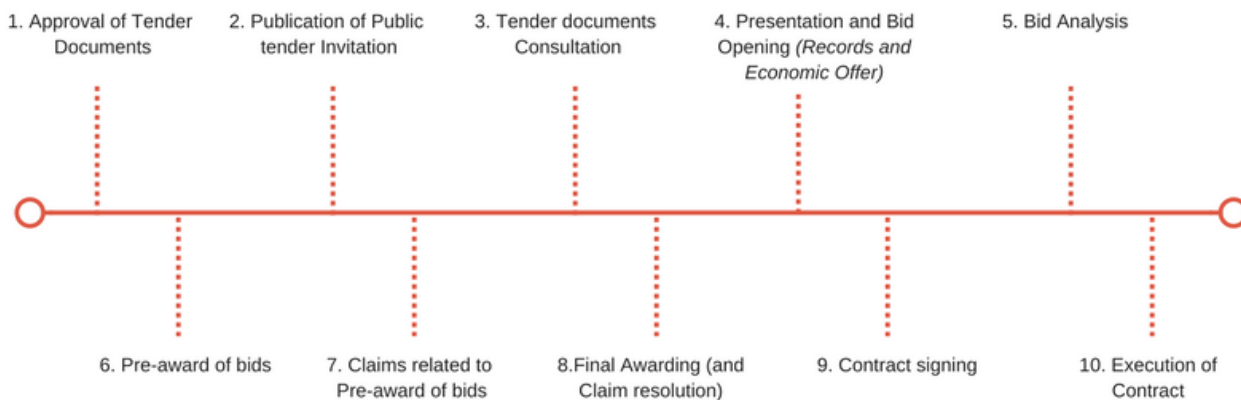
Public tender is the standard selection procedure and comprises the following phases:

- 1) **Process commencement:** The procuring entity of the Executive Branch decides to start the procurement process;
- 2) **Fund allocation:** The funds for the procurement project must be reflected in the budget (in other words, public funds are allocated to the procurement);
- 3) **Decision on selection procedure:** The contracting institution chooses the selection procedure, in general public tender;
- 4) **Publication of the call for tenders;**
- 5) **Provision of terms and conditions:** The respective bidders receive the terms and conditions;
- 6) **Enquiries:** The bidders may make consultations on the respective terms and conditions. The entity in charge of the procurement process may give responses, which will be included into the terms and conditions;
- 7) **Procedural stages:** The bids are placed either in a single stage or in multiple stages:
  - a) Single stage: when financial and technical proposals are presented in one act, by submitting one envelope, or
  - b) Multi-stage: when technical, financial and further proposals are presented in multiple acts, by submitting more than one envelope.
- 8) **Preliminary evaluation:** The bids are evaluated (in case of multi-stage bids they are pre-selected);
- 9) **Legal evaluation:** A legal opinion on the bids' evaluation and pre-selection is issued, which can be appealed by the bidders;
- 10) **Contract awarding:** After possible complaints have been resolved, and
- 11) **Contract conclusion:** The procurement contracts are concluded in two different ways:
  - a) Simple notification on the awarding to the respective winning bidder (e.g. supply contract),
  - b) Signature of a formal document between both parties (e.g. public works contract).

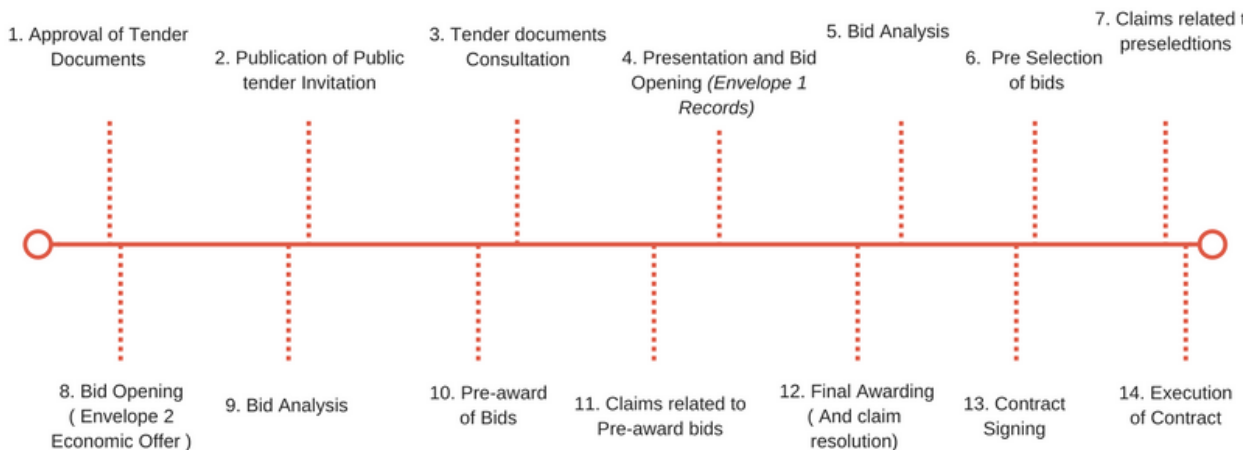
The following graphic reflects the different phases in most of the public tender processes:



Public Tender Phases - Single Stage:



Public Tender Phases- Multi-stage:



## 6. International Treaties and Covenants Impacting Public Procurement

### 6.1 Public Procurement, Transparency and Anti-Corruption

It is important to mention that the elements of anti-corruption treaties that Argentina has adopted are of great importance to ensure the transparency of public procurement procedures. Argentina has signed and ratified two treaties against corruption, which have direct effect on the country's public procurement: the Inter-American Convention against Corruption ("IACAC", Convención Interamericana contra la Corrupción)<sup>24</sup> and the United Nations Convention against Corruption ("UNCAC", Convención de las Naciones Unidas contra la Corrupción)<sup>25</sup>.

Both Conventions set out basic principles that reflect international rules of public procurement, such as disclosure, equality, efficiency, transparency and competition, as well as the use of objective criteria in the decision-making process.

Anti-corruption treaties require sharing public information on procurement procedures and contracts. In addition, these treaties demand that the conditions for participation are established in advance, including the implementation of proper procedures, awarding criteria, tendering rules, objectives, predetermine criteria for public procurement decisions and an effective system of domestic evaluation.

Furthermore, these treaties oblige signatory countries to adopt an objective system of analysis, and to have control over the respective procurements. Under these anti-corruption treaties, Argentina is required to guarantee the application of above-mentioned principles, safeguarded by the corresponding control mechanisms to determine their compliance.

For more information see [Annex VII](#).

### 6.2 Bilateral Investment Treaties (BIT)

Once foreign bidders have been awarded a contract and the investment has been made, they are protected under respective BITs signed by Argentina with other countries including 21 EU Member States<sup>26</sup>.

Therefore, the contracts are protected in case there is a contractual violation, discriminatory or unfair treatment, or any other breach of the BIT. Foreign bidders may choose an International Arbitral Tribunal – such as the International Center for Settlement of Investment Disputes (ICSID)<sup>27</sup> – to protect their rights.

For more information see [Annex VIII](#).

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24 The IACAC was adopted in March 1996 by the Organization of American States (OAS), in Caracas, Venezuela. Is the first legal instrument in this field which recognizes the international reach of corruption and the need to promote and facilitate cooperation between States in order to fight against it. See <http://www.oas.org/juridico/english/treaties/b-58.html>.

25 Approved by the United Nations General Assembly Resolution 58/4 of October 31, 2003, available at [www.unodc.org/unodc/en/treaties/CAC/](http://www.unodc.org/unodc/en/treaties/CAC/).

26 Germany (1991), Austria (1992), Belgium-Luxembourg (1990), Bulgaria (1993), Croatia (1994), Denmark (1992), Spain (1991), Finland (1993), France (1991), Greece (1999), Hungary (1993), Italy (1990), Lithuania (1996), Netherlands (1992), Poland (1991), Portugal (1994), United Kingdom (1990), Czech Republic (1996), Romania (1993), Sweden (1991).

27 ICSID was established in 1966 by the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, available at: <https://icsid.worldbank.org/en/Pages/icsiddocs/ICSID-Convention.aspx>.

### 6.3 Contracts Funded by International Financial Institutions

Many foreign bidders are already familiar with public procurement managed by the State, with loans or grants from (credit) multilateral organisms, in different countries around the world.

In Argentina, the National State, the Provinces/CABA and Municipalities can enter into public procurement contracts through loans received from financial and technical assistance by institutions such as the World Bank, Inter-American Development Bank (IDB for its initial letters in Spanish), Andean Development Corporation – Development Bank of Latin America (CAF for its initial letters in Spanish); Financial Fund for the Cuenca de la Plata (FFCPD) and International Fund for Agricultural Development (IFAD), to which Argentina has acceded to.

Other public procurement contracts include those implemented through funds and programs managed by the United Nations programs, particularly those managed by the United Nations Development Program (UNDP), the United Nations Office for Project Services (UNOPS) and other cooperation initiatives funded by the European Union, the European Investment Bank and bilateral cooperation sources, such as the Spanish Agency for International Development Cooperation (AECID for its initial letters in Spanish) and the Program for Spanish-Argentinean Economic Cooperation.

When the above-mentioned international organizations lend or grant money to the Argentinean Government, the scope of the public procurement shall be defined in the loans agreement. In these cases, the National Public Administration Procurement Regime does not apply – as will be explained in further detail in [Chapter III 1.1](#)– unless it is expressly regulated for each particular case. This happens because each International Organization has its own procurement regulation, and the Argentinean government must implement the rules already established by each organization.

Thus, procurements of any local jurisdiction that include loans by international financial institutions are out of the scope of their own procurement regime, unless the international treaty expressly establishes the application of the domestic rules.

At national level, these loan agreements shall be authorized by Presidential Decree, notwithstanding its power to delegate this faculty to lower-level officials. Generally, the National Executive Branch authorizes the model loan agreements, while it delegates the power to sign them to lower-level Ministers.<sup>28</sup>

### 6.4 Direct Award Clauses in State-State Agreements

State-State agreements, usually based on broader economic cooperation agreements, often include direct award clauses. Therefore, Argentinean procuring entities may directly award procurement contracts to companies and public entities of these countries within the specific scope of the State-State agreement.

State-State agreements are exempted from the National Administration's Procurement Regime – as will be explained in [Chapter III 1.1](#).

These agreements are not regulated specifically. However, even in case a State-State agreement exists, the public administration may still acquire goods that fall in the category of direct awarding, through public tender proceedings.

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<sup>28</sup> For example, Decree No. 1622/11 of the Executive Branch approved the model loan agreement with IADB and Decree No. 842/17 approved the model loan agreement with the Development Bank of Latin America/CAF.

As an example, Argentina has signed direct awarding clauses with China and Poland. In the case of China, the National General Auditing Office (Auditoría General de la Nación) has made numerous observations<sup>29</sup>.

The State-State agreements, as well as the bilateral and multilateral treaties and conventions that Argentina has signed and ratified, can be found on the web site of the Argentinean Ministry of Foreign Affairs<sup>30</sup>.

For more information see [Annex IX](#).

## 6.5 Southern Common Market (MERCOSUR)

The Southern Common Market (MERCOSUR for its name in Spanish) was founded in 1991 by Argentina, Brazil, Paraguay and Uruguay, through the Treaty of Asunción. Venezuela is currently suspended<sup>31</sup>. Bolivia<sup>32</sup> has also requested access (not yet completed).

MERCOSUR is different from the European Union, as it has no community law. Thus, its regulations have no binding character for the Member States. Conversely, the regulations enacted by MERCOSUR have to be adopted internally by each Member State in order to become binding for them.

On December 21, 2017, the Member States signed the MERCOSUR Public Procurement Protocol. It establishes national treatment for Member State companies in tenders of governmental procurements of goods, services and public works by certain institutions of the centralized and decentralized public administration set out in the Annex of the Protocol.

A future Association Agreement between MERCOSUR and the European Union will also include rules on public procurement. This will likely help harmonizing the procurement systems and eventually extend national preferences to companies in the Member States of the European Union.

For more information see [Annex X](#).

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29 This institution is a control body, under the authority of the Legislative Branch, and whose main objective is to exercise external control on the Executive Branch in its economic, financial and operational aspects (Article 85 of the National Constitution).

30 <http://tratados.mrecic.gov.ar/busqueda.php?consulta=si&modo=c>.

31 Joined MERCOSUR as a Member State in 2012 and is currently suspended from its entire rights and obligations according to Article 5 of MERCOSUR's Ushuaia Protocol on Democratic Commitment.

32 Submitted its protocol of accession to MERCOSUR in 2012, which has been approved by all Member States in 2015. It is, however, necessary that each Legislative Branch of the Member States incorporates the accession as internal law.

## II. Organization and Legal System in Argentina

### 1. The Argentinean System of Government. Federal System and Division of Powers. Organization and Competences of the Nation, Provinces/ Autonomous City of Buenos Aires and Municipalities.

To understand the different State areas regulated by public procurement, it is first necessary to describe the way in which Argentina is legally organized.

The Argentinean National Constitution adopts a federal, republican and representative form of government<sup>33</sup>.

#### *Levels of government*<sup>34</sup>

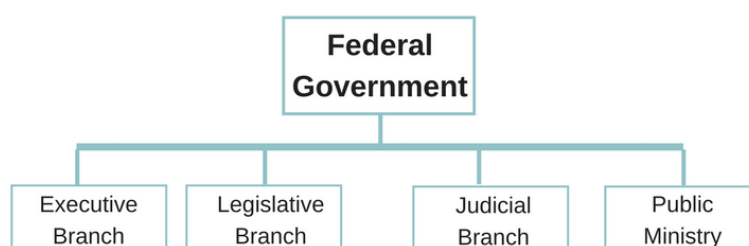
- 1) The Federal (National) Government;
- 2) 23 Provinces and CABA, and
- 3) and approximately 2,000 municipalities in the Provinces.

The Federal Government is divided into:

- a) Legislative Branch;
- b) Executive Branch;
- c) Judicial Branch, and
- d) Public Ministry associated with the Judicial Branch as an independent authority.

All of these branches are situated in CABA (but do not belong to the City)<sup>35</sup>.

**Annex XI** describes all governmental units that exercise these powers.



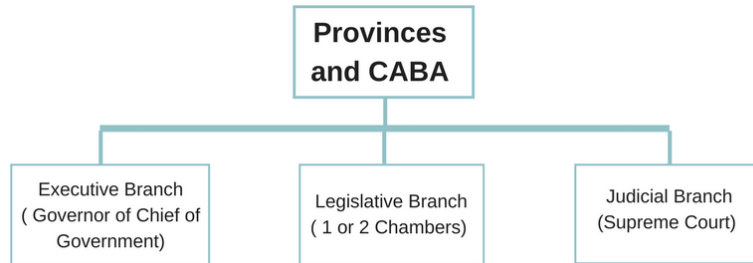
<sup>33</sup> Article 1 of the National Constitution.

<sup>34</sup> Article 124 of the National Constitution.

<sup>35</sup> Law No. 1,029 (1880).

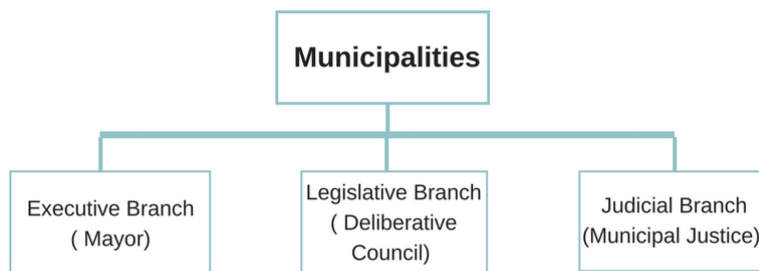
Each Province and CABA are divided into:

- a) Legislative Branch;
- b) Executive Branch, and
- c) Judicial Branch.



Municipalities, in general, are divided into:

- a) Legislative Branch;
- b) Executive Branch, and
- c) Judicial Branch (Municipal Justice which is more of administrative character).



Provinces (including CABA) and Municipalities have autonomy, allowing the local government to establish its own institutions<sup>36</sup>. They can also set the rules regarding their procurement regime and public contracts.

In accordance with what has been set out in [Chapter II](#), every branch on every governmental level establishes its own rules on public procurements.

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36 Article 123 of the National Constitution.

### III. Public Procurement of the Executive Branch at each Government Level

As explained before, this report focuses on procurement by the Executive Branch (at each government level) due to its potential relevance for EU companies. The procurement regulations for this Branch are structured as follows:

*National Level:*

- a) National General Regime;
- b) Particular Regulations for certain contracts only<sup>37</sup>;
- c) Some Special Regimes that have been selected for this report<sup>38</sup>, and
- d) National Preference Regime, which applies throughout public procurement.



To get more information on the public procurement systems used by the judicial and the legislative branch see [Annex XII](#).

*Provincial Level (including CABA):*

- a) Provincial General Regimes;
- b) Some Particular Regulations for certain contracts only;
- c) Some Special Regimes that have been selected for this report<sup>39</sup>, and
- d) Preference Regime (national or local, depending on the jurisdiction), which applies throughout public procurement.

37 We will analyze particular regimes in the laws that regulate: 1. Public Works Contract, 2. Public Works Concession Contract, 3. Public-Private Partnership and 4. Private Initiative Regime.

38 The Special Regimes selected to be analyzed are the following: 1. Administración de Infraestructuras Ferroviarias Sociedad del Estado (ADIF S.E.); 2. Aerolíneas Argentinas S.A.; 3. Administración General de Puertos S.E. (AGP S.E.); 4. Belgrano Cargas y Logística S.A. (BCyL S.A.) – Trenes Argentinos Cargas-; 5. Dirección Nacional de Vialidad (DNV); 6. Operadora Ferroviaria S.E. (SOF S.E.); 7. YPF S.A.; 8. Agua y Saneamientos Argentinos S.A. (AySA); 9. Instituto Nacional de Servicios Sociales para Jubilados y Pensionados (PAMI); 10. Correo Argentino; 11. Empresa Argentina de Soluciones Satelitales Sociedad Anónima (AR-SAT); 12. Instituto de Investigaciones Aplicadas (INVAP); 13. Coordinación Ecológica Área Metropolitana Sociedad del Estado (CEAMSE), 14. Instituto Nacional de Tecnología Agropecuaria (INTA); 15. Organismo Regulador del Sistema Nacional de Aeropuertos (ORSNA); 16. Comisión Nacional de Energía Atómica (CNEA); 17. EDUCAR; 18. Banco de La Nación (BNA); 19. Compañía Administradora del Mercado Mayorista Eléctrico (CAMMESA); 20. ACUMAR - La Autoridad de Cuenca Matanza Riachuelo and 21. Instituto Nacional del Agua (INA).

39 Two public companies of CABA have been selected: 1. *Autopistas Urbanas S.A. (AUSA)* y 2. *Subterráneos de Buenos Aires S.E.*

The autarkic entity of Province of Buenos Aires has been selected is *Autoridad del Agua de la Provincia de Buenos Aires (ADA)*.



In some cases, the Preference Regime applies to all public procurements, including Special Regimes and Contracts with Particular Regulations:

PROVINCIAL LEVEL		
General Procurement Regime	Special Procurement Regimes	Particular Procurement Regimes
LOCAL PREFERENCE		

In other cases, however, the Preference Regime (national or local, depending on the jurisdiction) only applies within the General Procurement Regime (neither within the Special Procurement Regimes nor to Contracts with Particular Regulations):

PROVINCIAL LEVEL		
General Procurement Regime* Local preference	Special Procurement Regimes	Particular Procurement Regimes

#### Municipal Level<sup>40</sup>

- a) Municipal General Regimes;
- b) Some Particular Regulations, for certain contracts only, and
- c) Preference Regime (national or local, depending on the jurisdiction), which applies throughout public procurement.

MUNICIPAL LEVEL	
General Procurement Regime	Particular Procurement Regimes
Local Preference	

## 1. National Public Procurement Regulations

First, the National General Public Procurement Regime (hereinafter "*National General Regime*") will be described. It applies to all public procurements of the Executive Branch, with the exception of certain contracts that have their own Particular Procurement Regulations and certain independent entities that have their own Special Procurement Regime.

At the national level, public procurement is regulated by the **Procurement Framework of the National Administration** (*Régimen de Contrataciones de la Administración Nacional*)<sup>41</sup> and its **Implementing Regulations** (*Reglamentación del Régimen de Contrataciones de la Administración Nacional*)<sup>42</sup>.

40 36 Municipalities have been selected for this report (See [Chapter V](#)).

41 Adopted by Delegated Decree No. 1,023/01, which is equivalent to a Law.

42 Adopted by Decree No. 1,030/16.

The National Administration's Procurement Framework establishes the following principles:

- 1) Reasonableness of the project and efficiency of the procurement to meet the engaged public interest and achieve the expected results;
- 2) Promotion of competition of interested parties, and competition among bidders;
- 3) Procedural transparency;
- 4) Publicity and dissemination of proceedings;
- 5) Responsibility of agents and officials who authorize, approve or manage procurements, and
- 6) Equal treatment for all interested parties and bidders.

The Implementing Regulations establish the specifications of the public procurement process, such as: parameters applied to the selection of the procurement election procedure, electronic public procurement, ways of approval of general and specific terms and conditions, technical specifications, provisions regulating the course of procedure, guidelines regarding transparency and publicity of the selection procedures.

Furthermore, the ONC adopted a Handbook on the Procedure of this Regime (Manual de Procedimiento)<sup>43</sup> and Unique General Bidding Terms and Conditions (Pliego Único de Bases y Condiciones Generales)<sup>44</sup>.

Other additional rules exist, which are set out in the tables in **Annex XIV**, together with a short summary of their content.

## 1.1. National General Regime

### *Entities Regulated by the National General Regime*

The National General Regime applies to the Centralized and Decentralized Public Administration, with the exception of those autarkic entities having their own regulation (e.g. the Federal Tax Administration AFIP) and public companies (e.g. ADIF S.E.).<sup>45</sup>

The Implementing Regulation establishes that this regime also applies to the National Universities (even if in practice they seem reluctant, seeing it as an impediment to their autonomy)<sup>46</sup>.

### *Contracts Regulated by the National General Regime*

The National General Regime applies to every purchase, supply, service, trading, rent (with option to purchase), barter, consultancy and governmental or private concession contract, as well as to any contract not expressly exempted.<sup>47</sup>

It is also applicable to public works contracts and concessions, and public service concessions and licensing,<sup>48</sup> if they are not regulated by their specific laws. The Implementing Regulation, however, does not apply to these contracts. The only applicable rules are to be found in the Procurement Framework of the National Administration.

The contracts expressly exempted from the National General Regime are: public employment contracts; small purchases; contracts with foreign States, public international entities or multilateral credit institutions; contracts partially or wholly financed by such institutions; contracts including public credit

43 Adopted by Disposition No. 62 E/2016.

44 Adopted by Disposition No. 63 E/2016.

45 Article 2 of Decree No. 1,023/01.

46 Article 2 of Decree No. 1,030/16.

47 Article 4 a) of Decree No. 1,023/01.

48 Article 2 b) of Decree No. 1,023/01. In these cases, the regulation adopted by Decree No. 1,030/16 does not apply.

operations<sup>49</sup>; procurements carried out abroad<sup>50</sup> and contracts related to assets of the portfolio of the Sustainability Guarantee Fund of the Argentinean Social Security System<sup>51</sup>.

#### *Competent Administrative Authority*

The National General Regime is based on the idea of centralization of both policies and regulation, but decentralization of the operational management.

The governing body of the National General Regime is the ONC (Oficina Nacional de Contrataciones). This Office is in charge of proposing procurement policies, projecting regulations and clarifying, interpreting and complementing the related rules, among other duties<sup>52</sup>. Furthermore, each of the institutions that apply this Regime is in charge of their own procurement management, except when a framework agreement is used as selection procedure. In these cases, the ONC is the competent authority to authorize the call for tender and the choice of the procurement selection procedure, approving a list of particular tender documents, whereas the Ministry of Modernization (Ministerio de Modernización) is the competent authority to approve the selection procedure and to issue the award<sup>53</sup>.

It has to be pointed out that some regulations under this regime have their own competent authority, like those concerning procurement of real estate (State Property Procurement Agency (Agencia de Contratación de Bienes del Estado)) and Law No. 25,551 (Compre Trabajo Argentino/Buy Argentina) for which the Secretariat for Industry and Services, part of the Ministry of Production<sup>54</sup> is the competent authority.

#### *Selection Procedures*

The different procurement selection procedures regulated by the National General Regime are:

- 1) Public tender: It is the standard selection procedure<sup>55</sup>;
- 2) Public auction: Applies when purchasing personal property (including art or historic objects), real estate and animals<sup>56</sup>;
- 3) Private tender: If the tender invitation is extended exclusively to those suppliers registered in the ONC's database (Sistema de Información de Proveedores, hereinafter "SIPRO") and the estimated contracting amount does not exceed a stipulated threshold.<sup>57</sup> When this is not possible, the contracting body can extend the invitation to other interested suppliers not registered in the system<sup>58</sup>, and
- 4) Direct award: This procedure consists in an abbreviated proposal (*compulsa abreviada*) and simple award (*adjudicación simple*)<sup>59</sup>.

On the one hand, **abbreviated proposal** will be used when there is more than one potential bidder meeting the requirements, and one of the next situations applies:

- a) Another selection procedure cannot be selected, and the estimated contracting amount does not exceed the maximum value set out by the applicable regulation;
- b) A second invitation for tender fails, or

49 Article 5 of Decree No. 1,023/01.

50 Article 3. c) of Decree No. 1,030/16.

51 The Sustainability Guarantee Fund of the Argentinean Social Security System is a pool of financial assets which is managed by the National Social Security Administration.

52 Article 23 a) of Decree No. 1,023/01.

53 Article 9 of Decree No. 1,030/16.

54 Article 2 of Decree No. 1,030/16.

55 Article 24 of Decree No. 1,023/01.

56 Article 25. b) of Decree No. 1,023/01.

57 Article 25. c) of Decree No. 1,023/01.

58 Article 41 of Decree No. 1,030/16.

59 Article 25 d) of Decree No. 1,023/01.

- c) Well-founded and urgent reasons – due to concrete circumstances – do not allow for the implementation of another selection procedure within reasonable time.

On the other hand, **simple award** will be used in the following cases:

- a) If the Administration is allowed to enter into a contract with a specific person only, or is entitled to choose a public co-contractor for legal reasons, because of certain concrete circumstances for reasons linked to the contract's objective or to the co-contractor;
- b) Acquisitions and development of scientific, technical and artistic work, carried out exclusively by artists or specialists that are the only ones able to complete the work;
- c) Procurement of goods and services sold exclusively by authorized sellers or owned by only a physical person or legal entity. A brand does not by itself constitute a cause for exclusivity, unless it is technically proven that no suitable substitutions exist;
- d) Repair of machinery, vehicles or motors whose dismantling, relocation or previous inspection is essential, when the use of another procurement procedure is more expensive. However, the direct award procedure cannot be used for ordinary maintenance;
- e) Contracts entered into by national, provincial (incl. CABA) and municipal entities, as well as State companies, in the security, logistics or health sector;
- f) Contracts with national universities, or
- g) Real estate rental contracts, in cases where institutions of the Public Administration are tenants.

In the following cases, **abbreviated proposal** or **simple award** can be chosen:

- a) If proven reasons of emergency impede the use of other selection procedures in a timely manner;
- b) If an operation has been declared secret for safety reasons or for national defense, or
- c) Contracts with legal entities or natural persons registered at the National Register of Generators of Local Development and Social Economy (*Registro Nacional de Efectores de Desarrollo Local y Economía Social*)<sup>60</sup>, whether they receive state funding or not.

*Other Selection Procedures that Use Public Tender*<sup>61</sup>,

- 1) Private initiative.
- 2) Framework agreements.

All the selection procedures can be carried out through the Electronic Procurement System of the National Administration named "Compr.ar"<sup>62</sup>. Currently, the system is being gradually implemented throughout all national administrative units.

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60 Natural persons – residents of Argentina or a foreign state – that are in a position of social vulnerability duly certified by a technical report, that are unemployed or that are actual or potential beneficiaries of social programs may register in the National Registry for Local Development and Social Economy (*Registro Nacional de Efectores de Desarrollo Local y Economía Social*). Likewise, legal entities whose members meet abovementioned requirements or who are beneficiaries of social or public investment programs may register, too (Decree No. 189/2004).

61 Established by Article 25 a) of Decree 1,030/16. For the description of this type of process, please refer to [Chapter I 3.4](#).

62 Website: <https://www.comprar.gob.ar>.

### *Contract execution Modalities*<sup>63</sup>

*Who executes the contract:*

- a) Consolidated procurement, or
- b) Comprehensive project bids.

*How are the contracts executed:*

- a) Turnkey;
- b) Blanket ordering, or
- c) Guaranteed maximum price.

### *National and International Tenders*

Private and public tenders can be subdivided into national and international tenders<sup>64</sup>.

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

### *Requirements for Bidders*

Bidders qualified to contract with the National Administration are legal entities and natural persons who have sufficient legal capacity to enter into contracts, are registered in SIPRO and are not:<sup>65</sup>

- 1) Suspended or disqualified as bidders or contractors with the National State;
- 2) Public servants, or companies with large participation of public servants;
- 3) Sentenced for committing a malicious crime;
- 4) In trial for committing crimes against property, the National Public Administration, public faith or for committing crimes regulated in the American Convention Against Corruption;
- 5) Non-compliant with tax or pension obligations, or
- 6) Listed in the Register of Employers with Labor Sanctions (Registro Público de Empleadores con Sanciones Laborales (REPSAL)).

It is also worth noting that Law No. 27,401<sup>66</sup> and its Implementing Regulations (Decree No. 277/18) on Corporate Criminal Liability have recently been adopted. This Law establishes that all private companies (with national or foreign capital) wishing to contract with the National State in procurements worth over € 4,856,000<sup>67</sup> in cases of public and private tenders, and worth over € 3,156,800<sup>68</sup> in the case of direct awarding, will have to implement a so-called "Integrity Program".

Such Integrity Program has to include actions, a mechanism and internal procedures with the aim of preventing, detecting and correcting irregularities and illicit acts, primarily linked to criminal offences related to the actions of public officers (like bribery and influence peddling, negotiations that are incompatible with holding a public office, illicit use of information and illicit enrichment).

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63 Established by Article 25 of Decree 1,030/16. For the description of this type of process, please refer to [Chapter I 3.5](#).

64 Article 26. b) of Decree No. 1,023/01.

65 Article 27 and 28 of Decree 1,023/01.

66 Law No. 27,401 became effective on March 1, 2018.

67 Decree No. 277/18 sets forth that the amount shall be 100,000 Modules. Currently, each Module has a value of AR\$ 1,000 (Section 2 of Decree 277/18).

68 Decree No. 277/18 sets forth that the amount shall be 65,000 Modules. Currently, each Module has a value of AR\$ 1,000 (Section 2 of Decree 277/18).

The Integrity Program must meet the following minimum requirements:

- 1) An ethics code or a code of conduct for directors, managers and employees, aimed at preventing the committing of the crimes covered by this Law;
- 2) Rules and specific procedures to prevent illicit acts in the context of tender processes, contract execution or any other interaction with the public sector, and
- 3) Regular trainings on the abovementioned matters.

Proof of the Integrity Program needs to be given in the moment of bid submission under the terms that are required by each call for tender<sup>69</sup>.

### *Foreign Bidders*

Foreign bidders and awardees are exempted from inscription to SIPRO.<sup>70</sup> However, regarding procurement processes carried out via Compr.ar the ONC established that bidders exempted from SIPRO may pre-register at the website<sup>71</sup>, and are given a username in order to participate in the selection procedure<sup>72</sup>.

For more information please, refer to the pre-inscription form on the following website:

<https://comprar.gob.ar/Inscripcion.aspx>

It is necessary to provide an address, either in Argentina or abroad, when presenting a bid.

Moreover, foreign bidders are required to include the following documentation when presenting their bid, in addition to the documentation required for national bidders<sup>73</sup>:

- 1) Natural Persons:
  - a) Passport, and
  - b) Certified copy of the tax identification documentation issued by the country of origin's tax authority, or equivalent proof.
- 2) Legal Entities:
  - a) Documentation that certifies the constitution of the legal entity in line with the regulation of the country where the legal entity has been created, and
  - b) Documentation that certifies the legal standing of the entity's representative(s) (mandate, general assembly act in which the entity representative is appointed, etc.).

### *National Preference*

Please refer to [Chapter III 1.4](#).

### *Award Criteria*

Generally, the contract is awarded for the bid that is the most suitable for the contracting body, taking into account price, quality, bidder's adequacy and the remaining conditions of the bid<sup>74</sup>.

69 Section 3 of Decree No. 277/18.

70 Article 25 of Disposition No. 62 E/2016.

71 <https://comprar.gob.ar/Inscripcion.aspx>.

72 Adopted by Disposition No. 64 E/2016 and Communication No. 59/17.

73 Article 12 of the Unique General Bidding Terms and Conditions.

74 Article 15 of Decree No. 1,023/01.

The selection criteria may consist of economic or non-economic factors, such as technical-scientific capacity, artistic skills or others. However, in the case of a good or a standard service whose technical characteristics can be unequivocally specified, the most suitable bid will be the one with the lowest price<sup>75</sup>.

### *Complaint Mechanism*

In line with the Implementing Regulations, once the reviewing commission has finished evaluating all received bids, it delivers a non-binding report to the competent authority, which will be the basis to issue the administrative act<sup>76</sup>. This evaluation report is communicated to the bidders, who have three days to express any objection<sup>77</sup>.

In order to appeal, it is necessary to acquire a guarantee, equivalent to 3% of the offer<sup>78</sup>.

Administrative acts executed within the selection procedure are ruled by the provisions of the National Administrative Procedure Law No. 19,549<sup>79</sup>.

Once this period has elapsed, the contracting authority issues the administrative act of awarding. Appeals are resolved in the same administrative act as the award<sup>80</sup>.

The awarding act may be appealed by the administrative remedies provided by the National Administrative Procedure Law No. 19,549. Furthermore, it is possible to subsequently request judicial revision.

## **1.2 The Most Important Contracts with Particular Regime**

### **1.2.1 Public Works Contract**

#### *Scope and Coverage*

Through the administrative public works contract, the Centralized Public Administration assigns a contractor to carry out a public work - defined as every construction, work or industrial service, except for military constructions and constructions financed with subsidies.

In general terms, this regime does not apply to public companies. However, it is necessary to evaluate this on a case-by-case basis, since certain Special Regimes provide for the application of the public works contract.

#### *Selection Procedures<sup>81</sup>*

The standard procurement selection procedure for public works contracts is public tender. Public works contracts may be awarded by private tender or direct award in the following cases:

- 1) When the public works price does not exceed a threshold established by the National Executive Branch<sup>82</sup>;

75 Article 15 of Decree No. 1,023/01.

76 Article 65 of Decree No. 1,030/16.

77 Article 72 and 73 of Decree No. 1,030/16.

78 Article 78. d) of Decree No. 1,030/16.

79 Article 6 of Decree No. 1,030/16.

80 Article 74 of Decree No. 1,030/16.

81 Article 9 of Law No. 13,064.

82 Currently up to AR\$ 69,000 (€ 3,350; Res. No. 814/96).



- 2) When works turn out to be essential in the construction's process and could neither have been anticipated nor included in the respective contract. The cost of the additional works may not exceed the limits set out by the National Executive Branch<sup>83</sup>;
- 3) When urgent works or unforeseen circumstances demand a swift execution, ruling out public tender, or in case the fulfilment of social order services cannot be delayed;
- 4) When the security of the National State demands a special guarantee;
- 5) When the work requires a certain artistic or technical capacity, a certain skill or the particular experience of the work's provider; when the work is patented, or the knowledge about it is owned by only one physical person or legal entity, or
- 6) When a completed public tender process has not generated a proposal or no admissible bid has been made.

#### *Contract Execution Modalities<sup>84</sup>*

- 1) **Units of measurement:** (also known as price per unit) Prices are set for specific parts of the work or for each of its elements.
- 2) **Lump sum:** Unchangeable *ex ante* global price for the comprehensive realization of the work.
- 3) **Cost plus fee:** (in case of a justified emergency or proven suitability) The State compensates the contractor for direct expenses (materials, consumables, salaries, etc.) that are generated in the context of the work's realization (cost); and the contractor receives a specific fee on the works that have been performed.
- 4) **Other systems that may be used:** For example, the hiring of workforce or a combination of abovementioned systems.

In all these cases, the procurement can be carried out with or without the supply of materials by the National State.

#### *Requirements for Bidders*

All-natural persons or legal entities that have the capacity to enter into contracts and that are not disqualified from contracting according to the National General Regime are allowed to contract<sup>85</sup>.

The bidders must register at the National Public Works Constructors Register (Registro Nacional de Constructores y Firms Consultoras de Obras Públicas). The Register's Counsel is the body in charge of registration.

There are different categories of bidders. Category "E" determines as foreign bidders those foreign enterprises which are construction companies as per their country of origin's legislation, and have a track record in public, private or subcontracted works<sup>86</sup>.

The foreign enterprise must present all documentation translated to Spanish and must also authenticate the translation.

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83 The current amounts depend on the original cost of the contracted work. For works with an original cost of AR\$ 129,501 (€ 6,290) up to AR\$ 540,000 (€ 26,240) the limit of complementary works for awarding will be 20%; for works with an original cost of AR\$ 540,000 (€ 26,240) up to AR\$ 1,080,000 (€ 52,500) the limit of complementary works for awarding will be 15%; those works with an original cost of AR\$ 1,080,001 (€ 52,500) up to AR\$ 2,160,000 (€ 105,000), the limit of public works for awarding will be 10%; and for the works with an original cost from AR\$ 2,160,000 (€ 105,000) the limit of complementary works to award will be 5% (Res. No 814/96).

84 Article 5 of Law No. 13,064.

85 Although this requirement is not provided in the regulations, it has been applied by the Office of General Counsels (Procuración del Tesoro de la Nación), the highest assessor body of the Executive Branch.

86 Article 6 of Decree No. 1724/93.

### *National Preference*

As explained in the section [iv. National Preference](#), it has to be highlighted that the Argentinean legislation establishes, as a principle, that only national bidders may be contracted for public works. However, the competent authority can establish in the act approving the call for tender that it is necessary to extend the call to foreign bidders, thus making it an international tender. In this case, it is nevertheless required that foreign bidders associate with local bidders.

Please refer to [Chapter III 1.4](#) for further details.

### *Award Criteria*

The same criteria as to the National General Regime apply.

### *Complaint Mechanism*

The same criteria as to the National General Regime apply.

## **1.2.2 Public Works Concession Contract**

### *Scope and Coverage*

Through the administrative public works concession contract, the Federal Public Administration assigns a particular contractor with the construction, maintenance or operation of a public work, with the particularity that the work's price is not paid directly by the Administration, but by the people who use it or who benefit from it. The remuneration of the public work concessionaire comes from tolls or from improvement contributions. The contractor is given certain powers on a temporary basis, in order to be able to effectively collect either the tolls or improvement contributions<sup>87</sup>.

In case of tolls, the payment is received by the concessionaire from the final user of the public work, and the value of the contract depends on what was established in the concession contract, or what was determined by the Administration.

Improvement contributions are taxes paid in retribution of an added value or benefit generated by public works to its immediate surroundings and properties. For example, the added value to properties generated by a new subway line under a public works concession has to be compensated for by the property owners in favour of the concessionaire.

The National State is always the owner of the public works.

### *Selection Procedures<sup>88</sup>*

The procurement selection procedures for Public Works Concession Contracts are the following:

a) Public Tender.

Preliminary arrangements may be made between a private and a public entity, fixing the basis for the future concession and inviting a public tender or call for a public presentation of projects in competence. In this case, and if there were not any better bids, the contract could be celebrated directly with the person or private entity that started the preliminary negotiations, until the terms have

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87 Article 1of Law No. 17,520.

88 Article 4 of Law No. No. 17.520.

been drafted. If better bids are presented, bidders will be called to an open or close / private tender first.

- b) Direct Award with Public Entities or State-controlled Companies.

#### *Public Works Concession Modalities<sup>89</sup>*

In accordance with the expected profitability of the public works concession, the following concession modalities may be agreed:

- a) **Against payment:** If the concession is expected to generate high profits, the concessionaire will be required to pay a royalty to the National State.
- b) **Free of charge:** When the concession is expected to generate profits, the concessionaire will not be required to pay royalties to the National State.
- c) **Subsidised:** If the concession is expected to generate no profits, the National State will subsidise the public works concession. For example, in the case of a highway where the number of toll-paying users is not expected to exceed a determined threshold, the concessionaire will receive a subsidy from the National State.

In case the public works procurement is paid or subsidized by the National State, and the income turns out to be higher than expected, the concessionaire has an obligation to either reinvest or let the national State participate.

The National Executive Branch has to consider: a) that the average level of fees cannot exceed the average economic value of the offered service, and b) the cost-effectiveness of the public work, taking into account the expected traffic, the amortization payment, the interest payment, the profit contributions and the maintenance or operation expenditures.

#### *Requirements for Bidders*

Any person or legal entity, including public entities, can contract.

In cases where the participation of foreign bidders is approved, it is required that they associate with local bidders.

#### *Award Criteria*

The same criteria as to the National General Regime apply.

#### *Complaint Mechanism*

The same criteria as to the National General Regime apply.

For example, in the 2017 approved tender for the "Concession of the Administration and Commercial Exploitation as well as Additional Services of the Buses Terminal Station in Retiro, Buenos Aires" which includes public works and services, the participation of foreign bidders is allowed as long as they associate with local bidders.

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89 Article 2 and 3 of Law No. 17.520.

### 1.2.3 Public-Private Partnership<sup>90</sup>

#### *Scope and Coverage*

Public-Private Partnership (PPP) contracts may be signed between entities of the National Public Administration (including companies with government participation) as the contractor, and public or private entities as the contracted party, with the objective to develop projects in the fields of infrastructure, housing, public activities and services, productive investment, applied research and/or technological innovation.

PPP contracts shall have a flexible design, so as to adapt their structure to the special requirements of each project and its respective financing, in line with the international best practices in the field<sup>91</sup>.

PPP contracts constitute an alternative regime of public work contracts, consultancy service contracts and general procurement contracts<sup>92</sup>.

Specific entities, trusts or other types of associations may be set up for the implementation of the PPP contract, until its complete termination<sup>93</sup>.

The following rules shall not apply to PPP contracts:

- 1) The National Public Administration Procurement Regime;
- 2) The Public Works Law and Public Works Licenses Law;
- 3) Payment in local currency of debts denominated in foreign currency<sup>94</sup>, and
- 4) Indexation prohibition<sup>95</sup>.

#### *Competent Authority*

The PPP Sub-secretariat acts as the enforcement authority<sup>96</sup> and is assisted by the Ministry of Treasury<sup>97</sup>. It has the following duties<sup>98</sup>:

- 1) Advise the Executive Branch on the preparation of programs and PPP development plans;
- 2) Support, upon request of the contracting entities, PPP projects by conducting feasibility studies, preparing bidding documents and promoting PPP projects on the national and/or international stage, among others, and
- 3) Implement the contractor selection procedures.

Moreover, the PPP Sub-secretariat is in charge of issuing various expert opinions on individual public tenders in order to award a PPP contract<sup>99</sup>.

<sup>90</sup> Law No. 27,328 and Decree No. 118/2017.

<sup>91</sup> Article 1 of Law No. 27,328.

<sup>92</sup> Article 2 of Law No. 27,328.

<sup>93</sup> Article 7 of Law No. 27,328.

<sup>94</sup> The Argentine Civil and Commercial Code establishes in Article 765 that the debtor may pay the equivalent of a debt owed in foreign currency using Argentine legal tender. However, the Public-Private Partnership regime establishes that this rule does not apply in the context of Public-Private Partnerships. Consequently, Public-Private Partnership contracts denominated in foreign currency cannot be settled using Argentine legal tender.

<sup>95</sup> Articles 7 and 10 of Law No. 23,928 establish that an obligation denominated in Argentine Pesos can be settled by delivering the nominal amount established in the contract. In other words, this rule prohibits that the debt is adjusted for inflation. However, the Public-Private Partnership regime establishes that this rule does not apply in the context of Public-Private Partnerships. Therefore, Public-Private Partnership contracts may be adjusted for inflation.

<sup>96</sup> Article 28 of Law No. 27,328 establishes the Public-Private Partnership Unit, which was created by Article 2 of Decree No. 118/2017. This Unit was substituted by the Public-Private Partnership Sub-secretariat (Article 10 of Decree No. 808/17) of the Finance Ministry (Decree No. 962/17). Currently, the Public-Private Partnership Sub-secretariat is the enforcement authority of Law No. 27,328 (Annex I, Article 28 of Decree No. 118/17 modified by Decree No. 936/17).

<sup>97</sup> Article 3 of Decree No. 118/2017.

<sup>98</sup> Article 28 of Law No. 27,328 and Article 2 of Decree No. 118/2017.

### *Selection Procedures*

PPP contracts are awarded either through national or international public tender. Whether the public tender is national or international depends on the technical complexity of the project, the ability of local companies to participate in the tender, economical and/or financial reasons related to the project's characteristics, the available capacity in Argentina and/or the origin of funds in case of projects with external financing<sup>100</sup>.

In international tenders, bidders that have their principal seat of business abroad and have no branch office duly registered in Argentina are allowed to participate<sup>101</sup>.

Direct award is not applicable in any case, regardless the purpose of the PPP contract<sup>102</sup>.

### *Procedural Stages<sup>103</sup>*

The procedures for public tender under PPP may be:

- 1) Single stage: when the comparison of the bids is made in a unique act.
- 2) Multi-stage: when the assessment and comparison of bids are made in two or more phases, through successive pre-selections.

Selection procedures shall promote the direct or indirect participation of small and medium-sized companies and national industry and work<sup>104</sup>.

### *Transparent Procedures*

In case the complexity or the size of the project should so require, it is possible to set up a transparent procedure which consists of consultation, debate and opinion exchanges between the contracting entity and the interested pre-qualified bidders, in order to come up with a solution that is more suitable to the public interest<sup>105</sup>.

Regarding the provision of goods and services under Public-Private Partnership contracts, the Bidding Terms and Conditions and further contractual documentation shall establish that they include, at least, 33% of goods or services offered by national companies<sup>106</sup>.

In addition, the preferences established by Law No. 25,551 *Compre Trabajo Argentino/Buy Argentina* (see [Chapter III 1.4](#)) in favour of goods of national origin are also applicable to the PPP contracts.

In some cases, the Executive Branch (President and National Ministries) may exclude or limit the requirements and preferences established by Law No. 25,551, if the PPP Sub-secretariat justifies the suitability and necessity of such exception (through a justified ruling and with a supporting formal decision by the Ministry of Production)<sup>107</sup>.

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99 Annex I of Decree No. 118/17.

100 Article 12 of Law No. 27,328 and Article 12 of Decree No. 118/2017.

101 Article 12 of Law No. 27,328 and Article 12 of Decree No. 118/2017.

102 Article 12 of Decree No. 118/2017.

103 Article 12 of Decree No. 118/2017.

104 Article 12 of Law No. 27,328.

105 Article 14 of Law 27,328, and Article 14, Annex I of Decree No. 118/17. The pertinent regulation was approved by Decree No. 944/17.

106 Article 12 of Law No. 27,328 and Article 12 of Decree No. 118/2017.

107 Article 12 Law No 27,328.

### *Requirements for Bidders*

Natural persons or legal entities meeting any of the following criteria are disqualified from being contractors or bidders (on their own or on behalf of a third party)<sup>108</sup>:

- 1) If they lack capacity to contract with the State or with the contracting party;
- 2) If they have been hired as advisors by the contracting party during the development of the project;
- 3) If they are public officials within the contracting party or in companies or entities that are linked to the contracting party;
- 4) If they are bankrupt;
- 5) If they have not complied with obligations of contracts with the State during the previous three years;
- 6) If they have been sanctioned for violations of environmental regulations during the previous year;
- 7) If they have tax and/or social security debts with the Federal Tax Authority, or
- 8) If they are sentenced for any crime against the Public Administration or public faith or have committed economic or financial crimes.

Persons included in any of the above-mentioned cases may not be members of a sub-contracting company either.

### *Award Criteria*

Before the award is issued, the Competent Authority must ask for the opinion of the PPP Sub-secretariat on the selection procedure; such opinion is not appealable<sup>109</sup>.

The award shall be issued to the best offer, considering the public interest in line with the conditions established in the tender<sup>110</sup>.

The Bidding Terms and Conditions shall contain criteria establishing comparative advantages in favor of national companies, and in favor of micro, small and medium companies, unless the PPP Sub-secretariat issues a report justifying the exclusion from such conditions<sup>111</sup>.

The award shall be made by the Calling Authority. Awarding shall proceed even when only a sole bid has been presented<sup>112</sup>.

### *Complaint Mechanism*

The bidders may appeal the award<sup>113</sup>.

### *Dispute Settlement Mechanisms*

The Bidding Terms and Conditions and the corresponding contract documentation may contain the possibility of establishing negotiation and/or arbitration mechanisms. In case arbitration with extension

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108 Article 23 Law No 27,328.

109 Article 12 paragraph 34 Decree No. 118/2017.

110 Article 15 Law No. 27,328 and Article 12, paragraph 35 Decree No. 118/2017.

111 Article 15 Law No. 27,328.

112 Article 12 paragraph 35 Decree No. 118/2017.

113 Article 35 Decree No. 118/2017.

of jurisdiction has been chosen, this has to be approved of expressly and exclusively by the National Executive Branch and communicated to the National Congress<sup>114</sup>.

### Additional Information

In accordance with the Budget Law 2018 by the National Public Administration<sup>115</sup>, some of the planned Public-Private Partnership projects for the coming years are:

- 1) Ministry of the Interior, Public Works and Housing
  - Housing Development Program.
  - Construction of a subterranean aqueduct in the Province of Buenos Aires (*Acueducto Río Subterráneo Norte*).
- 2) Ministry of Justice and Human Rights
  - Construction of a federal prison in Junín, Province of Buenos Aires (*Centro Penitenciario Federal de Junín*).
- 3) Ministry of Transport
  - Improvement of the freight transport network, to enhance the competitiveness of the regional economies.
  - Improvement of the passenger railway connections in the metropolitan area of the city of Buenos Aires.
- 4) National Road Directorate
  - Construction of highways and safe routes as well as renovation, maintenance, operation and financing of National Routes No. 9, A008, A012, 1V11, 34, 11 and 193<sup>116</sup>.

### Interesting Facts

Among the first Public-Private Partnership tenders, the following initiatives can be mentioned: design, construction, expansion, improvement, repair, remodeling, operation, maintenance and commercial development of 13 road corridors (high traffic national roads) and 2 inter-provincial bridges (1610 km of highways, 3130 km of safe roads, etc.)<sup>117</sup>.

There will be tenders for six road corridors (approximately 3400 km) from the National Road Directorate (*Dirección Nacional de Vialidad*).

The authorities approved a general regulation for public hearings with the objective of applying for tenders and made a call to specific audiences<sup>118</sup>. Likewise, they have decided to apply the transparent consultation procedure to the preliminary drafts of tender documents of each of the road corridors<sup>119</sup>.

Finally, it is worth mentioning that – according to the preliminary drafts – a contract term of 15 years is anticipated.

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114 Article 25 of Law No. 27,328.

115 Budget Law 2018 by the National Public Administration, available at:  
[https://www.economia.gob.ar/onp/html/comunicados/proy\\_presupuesto2018.pdf](https://www.economia.gob.ar/onp/html/comunicados/proy_presupuesto2018.pdf).

116 For more information see <http://ppp.vialidad.gob.ar/>.

117 The road corridors have been incorporated into the PPP regime by Decree No. 902/17.

118 Res. No. 3,043/17 y 3,178/17 of the National Road Directorate.

119 Res. DNV No. 3,300/17.



### 1.2.4 Private Initiative Regime

Private individuals may present projects corresponding to Public Works and Public Works Concession contracts, under the Private Initiative Regime<sup>120</sup>. Private individual's presentations must include<sup>121</sup>:

- Identification of the project and its nature;
- Basis of economic and technique feasibility;
- Estimated amount for the investment;
- Complete records;
- Resources and Financial sources (which must be private), and
- Maintenance guarantee of the project.

The Ministry evaluates the public interest and sends a report to the Executive Branch about the eligibility of the project<sup>122</sup>.

The Executive Branch decides on the inclusion of the project within the Private Initiative Regime<sup>123</sup>.

In case the inclusion is approved, the Ministry of Production must determine the selection procedure, either by public or comprehensive project tender. In case that all bids are equally suitable, there the bidder who first presented the project has priority. Moreover, there is a preference for this bidder if the difference between its bid and the best qualified bid does not exceed 5%<sup>124</sup>.

If the contract is awarded to a different bidder, the one who presented the private initiative has the right to receive from the awardee 1% of the contracted amount, as well as reimbursing of expenses and fees<sup>125</sup>.

In case the Project is dismissed, the respective bidder does not have a right for any compensation<sup>126</sup>.

Copyright of Private Initiative will last through a period of 2 years from its presentation, whether it has been declared of public interest or not<sup>127</sup>.

It is expressly established that the National Preference Regime applies<sup>128</sup>.

## 1.3 Special Regimes

These Regimes apply to public companies and autarkic entities that have established their own public procurement regulations. Please refer to [Chapter VI](#), to see the description of public companies and autarkic entities selected to be analyzed in this Report<sup>129</sup>.

120 Article 1 of Decree No. 966/05.

121 Article 2 of Decree No. 966/05.

122 Article 4 and 5 of Decree No. 966/05.

123 Article 4 and 5 of Decree No. 966/05.

124 Article 8 of Decree No. 966/05.

125 Article 10 of Decree No. 966/05.

126 Article 10 of Decree No. 966/05.

127 Article 11 of Decree No. 966/05.

128 Article 12 of Decree No. 966/05.

129 The National Special Regimes selected to be analyzed are the following: 1. Administración de Infraestructuras Ferroviarias Sociedad del Estado (ADIF S.E.); 2. Aerolíneas Argentinas S.A.; 3. Administración General de Puertos S.E. (AGP S.E.); 4. Belgrano Cargas y Logística S.A. (BCyL S.A.) – Trenes Argentinos Cargas-; 5. Dirección Nacional de Vialidad (DNV); 6. Operadora Ferroviaria S.E. (SOF S.E.); 7. YPF S.A.; 8. Agua y Saneamientos Argentinos S.A. (AySA); 9. Instituto Nacional de Servicios Sociales para Jubilados y Pensionados (PAMI); 10. Correo Argentino; 11. Empresa Argentina de Soluciones Satelitales Sociedad Anónima (AR-SAT); 12. Instituto de Investigaciones Aplicadas (INVAP); 13. Coordinación Ecológica Área Metropolitana Sociedad del Estado (CEAMSE), 14. Instituto Nacional de Tecnología Agropecuaria (INTA); 15. Organismo Regulador del Sistema Nacional de Aeropuertos (ORSNA); 16. Comisión Nacional de Energía Atómica (CNEA); 17. EDUCAR; 18. Banco de La Nación (BNA); 19. Compañía Administradora del Mercado Mayorista Eléctrico (CAMMESA); 20. ACUMAR - La Autoridad de Cuenca Matanza Riachuelo and 21. Instituto Nacional del Agua (INA).

## 1.4 National Preference Regime

There is a Preference Regime (for local goods, public works and services) applied by the Centralized and Decentralized Public Administration, including public companies, concessionaires and permit holders of public utilities under federal jurisdiction. This regime is called *Compre Trabajo Argentino/Buy Argentina*<sup>130</sup>.

It is important to mention that the scope of the regulation is extended to the Legislative and Judicial Branch as well as the Public Ministry<sup>131</sup>. It is expressly set forth that the Preference Regime does not apply to the public company YPF S.A. (see [Chapter VI 24](#)) for more information on YPF S.A.)<sup>132</sup>.

Currently, the competent public authority is the Sub-Secretary for Buy Argentina and Suppliers Development (*Subsecretario de Compre Argentino y Desarrollo de Proveedores*) within the Production Ministry<sup>133</sup>.

It should also be mentioned that in 2017 the Chamber of Deputies passed the Buy Argentina and Suppliers Development Bill (the "Bill"), which until the date of completion of this report had not yet been approved by the Senators Chamber<sup>134</sup>. If and once approved by the Senate, it will become an effective amendment to the Law.

The main proposed modification to the Buy Argentina Law concerning goods is the increase of the national preference to a 15% (when the domestic company is a micro, small and medium-sized enterprise) or to 8% (for other domestic enterprises)<sup>135</sup>. However, these preferences would only be mandatory in procurements above € 63,100. For procurements that do not exceed this threshold, the application of the preferences would be optional. In any case, even if the preferences do not apply, offers containing national goods would be awarded with the contract in case of equal offers<sup>136</sup>.

In addition, offers without national origin would have a preference margin of 1% every 5 percentage points of national content in the gross production value of the goods, up to a maximum preference of 8%.

It is also worth mentioning that the proposed amendment includes an additional preference of 1% for goods produced in Provinces which adhere to the Law, within the three years of its entry into force. Moreover, for the acquisition of goods of high technological scientific content, the preferences of 15% and 8% could be reduced up to 5%, except for SMEs, within the three first years from the enforcement of the law.

As to works and provision of services, the Bill sets forth an obligation to contract exclusively with local small and medium-sized companies offering goods or works of national origin if<sup>137</sup>:

- The procurement consists in the acquisition, rent or lease of goods and amounts to less than € 63,100 (ARS \$ 1,300,300) provided that the price of the awarded offer does not exceed the estimated cost of the procurement by more than 20%, or
- The procurement consists in a public work exclusively aimed at the construction of housing and public buildings and is less than € 4,856,700 (AR\$ 100,000,000) provided that the price of the awarded offer does not exceed the estimated cost of the procurement by more than 20%.

The Bill also sets forth that preference is granted to works consisting of at least 50% of materials of national origin<sup>138</sup>.

In any case, it is strongly suggested to analyze the final applicable provisions of the Buy Argentina Law (as amended, if the Bill is indeed passed by the Senate after March 2018 – date of finalization of this report) before participating in a tender.

130 *Compre Trabajo Argentino/Buy Argentina* is mainly regulated by Law No 25,551 and its Implementing Regulation - Decree No. 1,600.02. The preference regarding professional services is established in Law No. 18,875.

131 Associated with the Judicial Branch as an independent authority.

132 Article 1 of the Bill.

133 This Secretary was created by Decree 174/2018.

134 Exp. CD No. 51/17, text and more data available at

<http://www.senado.gov.ar/parlamentario/comisiones/verExp/51.17/CD/PL>.

135 The value is approximate; the exact amount will depend on the applicable exchange rate. These preferences would only be obligatory when the contract amount is equal or higher than AR\$ 1,300,000 (Art. 2).

136 Article 3 of the Bill.

137 Article 4 of the Bill.

138 Article 5 of the Bill.

### 1.4.1 Goods

In the case of goods, an objective criterion is adopted, regardless of the origin of the supplier: the product must be made or extracted in Argentina, and the amount of the imported raw materials or inputs must never exceed 40% of its gross value of production. That is considered a national good<sup>139</sup>.

There is a preference for bids that include national products with identical or similar features, in cash payment conditions. These suppliers must be chosen even if their price exceeds the offer of foreign companies by a 7% (when the domestic company is a Micro, Small and Medium-Sized Enterprise, SMEs) or by 5% (for other domestic enterprises)<sup>140</sup>. When considering the value of the imported inputs or raw materials in the domestic good, they must include the duties and other charges of imports<sup>141</sup>.

### 1.4.2 Works and Provision of Services<sup>142</sup>

Public works (concessions) and services must be exclusively contracted with national companies, defined as those complying with the following requirements:

- a) Created or authorized to operate according to Argentine laws;
- b) With legal address in Argentina, and
- c) With up to 80% of its directors, directive staff and professionals having their legal address in Argentina.

Moreover, companies will be considered as "local enterprise of internal capital" when, in addition to meeting the requirements mentioned above, they have neither a direct nor an indirect relationship with foreign public or private entities<sup>143</sup>.

However, foreign bidders may be contracted (subject to previous approval of the competent authority) if local enterprises are unable to provide the requested work or service. In this case, foreign bidders must associate with a local bidder<sup>144</sup>.

### 1.4.3 Consultancy and Engineering Services

For consultancy and engineering services, only professionals and national companies meeting the following requirements<sup>145</sup> may be contracted:

- 1) Address in Argentina;
- 2) Entitled to exercise their profession in line with Argentina's legislation;
- 3) Registered in the corresponding Professional Register;
- 4) No direct or indirect link with foreign public or private entities, and
- 5) Absolute independence from supplies companies, equipment manufacturers, public works contractors and financial entities that could compromise the objectivity of its expert opinion<sup>146</sup>.

However, foreign bidders may be contracted (subject to previous approval of the competent authority) if local enterprises are unable to provide the requested work or service<sup>147</sup>. In this case, they are required to associate with local companies<sup>148</sup>.

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139 Article 2 of Law No. 25,551.

140 Article 3 of Law No. 25,551.

141 Article 3 of Law No. 25,551.

142 Article 7 and 8 of Law No. 18,875.

143 Article 11 of Law No. 18,875.

144 Article 8 of Law No. 18,875.

145 Article 16 of Law No. 18,875.

146 Article 15 of Law No. 18,875.

147 Article 16 of Law No. 18,875.

148 Article 17 of Law No. 18,875.

## IV. Provincial Public Procurement Regulations (including CABA)

### 1. Autonomous City of Buenos Aires

**Annex XIV** contains a table with general information on the laws applicable in CABA with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

#### 1.1 CABA General Regime

The General Public Procurement Regime of the Autonomous City of Buenos Aires (hereinafter "*CABA General Regime*" for its initial letters in Spanish) is regulated by the Administration of CABA's Procurement Framework<sup>149</sup> and its Implementing Regulations<sup>150</sup>.

##### *Entities Regulated by the CABA General Regime*<sup>151</sup>

The CABA General Regime applies to the institutions of the Centralized and Decentralized Public Administration of CABA (e.g. the Housing Institute (*Instituto de la Vivienda*) and the Opera House (*Teatro Colón*)).

However, public companies are free to adopt their own procurement rules. In this case, the CABA General Regime applies subsidiarily.

There is a difference between the CABA General Regime and the National General Regime. The CABA General Regime has a broader scope, since it also applies to public companies, to the Judicial and Legislative Branch, and to all the bodies established by CABA's Constitution.

##### *Contracts Regulated by the CABA General Regime*

The CABA General Regime applies to the following contracts, concluded by the institutions mentioned in the previous chapter:

- 1) Purchase contracts;
- 2) Supplies contracts;
- 3) Service contracts;
- 4) Barter contracts;
- 5) Rental contracts;
- 6) Rental contracts with buying option;
- 7) Concession contracts to use public and private assets by the Executive Branch, the Legislative Branch and the Judicial Branch of CABA, and
- 8) All contracts not expressly exempted (see below) as well as contracts regulated by special procedures<sup>152</sup>.

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149 Law No. 2,095.

150 Decree No. 326/17.

151 Article 2 of Law No. 2,095.

152 Article 3 of Law No. 2095.

The following contracts are expressly exempted:

- 1) Employment contracts;
- 2) Services and works provided to natural persons;
- 3) Petty cash purchases;
- 4) Contracts with foreign States, entities of public international law or multilateral credit institutions;
- 5) Contracts partially or totally financed by the above mentioned international institutions and contracts including public credit operations;
- 6) Public works, and
- 7) Public works concession contracts, and public service concession contracts.

#### *Competent Administrative Authority*

Similar to the national general regime, CABA general regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The Competent Authority of the CABA General Regime is the Directorate General of Contracting and Procurement of the City's Ministry of Treasury (*Dirección General de Compras y Contrataciones del Ministerio de Hacienda*), who establishes the general procurement policies as well as general rules of interpretation and manages the different public procurement registers<sup>153</sup>. CABA has an electronic procurement system called "Buenos Aires Purchases" (*Buenos Aires Compras*, hereinafter "BAC" for its initial letters in Spanish)<sup>154</sup>.

At the same time, each of the entities mentioned in chapter "Entities Regulated by the CABA General Regime" has their own Acquisition Operation Units (*Unidades Operativas de Adquisiciones*) in charge of executing their own public procurements and related duties (such as an Annual Program of Acquisitions, the co-contractor selection procedures and the provision of any necessary information to the Governing Body<sup>155</sup>).

#### *Selection Procedures*

The different procurement selection procedures provided for the CABA General Regime are<sup>156</sup>:

- 1) Public tender;
- 2) Public auction;
- 3) Private tender, and
- 4) Direct awarding.

By general rule, contracts included under this regime are made by public tender<sup>157</sup>. However, it is allowed to use others selection procedures when the contracting amount does not exceed a threshold set out by the regulations:

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153 Article 18 of Law No. 2,095.

154 <https://www.buenosairescompras.gob.ar/>. The same purchasing system is used at national level under the name "Compr.ar".

155 Article 17 of Law No. 2095.

156 Article 26 of Law No. 2,095.

157 Article 25 of Law No. 2,095.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>158</sup>:</b>
1) Public Tender	Higher than € 210,000 <sup>159</sup>
2) Private Tender	Lower than € 210,000 <sup>160</sup>
3) Direct Awarding	Lower than € 70,000 <sup>161</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>162</sup>:

- 1) When reasons of urgency impede other selection processes;
- 2) When the goods or services are scientific, technical, technological, professional or artistic and can only be entrusted to specialized companies, persons or artists or to those of recognized ability or experience, irrespective of their legal structure;
- 3) When the goods or services are offered, made or distributed exclusively by a determined person or body, provided there are no suitable substitutes;
- 4) Whenever purchases or tenancy must be executed abroad, provided that it is not possible to execute a tender abroad, and
- 5) In case of a significant scarcity or shortage in the local market of the goods to procure.

#### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the CABA General Regime provides the same alternative selection procedures that use public tender<sup>163</sup>: private initiative<sup>164</sup> and framework agreement<sup>165</sup>.

#### *National and International Tenders*

Like the National General Regime, the CABA General Regime includes<sup>166</sup>:

- 1) National tenders: aim at interested persons and bidders located in Argentina (minimum requirement: registered branch in Argentina)<sup>167</sup>, and
- 2) International tenders: if the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina<sup>168</sup>.

Additionally, it also includes:

- 3) If necessary due to the objective of the tender or the complexity of the required service, regional tenders for bidders based in other MERCOSUR Member States (with either address or head offices in Brazil, Uruguay or Paraguay).

158 Approximate figures; the exact values in euros may vary depending on the exchange rate.

159 See Footnote No. 9.

160 Article 31 of Decree No. 326/17 establishes that private tenders are allowed if the contracting amount does not exceed 300,000 Procurement Units (*Unidades de Contratación*, hereinafter "UC") whose value is determined by the budgetary laws every year. Currently, for year 2018 each UC has a value of AR\$ 14.50 (€ 0.70), as established by Article 27 of Law No. 5,915. Conversely, public tenders are applied in case the contracting amount exceeds 300,000 UC.

161 Article 38 of Law No. 2,095. Procurements awarded via direct award cannot exceed 100,000 UC.

162 Article 28 of Law No. 2,095.

163 Article 30 of Law No. 2,095.

164 Article 30 of Law No. 2,095. For the description of this type of process, please refer to [Chapter I 3.4](#).

165 This selection procedure is highly established. For more information see "Additional Information". For the description of this type of process, please refer to [Chapter I 3.4](#).

166 Article 35, 36 and 37 of Law No. 2095.

167 Article 35 of Law No. 2,095.

168 Article 37 of Law No. 2,095.

### *Procedural Stages*

Like in the National General Regime, the procedural stages may be either single or multiple.

### *Contract Execution Modalities*

#### *Who executes the contract:*

Comprehensive Project Bids are expressly established as a contract execution modality<sup>169</sup>.

#### *How the contracts are executed:*

In addition to the modalities provided by the National General Regime, the following modalities may be used<sup>170</sup>:

- 1) Deferred Purchase;
- 2) Unified Purchase, and
- 3) Inverse Auction.

### *Requirements for Bidders in General and for Foreign Bidders in Particular<sup>171</sup>*

Similar requirements as those established by the National General Regime also apply for CABA. Foreign bidders with no branch office or no permanent representation in Argentina are exempted from registering in the Unique and Permanent Electronic Register of Suppliers (*Registro Informatizado Único y Permanente de Proveedores*)<sup>172</sup>.

The following persons are disqualified from participating in the procurement process<sup>173</sup>:

- 1) Legal entities, their respective partners or members of the board of directors, who have been sanctioned with suspension by any contracting parties under this Regime;
- 2) Any person that has been suspended from contracting by any of the contracting parties under this regime;
- 3) Spouses of sanctioned persons;
- 4) Natural persons or legal entities in bankruptcy;
- 5) Any person processed for committing crimes against property, against the National Public Administration, against public faith or for committing crimes regulated by the American Convention Against Corruption;
- 6) Legal entities and natural persons who are not compliant with their national or local tax and pension obligations, and
- 7) Natural persons and legal entities who participate in more than one bid for the same procurement, whether on their own or as members of a group.

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169 Article 39 of Law No. 2095. For the description of this type of process, please refer to [Chapter I 3.5](#).

170 Article 39 et seq. of Law No. 2,095. For the description of this type of processes, please refer to [Chapter I 3.5](#).

171 Article 95 and 96 of Law No. 2.095.

172 Article 22 of Decree No. 326/2017.

173 Articles 95 and 96 of Law No. 2,095.



### *Local Preference Regime*<sup>174</sup>

CABA General Regime establishes both a local and a national preference regime. This regime only applies within the general procurement regime, not to contracts with particular regulations<sup>175</sup>. Therefore, it is analyzed within the General Regime.

The preference regime of CABA grants preferential treatment to bidders domiciled in CABA (local preference) and to national bidders (national preference)<sup>176</sup>.

The preference regime has to be applied to all goods and services procurements carried out by the Centralized and Decentralized Public Administration, the Legislative and Judicial Branch, public companies as well as companies that offer public services (as concession holders, permit holders and licensees) to the extent that the procurement is related to the respective services.

The order of preference is set as follows<sup>177</sup>:

- 1) First, micro and small businesses with both fiscal domicile and production of national goods or provision of national services in CABA, if their bid is up to 5% higher than the best non-local offer;
- 2) Secondly, all other national companies with both fiscal domicile and production of national goods or provision of national services in CABA, if their bid is equal to the best non-local bid;
- 3) Thirdly, all other national micro and small businesses that produce national goods or provide national services if their bid is up to 5% higher than the best non-local offer;
- 4) Fourthly, all other national companies that produce national goods or provide national services if their bid is equal to the best non-local bid, and
- 5) All other companies that produce national goods or provide national services.

Furthermore, if an international bidder is first in the order of merit, it is established that national companies have the possibility to match the international bid, as long as theirs is not higher than 15% and the quality of the bid is maintained<sup>178</sup>.

For comparison reasons, the price of international goods has to include import duties as well as all taxes and expenses that need to be paid for its nationalization (customs clearance)<sup>179</sup>.

National companies are those who/whose<sup>180</sup>:

- 1) Majority share capital is owned by shareholders residing and with fiscal domicile in Argentina;
- 2) Produce or render services in Argentina, and
- 3) Do not exercise a position of dominant abuse.

Goods are considered produced in Argentina if the sum of national raw material plus the value added in Argentina is equal or higher than 50% of the product's base price<sup>181</sup>.

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174 Article 108 of Law No. 2095 and Law No. 590.

175 Without prejudice to the aforementioned, the Bidding Terms and Conditions have to be consulted in each particular case in order to determine if similar provisions are established.

176 This does not mean that CABA applies the National Preference Regime (see Chapter III 1.4) but rather that CABA has established its own preference regime for local and national bidders exercising its own powers.

177 Article 4 of Law No. 590.

178 Article 6 of Law No. 590 and Article 6 of Decree No. 890/02.

179 Article 8 of Law No. 590.

180 Article 12 of Law No. 590.

181 Article 13 of Law No. 590.

### *Award Criteria*

The same criteria as to the National General Regime apply.

### *Complaints Mechanism*

The same criteria as to the National General Regime apply.

The pre-award ruling may be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the CABA (*Ley de Procedimientos Administrativos de CABA*). Furthermore, it is possible to subsequently request judicial revision.

## 1.2 The Most Important Contracts with Particular Regime

### 1.2.1 Public Works Contract

#### *Scope and Coverage*

CABA applies the provisions of the National Public Works Law (please refer to [Chapter III 1.2.1](#)).

However, CABA establishes different thresholds for each selection procedures:

<b>Selection procedure</b>	<b>If the estimated amount of the contract is:</b> <sup>182</sup>
1) Public Tender	Higher than € 243,000
2) Private Tender	Lower than € 243,000
3) Direct Awarding	Lower than € 146,000

#### *Requirements for Bidders*

In order to submit the bid, the bidders must be registered at the National Public Works Constructors Register (*Registro Nacional de Constructores y Firmas Consultoras de Obras Públicas*)<sup>183</sup>. They are required to attach the certificate issued by this Register to their bid<sup>184</sup>.

### 1.2.2 Concessions for the Use of Goods of Public Domain

#### *Scope and Coverage*

CABA grants specific contractors the permit to benefit from, use or operate goods that belong to CABA and that are destined for the public use of its inhabitants<sup>185</sup>.

<sup>182</sup> Decree No. 203/GCBA/16. Approximate figures; the exact values in euros may vary depending on the exchange rate.

<sup>183</sup> CABA does not have its own Constructors Register.

<sup>184</sup> Article 13 Law No. 13,064 and Article 8 Decree No. 203/GCBA/16. This last regulation provides for the future creation of a Constructors Register of the City.

<sup>185</sup> Law 17,520.

This includes the occupation and use of public domain real estate as well as execution, operation and maintenance of public works during the concession period.

#### *Selection Procedures*

- 1) Public Tender<sup>186</sup>,
- 2) and Public auction<sup>187</sup>.

#### *Requirements for Bidders*

Bidders are required to subscribe to the Suppliers Register (*Registro de Proveedores*).

#### *Foreign Bidders*

Foreign bidders with no branch office or no permanent representation in Argentina may participate. In fact, it is expressly established that documents in foreign languages have to be presented with attached translations by a certified national public translator.

### **1.2.3 Public-Private Partnership**

CABA adheres to the National Public-Private Partnership Regime<sup>188</sup> (please refer to [Chapter III 1.2.3](#)).

## **1.3 Special Regimes**

These Regimes are applicable to public companies and other national entities selected for the purposes of this report and are explained in [Chapter VI](#)<sup>189</sup>

#### **Additional Information:**

In July 2017 the authors had a meeting with officials of the Department of Purchases of the City (*Departamento de Compras de la Ciudad*).

Regarding international tenders, it was mentioned that there have not been many international awardees since the majority of CABA's procurements are consumables that are offered by local suppliers.

However, the authors were informed that:

CABA is a pioneer at implementing framework agreements. Currently, there are 38 framework agreements in force<sup>190</sup>.

All CABA's public procurements are implemented through a System for Electronic Procurements called Buenos Aires Purchases (*Buenos Aires Compras (BAC)*)<sup>191</sup>;

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186 Article 30 of the Annex of Decree No. 45/10.

187 Articles 55 and 56 of the Annex of Decree No. 45/10.

188 Law No. 5,916.

189 Two public companies of CABA have been selected: 1. Autopistas Urbanas S.A. (AUSA) y 2. Subterráneos de Buenos Aires S.E.

190 <https://www.buenosairescompras.gob.ar/ListarPliegosCM.aspx?qs=%2fNbKWa2ydLrO%2f5py3M0fXGs9oumroDC7>.

191 <https://www.buenosairescompras.gob.ar/>. The same purchasing system is used at national level under the name "Compr.ar".

Currently, CABA is preparing the organization of the Youth Olympic Games 2018, which has an outlay of around € 118 billion in the 2018 Budget (accounting for approximately 50% of it)<sup>192</sup>.

CABA is carrying out several large-scale infrastructure projects, such as<sup>193</sup>:

- Olympic Park (*Parque Olímpico*): An interdisciplinary venue for elite sports, remodeling the *Julio A. Roca Sports Park*;
- Innovation Park (*Parque de la Innovación*): A complex of public and private buildings dedicated to technical innovation, higher education and applied scientific research on a strategically located terrain.
- Urban Campus (*Campus Urbano*): Located in the subsoil of Houssay Square (by several Schools of the University of Buenos Aires). It will offer space for entrepreneurial, recreational, cultural, commercial and gastronomical activities, with a semi-open gallery.
- Railway Station Park (*Parque de la Estación*): Public park on the grounds of the *11 de Septiembre* railway station (*Sarmiento rail line*) and restored nearby train depot.

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192 As stated by the Minister of Modernization of CABA, Mr. Andrés Freire, at CABA's Legislative Congress.

193 <http://www.buenosaires.gob.ar/desarrollourbano/desarrollo>.

## 2. Province of Buenos Aires

**Annex XIV** contains a table with general information on the laws applicable in the Province of Buenos Aires ("BA") with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 2.1 BA General Regime

The General Public Procurement Regime of the Province of Buenos Aires (hereinafter "BA General Regime") is regulated by the Administration of the Province of Buenos Aires' Public Procurement Framework<sup>194</sup> and its Implementing Regulations<sup>195</sup>.

It also has General Bidding Terms and Conditions for the Procurement of Goods and Services (*Pliego de Bases y Condiciones Generales para la Contratación de Bienes y Servicios*) that serve as a model for the drafting of Bidding Terms and Conditions that are adopted by the entities applying this regime.

#### *Entities Regulated by the BA General Regime*

Like in the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration (e.g. Provincial Directorate of Roads (*Dirección de Vialidad*)) with the exceptions of autarkic entities and public companies having their own regulation (e.g. *Aguas Bonaerenses S.A.*).

It also applies to fiduciary funds that are partially or totally comprised of Provincial funds, unless they have another previously established regime

#### *Contracts Regulated by the BA General Regime*

The BA General Regime applies to the majority of contracts entered into by the institutions in abovementioned chapter "*Entities Regulated by the BA General Regime*", except for the following contracts<sup>196</sup>:

- 1) Public employment contracts;
- 2) Contracts settled with foreign States, public international entities or multilateral credit institutions;
- 3) Contracts that are partially or totally financed by such institutions;
- 4) Public credit operations;
- 5) Public works contracts;
- 6) Public works concession contracts;
- 7) Public service concession contracts and licensing, and
- 8) Small purchases.

#### *Competent Administrative Authority*

Similar to the national general regime, BA general regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

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194 Law No. 13,981.

195 Decree No. 1,300/16.

196 Article 4 of Law No. 13,981.

The Competent Authority of the BA General Regime is the General Accounting Office of the Province of Buenos Aires (*Contaduría General de la Provincia de Buenos Aires*)<sup>197</sup>, which establishes the general procurement policies, as well as general rules of interpretation or clarifying and complementing rules, among others. BA has an electronic procurement system called "Province of Buenos Aires Purchases" (*Provincia de Buenos Aires Compras*, hereinafter "PBAC" for its initial letters in Spanish)<sup>198</sup>.

Furthermore, each of the institutions mentioned in the chapter "Entities Regulated by the BA General Regime" has its own Directorate General that executes its own public procurement and has the following duties: contract interpretation, contract revocation for public-interest reasons, contract suspension, contract termination, determination of the effects of certain stipulated actions; controlling, inspection and management of the respective procurement, and power to impose penalties and sanctions, among others<sup>199</sup>.

### Selection Procedures

The different procurement selection procedures regulated by the BA General Regime are<sup>200</sup>:

- 1) Public Tender;
- 2) Private Tender;
- 3) Direct Awarding, and
- 4) Public Auction.

By general rule, selections are made either by public tender or public auction. However, it is allowed to use others selection procedures when the contracting amount does not exceed a threshold set out by the regulations:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>201</sup>:</b>
1) Public Tender	Higher than € 437,000 <sup>202</sup>
2) Private Tender	Lower than € 437,000 <sup>203</sup>
3) Direct Awarding	Lower than € 146,000 <sup>204</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>205</sup>:

- 1) Purchases and tenancy which must be executed abroad, provided that it is not possible to execute a tender abroad, and
- 2) Whenever there is a significant scarcity of the elements to be procured.

197 Article 3 of Decree No. 1.300/16.

198 <https://pbac.cgp.gba.gov.ar/ComprasElectronicas.aspx> . The same purchasing system is used at national level under the name "Compr.ar".

199 Article 7 of Law No. 13,981 and Decree No. 1,300/16.

200 Article 17 y et seq. of Law No. 13.981.

201 The amounts are approximate; the exact value in euros will depend on the exchange rate.

202 See Note No. 40.

203 Article 17 of Law No. 13,981 and Article 17 of Decree No. 1,300/16 establece that private tenders are allowed if the contracting amount does not exceed 300,000 Procurement Units (*Unidades de Contratación*, hereinafter "UC") whose value is determined in Decree No. 592/16, which has been modified by Article 71 of the Provincial Budget Law 2017. Each UC has a value of AR\$ 30 (€ 1.21). In the Provincial Budget Law 2018 the amount has not been modified. Conversely, public tenders are applied in case the contracting amount exceeds 300,000 UC.

204 Article 18 of Decree No. 1,300/16 establishes that a direct award is allowed if the contracting amount does not exceed 100,000 UC.

205 Article 18 of Law No. 13,981

### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the BA General Regime provides framework agreements<sup>206</sup>.

### *National and International Tenders*

Like the National General Regime, the BA General Regime includes<sup>207</sup>:

- 1) National tenders: aiming at interested persons and bidders located within the jurisdiction of the Argentina (minimum requirement: registered branch in Argentina), and
- 2) International tenders: if the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

Additionally, it also includes:

- 3) If necessary due to the objective of the tender or the complexity of the required service, regional tenders for bidders based in other MERCOSUR Member States (with address or head offices in Brazil, Uruguay or Paraguay).

### *Procedural Stages*

Like in the National General Regime, procedural stages can be either single or multiple<sup>208</sup>.

### *Contract Execution Modalities*

#### *Who executes the contract:*

Comprehensive Project Bids are expressly established as a contract execution modality and are used if the contracting entity cannot determine the specifications of the contract in detail. By means of comprehensive project bids, potential bidders are invited to propose comprehensive solutions to a procurement project<sup>209</sup>.

#### *How the contracts are executed:*

The standard modality is the closed purchase<sup>210</sup>. However, like in the National General Regime, in exceptional circumstances the following modalities can be used:

- 1) Deferred purchasing<sup>211</sup>;
- 2) Unifying purchase<sup>212</sup>, and
- 3) Inverse auction<sup>213</sup>.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

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206 Article 17.3 f) of Decree No. 1,300/16. Currently, there are 7 framework agreements in force (<https://pbac.cgp.gba.gov.ar/ListarPliegosCM.aspx?qs=/NbKwa2ydLrO/5py3M0fXGs9oumroDC7>). For the description of this type of process, please refer to Chapter I 3.4.

207 Article 17.2 of Decree No. 1,300/16.

208 Article 17.2 of Decree No. 1,300/16.

209 Article 17.2 c) of Decree No. 1,300/16. For the description of this type of process, please refer to Chapter I.3.5.

210 Article 17.3 h) of Decree No. 1300/16.

211 Article 17.3 b) of Decree No. 1300/16. Applies when, after settling the quantity of goods and services in the contract, the parties want to change the deadline dates of the contract. The specific Terms and Conditions need to explain those changes or need to explain the way in which the changes are communicated to the contractor.

212 Article 17.3 c) of Decree No. 1300/16. Applies when two or more jurisdictions or hiring entities require the same supply and are unifying the business selection procedure, with the only objective of obtaining better conditions than by way of an individual procurement.

213 Article 17.3 g) of Decree No. 1300/16. Applies when goods and services are contracted or acquired through public tender or direct award, awarding the bid with the lowest price or the most economically beneficial bid after a comparison of prices.

Similar requirements as those established by the National General Regime also apply for BA. Foreign bidders with no branch office or no permanent representation in Argentina are exempted from registering in the provincial Suppliers and Bidders Register (*Registro de Proveedores y Licitadores*)<sup>214</sup>.

However, in the following cases persons that are not registered in the provincial Suppliers and Bidders Register could be awarded<sup>215</sup>:

- 1) If the offers come from a foreign company without agent or representative in the country;
- 2) In case of renting or purchasing real property;
- 3) In case of sales of different types of goods, and rents of immovable goods owned by the State, and
- 4) In case of certain direct awards.

The following persons are barred from participating in the procurement processes<sup>216</sup>:

- 1) If they are disqualified to engage in business according to the applicable law;
- 2) Companies whose directors, representatives, partners or managers have been recorded with a final conviction by the Commission for Economic Crimes and Crimes against Public Administration (*Comisión de Delitos Penales Económicos y contra la Administración Pública*). The disqualification remains in force for ten years after the conviction has been completed;
- 3) Companies whose bodies or representatives are officers of the National, Provincial and Municipal Public Administration;
- 4) Companies that are not duly constituted;
- 5) Companies that are suspended from the provincial Suppliers and Bidders Register;
- 6) Legal entities, their respective partners or members of the board of directors who have been sanctioned with suspension by one of the governmental branches, or by public companies;
- 7) Natural persons or legal entities in bankruptcy;
- 8) National or local tax evaders, and
- 9) Representatives of a company who are related up to the fourth grade of consanguinity to officials of the Provincial Administration (who are authorized to decide over the bidder selection procedure).

### *Local Preference Regime*

BA General Regime establishes both a local and a national preference regime. This regime only applies within the general procurement regime, not to contracts with particular regulations<sup>217</sup>. Therefore, it is analyzed within the General Regime.

The BA General Regime grants preferential treatment to bidders domiciled in the Province of Buenos Aires (local preference) and to national bidders (national preference). This does not mean that BA applies the National Preference Regime (see Chapter III 1.4) but rather that BA has established its own preference regime for local and national bidders, exercising its own powers.

### **National preference**

National companies producing in Argentina benefit from local preferences in all procurement procedures. Provided their products are comparable in terms of price and quality with the products of their competitors, they will be awarded with the tender even if their bids exceed those presented by

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214 Article 11.3 I a) of Decree No. 1,300/16.

215 Article 11.3.I of Decree No. 1300/16.

216 Article 16 III of Decree No. 1300/16.

217 Without prejudice to the aforementioned, the Bidding Terms and Conditions have to be consulted in each particular case in order to determine if similar provisions are established.



foreign competitors (or by national bidders offering foreign products) by up to 5%. Moreover, the General Bidding Terms and Conditions from each tender process may establish a preferential treatment threshold of up to 10% (provided the product meets certain quality requirements)<sup>218</sup>.

### **Local Preference**

Bidders with domicile in the Province of Buenos Aires receive preferential treatment. Natural persons and legal entities with real and legal domicile in the Province of Buenos Aires are invited preferentially to private tenders.

#### *Award Criteria*

The same criteria as to the National General Regime apply. The contract is awarded to the most suitable bid (from the perspective of the contracting body) taking into account price, quality, bidder's adequacy and the remaining conditions of the bid.

Before issuing the award, the contracting agency has to explain why it considers the price of the bid it wants to award with the contract to be reasonable with regard to the contract's objective<sup>219</sup>.

Contracts may be awarded even though only one bid has been presented<sup>220</sup>.

#### *Complaints Mechanism*

The same criteria as to the National General Regime apply: the pre-award ruling may be appealed.

The Pre-awarding Commission (*Comisión de Preadjudicación*) is in charge of the evaluation of bids and gives an opinion that provides the competent authority with the grounds to issue the award through an administrative act<sup>221</sup>.

The bidders are informed of the competent authority's decision and have a short deadline to appeal it, for which a guarantee is required<sup>222</sup>.

Once this deadline has expired, the competent authority issues the award to the winning bidder<sup>223</sup>.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of BA (*Ley de Procedimientos Administrativos de Provincia de Buenos Aires*). Furthermore, it is possible to subsequently request judicial revision.

## **2.2 The Most Important Contracts with a Particular Regime**

### **2.2.1 Public Works Contract**

#### *Scope and Coverage*

Through the administrative public works contract, the Centralized Public Administration assigns a contractor to carry out a public work. This is defined as every construction, installation and work in

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218 Article 22 of Law No. 13,981.

219 Article 21 of Decree No. 1,300/16.

220 Article 21 of Decree No. 1,300/16.

221 Article 20.2 of Decree No. 1,300/16.

222 Article 19 of Decree No. 1,300/16.

223 Article 20 of Decree No. 1,300/16.

general, meaning all activities covering the execution, preservation, division or maintenance of real estate or personal property directly concerned with a public work<sup>224</sup>.

The following activities are also covered by the Public Works Regime: supply, adjustment or repair of machines, equipment, installations, materials and permanent work items or activities that are either accessory or complementary to the public work.

#### *Selection Procedures*<sup>225</sup>

By general rule, selections are made by public tender<sup>226</sup>.

However, it is allowed to use price bidding or private tender in the following cases:

<b>Selection procedure</b>	<b>Surface of the work</b> <sup>227</sup>
1) Price bidding	Works that exceed 200 m <sup>2</sup>
2) Private tender	Works that do not exceed 400 m <sup>2</sup>

#### *Contract Execution Modalities* <sup>228</sup>

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular* <sup>229</sup>

Bidders can be either natural persons or legal entities, including foreigners<sup>230</sup>, as long as they have the required technical and financial capacity<sup>231</sup>.

Furthermore, bidders need to be registered at the Bidders Register (*Registro de Licitadores*)<sup>232</sup>. In order to be registered, they must not meet any disqualifying criteria set out by the General Regime (please refer to [Chapter IV 2.1](#))<sup>233</sup>.

It is worth highlighting that there are four categories of constructors:

- 1) CATEGORY "A": Local construction companies constituted in any of the corporate forms valid in Argentina. Foreign companies that have constituted subsidiaries in Argentina are included in this category. In this case, it is expressly stated that the foreign and the local company are treated independently, and their records are not analyzed jointly;
- 2) CATEGORY "B": Construction company comprised of a natural person;
- 3) CATEGORY "C": Foreign construction companies constituted under the law of their country of origin, with a branch office or representation in Argentina, and

224 Article 1 and 2 of Law No. 6,021 and Decree No. 5,488/59.

225 Article 9 of Law No. 6,021 and Decree No. 5,488/59.

226 Article 9 of Law No. 6,021.

227 Decree No. 1,907/85.

228 Article 12 of Law No. 6,021 and Decree No. 5488/59. For the description of this Contract Execution Modalities, please refer to Chapter III.1.2.1.

229 [http://www.mosp.gba.gov.ar/sitios/registro/documentacion/Reglamento\\_funcionamiento\\_Registro Licitadores.pdf](http://www.mosp.gba.gov.ar/sitios/registro/documentacion/Reglamento_funcionamiento_Registro_Licitadores.pdf).

230 Article 1 of Resolution No. 459/17.

231 Article 15 of Law No 6,021 and Article 15 of Reg. Law No 11,175 subparagraphs 3.

232 Article 2 of Resolution No. 459/17.

233 Article 15 of Decree No. 171/17.

- 4) CATEGORY "D": Foreign construction companies constituted under the law of their country of origin, without branch office or representation in Argentina. In this case, such companies can register provisionally<sup>234</sup>.

All documents have to be translated to the Spanish language, and the translation needs to be duly legalized.

#### *Local Preference Regime*

The Preference Regime of the Province of Buenos Aires is regulated within the BA General Regime. In principle, it applies only to contracts that are entered into under the BA General Regime.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

#### *Award Criteria*

No award criteria are expressly stated, but the principle of awarding to the most suitable bid applies.

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.  
The pre-award ruling may not be appealed.

The awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the BA (*Ley de Procedimientos Administrativos de la Provincia de Buenos Aires*). Furthermore, it is possible to subsequently request judicial revision.

### **2.2.2 Public Works Concession Contract**

#### *Scope and Coverage*

Through the administrative contract of public works concession, the institutions of the Centralized Public Administration assign a particular contractor for the construction, maintenance or operation of a public work, but the work's price is not paid directly by the Administration but by its end users (by way of toll). The contractor is given certain powers on a temporary basis, to be able to effectively collect the tolls.<sup>235</sup>

The remuneration of the public work concessionaire results from the collection of tolls or from so-called "improvement contributions".

In case of tolls, the payment is received by the concessionaire from the end user of the public work. The value of the contract depends on what has been established in the concession contract, or what has been determined by the Administration.

Improvement contributions are taxes paid in retribution of an added value or benefit generated by public works to its immediate surroundings and properties. For example, if infrastructure works are carried out under a public works concession improving the accessibility to a village and thus adding value to the properties located there, their owners would have to compensate the concessionaire.

The State always remains as the owner of the public works.

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<sup>234</sup> Article 2 of Resolution No. 459/17.

<sup>235</sup> Article 1 of Decree-Law No. 9,254/79.

### *Selection Procedures<sup>236</sup>*

- 1) Public Tender: This is the standard selection procedure.

Preliminary arrangements may be made between a private organization and a public entity (establishing the grounds for the future concession, inviting a public tender or calling for a public presentation of projects in competence). In this case, if a new offer is more suitable than the offer with the preliminary arrangement, both bidders can improve their respective offers<sup>237</sup>.

- 2) Direct Awarding, with public entities or public companies.

### *Public Works Concession Modalities<sup>238</sup>*

In line with the expected profitability of the public works concession, the following concession modalities may be agreed:

- 1) Against payment;
- 2) Free of charge, and
- 3) Subsidised: If the concession is not expected to generate profits, the Provincial State will subsidise the public works concession.

The Provincial Executive Branch has to consider:

- 1) That the average level of fees cannot exceed the average economic value of the offered service, and
- 2) The cost-effectiveness of the public work, taking into account the presumed traffic, the amortization payment, the interest payment, profit contributions and maintenance or operation expenditures<sup>239</sup>.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Any person or legal entity, including public entities, can be contractor. If the participation of foreign bidders is approved, it is required that they associate with local bidders<sup>240</sup>.

### *Preference Regime*

The Preference Regime of the Province of Buenos Aires is regulated within the BA General Regime. In principle, it therefore applies only to contracts that are entered into under the BA General Regime.

Without prejudice to this, the Bidding Terms and Conditions have to be consulted in order to determine of similar provisions are established.

### *Award Criteria*

No award criteria are expressly stated, but the principle of awarding to the most suitable bid applies.

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236 Article 3 of Decree-Law No. 9,254/79.

237 Article 4 of Decree-Law No. 9,254/79.

238 Article 1 of Decree-Law No. 9,254/79. For the description of these Public Works Concession Modalities, please refer to [Chapter III 1.2.2](#).

239 Article 2 of Decree-Law No. 9,254/79.

240 The authors have been provided with this information by public officials.

### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the BA (*Ley de Procedimientos Administrativos de la Provincia de Buenos Aires*). Furthermore, it is possible to subsequently request judicial revision.

### **2.2.3 Public-Private Partnership**

BA adheres to the National Public-Private Partnership Regime<sup>241</sup> (please refer to [Chapter IV 2.1](#) ).

### **2.2.4 Special Regimes**

These Regimes are applicable to public companies and other national entities selected for the purposes of this report and are explained in [Chapter VI](#)<sup>242</sup>

#### **Additional Information:**

Meeting with the General Accounting Office of the Province of Buenos Aires (*Contaduría General de la Provincia de Buenos Aires*):

#### *Notes from the Meeting:*

Public officials at the Legal and Technical Secretariat of the General Accounting Office of the Province of Buenos Aires (*Contaduría General de la Provincia de Buenos Aires*) have informed that:

- 1) Foreign bidders without a branch office in Argentina can participate in provincial tenders;
- 2) The Specific Bidding Terms and Conditions usually require foreign bidders to associate with local companies through joint ventures (*Unión Transitoria de Empresas*);
- 3) All public procurements of the Province of Buenos Aires are implemented through a System for Electronic Procurements called Buenos Aires Purchases (*Provincia de Buenos Aires Compras (PBAC)*)<sup>243</sup>. All public institutions are required to process and publish their procurements through this website. This System establishes a comprehensive regulation of computer-based contracting, together with the different supplier selection types and processes, and
- 4) Public works are a priority on the Provincial Government's agenda.

Within the Budget Project 2018, public works with a total amount of around € 1.5 billion are scheduled at the Province's expense.

#### *Main Projects that are currently being executed:*

- 1) *Hospital Ludovica de La Plata*: Improvement of the food and onco-hematology area.
- 2) *Route 50*: Improvement of the road shoulder and maintenance of the sewers and bridges. This public work has a budget of around € 2.4 million.

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241 Law No. 14,920.

242 The autarkic entity of Province of Buenos Aires has been selected is Autoridad del Agua de la Provincia de Buenos Aires (ADA).

243 <https://pbac.cgp.gba.gov.ar/ComprasElectronicas.aspx>. The same purchasing system is used at national level under the name "Compr.ar".

### 3. Province of Catamarca

**Annex XIV** contains a table with general information on the laws applicable in the Province of Catamarca with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

#### 3.1 Catamarca General Regime

The General Public Procurement Regime of the Province of Catamarca (hereinafter "*Catamarca General Regime*") is regulated by the Administration of Catamarca's Procurement Framework<sup>244</sup> and its Implementing Regulation<sup>245</sup>.

##### *Entities Regulated by the Catamarca General Regime*

The regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration (e.g. General Provincial Road Administration (*Administración General de Vialidad Provincial*)), including public companies (e.g. *Agroindustria Catamarca Sociedad del Estado (A.I.Cat.S.E.)* and *Aguas de Catamarca S.A.P.E.M.*)<sup>246</sup>.

However, the Implementing Regulation<sup>247</sup> establishing the specifications of the public procurement, does not apply to public companies that apply their own rules. That is to say, public companies only apply Catamarca's Procurement Framework, which establishes general guidelines. Furthermore, the regulations of each public company have to be analyzed to understand the implementing regulations they use.

##### *Contracts Regulated by the Catamarca General Regime*

The Catamarca General Regime applies to the following contracts, concluded by the institutions mentioned in the chapter immediately above<sup>248</sup>:

- 1) Purchase contracts;
- 2) Supply contracts;
- 3) Service contracts;
- 4) Rental contracts with and without an option to purchase;
- 5) Barter contracts;
- 6) Governmental or private concessions contracts, and
- 7) All contracts not expressly exempt (see below).

The following contracts are expressly exempted<sup>249</sup>:

- 1) Public employment contracts;
- 2) Contracts settled with foreign States;

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244 Law No. 4,938.

245 Decree No. 2,248/08.

246 Article 1 of Law No. 4,938.

247 Decree No. 2,248/08.

248 Article 5 of Law No. 4,938.

249 Article 4 of Law No. 4,938.

- 3) Contracts entered into with foreign States, entities of public international law or multilateral credit institutions;
- 4) Contracts that are partially or totally financed by such institutions, and
- 5) Public work contracts and public work concession contracts. Public works are regulated by a special law (please refer to the analysis in [Chapter IV 3.2.1](#)). The Catamarca General Regime applies subsidiarily.

#### *Competent Administrative Authority*

Similar to the National General Regime, Catamarca General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The Competent Authority of the Catamarca general regime is the General Accounting Office of the Province of Catamarca (*Contaduría General de la Provincia de Catamarca*), who establishes the general procurement policies and the general rules of interpretation<sup>250</sup>.

At the same time, each of the entities mentioned in chapter "*Entities Regulated by the Catamarca General Regime*" has their own Sectoral Procurement Unit in charge of executing their own public procurements<sup>251</sup>.

The regulation provides for the possibility that all procedures may be carried out online<sup>252</sup> and the Province currently works on the execution of an online procurement system called "Comprar Catamarca". The system is expected to go into operation in the course of 2018<sup>253</sup>.

#### *Selection Procedures*

The different procurement selection procedures provided by the Catamarca General Regime are<sup>254</sup>:

- 1) Public tender;
- 2) Public auction;
- 3) Private tender, and
- 4) Direct awarding.

Selection procedures apply depending on the amount of the contract<sup>255</sup>:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>256</sup></b>
1) Public tender	Higher than € 48,500 <sup>257</sup>
2) Private tender	Lower than € 48,500 <sup>258</sup>
3) Direct awarding	Lower than € 4,800 <sup>259</sup>

250 Article 3 of Decree No. 2,248/08.

251 Article 4 of Decree No. 2,248/08.

252 Article 100 of Decree No. 2,248/08.

253 A system similar to "Compr.ar" which is used nationally.

254 Article 95 of Law No. 4,938.

255 Article 95 of Law No. 4,938.

256 Approximate figures; the exact value in euros may vary depending on the exchange rate.

257 Article 23 subparagraph b) of Decree No 1,348/12 establishes an amount higher than AR\$ 1,000,000.

258 Article 23 subparagraph e) of Decree No 1,348/12 establishes an amount higher than AR\$ 1,000,000.

259 Article 23 subparagraph f) of Decree No 1,348/12. establishes an amount lower than AR\$ 100,000.

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>260</sup>:

- 1) The acquisition of goods that are not produced or supplied in the country whereby it is advisable to acquire such goods through International Bodies to which the Nation or Catamarca adhere;
- 2) Whenever the local market shows a significant scarcity of supply of the goods and/or services to be procured, which shall be justified in each case by the competent technical offices, and
- 3) Procurements in the context of inter-governmental agreements or with foreign State entities, that involve a compensation countertrade of products manufactured or fabricated in the Province and destined for exportation.

#### *National and International Tenders*

Like the National General Regime, the Catamarca General Regime provides<sup>261</sup>:

- 1) National tenders, and
- 2) International tenders.

#### *Procedural Stages*

Like in the National General Regime, the procedural stages may be either single or multi-stage<sup>262</sup>.

#### *Contract Execution Modalities*

*How the contracts are executed:*

In addition to the modalities provided by the National General Regime, the following modalities may be used<sup>263</sup>:

- 1) Closed purchase;
- 2) Deferred purchase, and
- 3) Unified purchase.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Catamarca. Bidders are required to register at the Suppliers Register.

Foreign bidders with no branch office or no permanent representation in Argentina are expressly exempted from registering in the Provincial Suppliers Register<sup>264</sup>.

The following persons are disqualified from participating in the procurement processes<sup>265</sup>:

- 1) Any person that has been suspended to contract with the Provincial State;
- 2) Public agents or officers belonging to the National, Provincial or Municipal Public Administration;
- 3) Natural persons or legal entities in bankruptcy or liquidation;

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260 Article 98 of Law No. 4,938.

261 National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that foreign bidders without branch office or representation in Argentina are not required to register at the Suppliers Register, it can be inferred that international tenders do exist.

262 Article 21 of Decree No. 2,248/08.

263 For the description of this type of processes, please refer to Chapter I.3.5.

264 Articles 142 and 149 of Decree No. 2,248/08.

265 Article 141 of Decree No. 2,248/08.



- 4) Any person that are being prosecuted for committing crimes against property, against the National Public Administration, against public faith or for committing crimes regulated by the American Convention Against Corruption;
- 5) Legal entities and natural persons who are not compliant with their national or local tax and pension obligations, or
- 6) Natural persons, legal entities or any other legal person alleging to be a representative of enterprises, factories, producers, importers or third parties in general, established inside and outside the province or in a foreign territory, without sufficient power of attorney.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 3.3](#)).

#### *Award Criteria*<sup>266</sup>

The same criteria as to the National General Regime apply.

Although the award criteria are not expressly established, the general principle of awarding in favor of the most suitable bid does apply.

Therefore, when comparing bids, the following criteria are taken into account<sup>267</sup>:

- 1) Price of the contracted services or goods;
- 2) Quality of the contracted services or goods;
- 3) Delivery periods of contracted goods or initiation periods of contracted services, and
- 4) Any records in the Provincial Suppliers Register.

The price factor shall have a minimum coefficient of 80%, except if the Competent Authority has authorized a different coefficient.

#### *Complaints Mechanism*<sup>268</sup>

After the bid opening, the bidders can appeal other offers within a short deadline<sup>269</sup>. Unlike the National General Regime, the pre-award ruling may not be appealed.

The awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the Province of Catamarca (*Ley de Procedimientos Administrativos de Catamarca*). Furthermore, it is possible to subsequently request judicial revision.

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266 Article 32 of Decree No. 2,248/08.

267 Article 32 of Decree No. 2,248/08.

268 Articles 67 and 70 of Decree No. 2,248/08.

269 Articles 67 and 70 of Decree No. 2,248/08.

## 3.2 The Most Important Contracts with Particular Regulations

### 3.2.1 Public Works Contract

#### *Scope and Coverage*

Under this regime, public works are defined as studies, projects, preservation works, installation works and general tasks related to public works that the Province of Catamarca carries out in the public interest, through its institutions of the Centralized and Decentralized Public Administration –including public companies- regardless the source of the invested funds<sup>270</sup>.

In addition, the following activities are regulated by this Regime: acquisition, supply, lease, adaptation or repair of machines, equipment, vehicles, materials, fuels, lubricants, energy, tools and permanent work items or activities that the administration carries out until the final clearance of public works<sup>271</sup>.

#### *Selection Procedures*

By general rule, contracts included under this regime are made by public tender or public auction. However, it is allowed to use private tender or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>272</sup>:</b>
1) Public tender	Higher than € 558,500 <sup>273</sup>
2) Private tender	Higher than € 558,500 and lower than € 58,000 <sup>274</sup>
3) Direct awarding	Lower than € 42,000 <sup>275</sup>

#### *Contract Execution Modalities*

Public works contracts can be executed as:

- 1) Units of measurement<sup>276</sup>;
- 2) Lump sum<sup>277</sup>;
- 3) Cost plus fee<sup>278</sup>;
- 4) Combinations of the different contract execution modalities;
- 5) Other contract execution modalities in case of exceptional circumstances, and
- 6) Public works concessions.<sup>279</sup>

270 Article 1 of Law No. 2,730.

271 Article 2 of Law No. 2,730.

272 The amounts are estimated; the exact figures in euros will vary depending on the exchange rate.

273 Article 2 subparagraph d) of Decree No. 381/17 establishes an amount higher than AR\$ 11,500,000.

274 Article 2 subparagraph c) of Decree No. 381/17 establishes an amount higher than AR\$ 1,200,000 and lower than AR\$ 11,500,000.

275 Article 2 subparagraph a) of Decree No. 381/17 establishes an amount lower than AR\$ 870,000.

276 For the description of this Contract Execution Modality, please refer to Chapter III.1.2.1.

277 For the description of this Contract Execution Modality, please refer to Chapter III.1.2.1

278 For the description of this Contract Execution Modality, please refer to Chapter III.1.2.1

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders wishing to participate in public works tenders must have sufficient legal capacity and the required technical, economical, financial and operational skills<sup>280</sup>.

Also, they are required to register in the Public Works Bidder Register (*Registro de Licitador de Obras Públicas*).<sup>281</sup>

The administration rejects any bid if:<sup>282</sup>

- 1) The same technical representative takes part in two or more bids;
- 2) There is an agreement between two or more bidders or technical representatives on the same public work, or
- 3) The bids stem from companies that have legislators, officials or employees of the Province of Catamarca (or their first-grade relatives) as partners, advisers or directors. In case these persons are no longer connected with the province of Catamarca, there is a cooling off period of six months.

Although not expressly stated in the regulations, the authors have been informed by the Enforcement Authority that foreign bidders are required to register at the Public Works Bidders Register.

### *Local Preference Regime*

The Local Preference Regime applies within the General Regime, the Special Regimes and to contracts with particular regulations (these are described in [Chapter IV 3.3](#)).

### *Award Criteria*

The contract is awarded to the most suitable bid. The lowest price is not the exclusive decisive factor. If only one bid is presented, the award can still be granted, if deemed suitable.

In case there are two or more offers that are equally suitable, a call for improvement will be made<sup>283</sup>.

### *Complaints Mechanism*

The bidders (or their duly authorized representatives) can make the observations they deem appropriate, provided that they are concrete, concise and strictly related to the facts and documents of the awarding act.<sup>284</sup>

The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Catamarca (*Ley de Procedimientos Administrativos de la Provincia de Catamarca*). Furthermore, it is possible to subsequently request judicial revision.

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279 Article 11 of Law No. 2,730.

280 Article 13 of Law No. 2,730.

281 Article 13 of Law No. 2,730.

282 Article 18 of Law No. 2,730.

283 Article 19 of Law No. 2,730

284 Article 9 Subparagraph 11 of Decree No. 633

### 3.3 Local Preference<sup>285</sup>

The institutions of the Centralized and Decentralized Public Administration –including public companies, and companies that have a concession for provincial public services – apply this Local Preference Regime for the acquisition of goods, the contracting of services and public works provided by local companies. However, there is no national preference.

Local companies and local products are treated preferentially in the procurement processes. They will be awarded the contract even though their bid is between 3% and 12% more expensive than competitive bids from bidders that are not considered local<sup>286</sup>.

Local bidders are either natural persons or legal entities who have their real domicile in the Province of Catamarca. In both cases, the main place of business has to be in the Province, and municipal authorization to operate is required<sup>287</sup>.

Joint ventures (*Uniones Transitorias de Empresas*) and other forms of enterprise groups can be considered as local bidders, if they prove that all members of the respective enterprise group meet the abovementioned criteria<sup>288</sup>.

Products of Catamarca are those products that have either originated or that have been produced or transformed (totally or partially) in the Province of Catamarca<sup>289</sup>.

#### Additional Information

- 1) The authors have liaised with the General Accounting Office of the Province of Catamarca (Contaduría General de la Provincia de Catamarca). They have clarified certain questions relating to the applicable regulation described above and provided more information.
- 2) The projected investment for 2018 in the Province of Catamarca amounts to around € 22 million, in contrast to around € 15 million in 2017.
- 3) The bridge of Provincial Route No. 33 (Ruta Provincial No. 33) over the Santa Cruz river, consisting of a causeway and sewage system, should be remarked as one of the most important public works to be developed in Catamarca.
- 4) Likewise, the Ministry of Public Works – through the Works by Contract Directorate of the Secretariat of Public Infrastructure – works on the extension of the provincial Hospital Maternidad de 25 de Mayo.
- 5) Information on the main procured products, goods and services is not available, since the Province does not maintain a centralized system that keeps track of the procurements that have been made.

<sup>285</sup> Law No. 5,038 and Decree No. 1,122/01.

<sup>286</sup> Article 6 of Law No 5,038.

<sup>287</sup> Article 3 of Law No 5,038.

<sup>288</sup> Article 5 of Law No 5,038.

<sup>289</sup> Article 5 of Law No 5,038.

## 4. Province of Chaco

**Annex XIV** contains a table with general information on laws applicable to the Province of Chaco with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 4.1 Chaco General Regime

The General Public Procurement Regime of the Province of Chaco (hereinafter "Chaco General Regime" is regulated by the Administration of the Province of Chaco's Public Procurement Framework<sup>290</sup> and its Implementing Regulations<sup>291</sup>.

#### *Entities Regulated by the Chaco General Regime*

Like in the National General Regime, the regulation of this regime applies to the institutions of the Centralized and Decentralized Public Administration (e.g. the *Instituto Provincial de Inclusión para las Personas con Discapacidad* or the *Instituto del Deporte*)<sup>292</sup>, with the exceptions of autarkic entities and public companies having their own regulation.

#### *Contracts Regulated by the Chaco General Regime*

The Chaco General Regime applies to the following contracts, concluded by the institutions mentioned in the chapter immediately above:

- 1) Purchase contracts;
- 2) Supplies contracts;
- 3) Service contracts, and
- 4) Rent or sale of goods or rights of abovementioned entities.

#### *Competent Administrative Authority*

Similar to the National General Regime, Chaco General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The Competent Authority of the Chaco General Regime is the General Accounting Office of the Province of Chaco (*Contaduría General de la Provincia*), who establishes the general procurement policies and the general rules of interpretation, guarantees an efficient evaluation of the procurements carried out by aforementioned entities, formulates a policy for procurement and acquisitions of the provincial Public Administration, and systematizes all legal, administrative, contractual and regulatory regulations<sup>293</sup>.

At the same time, each of the entities mentioned in chapter "*Entities Regulated by the Chaco General Regime*" has their own administrative bodies in charge of executing their own public procurements.

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290 Law No. 4,787.

291 Decree No. 692/01 which maintains the validity of the Decree No. 3,566/77.

292 Article 1 of Law No. 4,787.

293 Articles 126 and 127 of Law No. 4,787.

### Selection Procedures

The different procurement selection procedures provided by the Chaco General Regime are<sup>294</sup>:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender, and
- 4) Direct Awarding.

By general rule, contracts included under this regime are made by public tender. However, it is allowed to use private tender or direct award in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

Selection procedures	If the estimated amount of the contract is <sup>295</sup>
1) Public Tender	Higher than € 17,000
2) Private Tender	Higher than € 4,800
3) Direct Awarding	Higher than € 970

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>296</sup>:

- 1) Credits authorized by law from multilateral credit institutions to which the Republic of Argentina is party, or from foreign governments, and
- 2) Tenancy that has to be executed in foreign countries (for reasons of quality, characteristics or circumstances which are determined by justified reports of the responsible authority).

### National and International Tenders

Like the National General Regime, the Chaco General Regime includes<sup>297</sup>:

- 1) National tenders, and
- 2) International tenders.

### Contract Execution Modalities

Are not defined expressly but are part of the respective Specific Bidding Terms and Conditions.

### Requirements Bidders in General and for Foreign Bidders in Particular

It is required for bidders to be registered in the Suppliers Register of the Province (*Registro de Proveedores del Estado*)<sup>298</sup>. Foreign bidders with no branch office or permanent representation in Argentina are exempt from registering in the Suppliers Register.<sup>299</sup>.

294 These selection procedures stem from the comprehensive analysis of the applicable regulation bearing in mind that such are not expressly set out.

295 Approximate figures; the exact value in euros may vary depending on the exchange rate.

296 Article 132 of Law No. 4,787

297 National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that foreign bidders without branch office or representation in Argentina are not required to register at the Suppliers Register, it can be inferred that international tenders do exist.

298 Article 6.2 subparagraph f) of Decree No. 3,566/77.

299 Article 6.2 subparagraph f) of Decree No. 3,566/77.

The following persons are barred from participating in the procurement process<sup>300</sup>:

- 1) Companies that are disqualified by the Provincial State for non-compliance with contractual obligations in prior procurements, members of their respective boards of directors as well as the directors' spouses;
- 2) Successor companies of disqualified companies;
- 3) Brokers and commission agents;
- 4) Active public employees and officers;
- 5) Bankrupt companies;
- 6) Natural persons or legal entities who are incapacitated to operate;
- 7) Debtors of the National or Provincial State for debts stemming from prior procurements;
- 8) Representatives of companies established abroad in their personal capacity, and
- 9) Criminally convicted persons.

### *Local Preference Regime*

The Local Preference Regime applies within the General Regime, within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 4.3](#)).

### *Award Criteria*

The same criteria as to the National General Regime apply<sup>301</sup>.

### *Complaints Mechanism*

The same criteria as to the National General Regime apply: the pre-award ruling may be appealed<sup>302</sup>.

The pre-awarding issued by the Evaluating Commission (*Comisión Evaluadora*) can be appealed<sup>303</sup>.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Chaco (*Ley de Procedimientos Administrativos de Chaco*). Furthermore, it is possible to subsequently request judicial revision.

## **4.2 The most Important Contracts with Particular Regulations**

### **4.2.1 Public Works**

#### *Scope and Coverage*

Public works are all constructions, maintenances, installations, modifications, restorations, works in general or industry services, studies and projects that are carried out using provincial, national or international funds or subsidies of private individuals, which have as an objective the public interest with the best use of resources in the whole territory of the Province of Chaco (within the responsibility of the Centralized and Decentralized public administration)<sup>304</sup>.

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300 Article 4.4 of Decree No. 3,566/77.

301 Article 10.9 of Decree No. 3,566/77.

302 Article 10.13 of Decree No. 3,566/77.

303 Article 10.13 of Decree No. 3,566/77.

304 Article 1 of Law No. 4,990.

Public companies apply the provisions supplementarily (whenever their special rules do not provide a regulation)<sup>305</sup>.

### Selection Procedures

By general rule, selections are made by public tender<sup>306</sup>.

However, it is allowed to use private tender, price bidding or direct awarding in the following cases:

Selection procedures	If the estimated amount of the contract is <sup>307</sup>
1) Public tender	Higher than € 1,600,000
2) Private tender	Higher than € 875,000 and less than € 1,000,000
3) Price bidding	More than € 485,000 and less than € 875,000
4) Direct awarding	Less than € 485,000

### Contract Execution Modalities

Contract execution *modalities* are not expressly established. Therefore, the Bidding Terms and Conditions have to be consulted in each specific case.

### Requirements for Bidders in General and for Foreign Bidders in Particular

Bidders need to be registered in the Public Works Constructors Register of the Province of Chaco (*Registro de Constructores de Obras Públicas de la Provincia de Chaco*)<sup>308</sup>. They are furthermore required to have sufficient technical, economical, financial and legal capacity.<sup>309</sup>

The Specific Bidding Terms and Conditions may establish the obligation that a non-local bidder enters into an associative participation with a local company<sup>310</sup>.

Bids by natural persons or legal entities are not allowed if<sup>311</sup>:

- 1) Any of their authorized signatories, professionals, partners or directors has acted as an officer or technician in the preparation process of the Specific Bidding Terms and Conditions.
- 2) Relatives up to the second degree of consanguinity, kinship or spouses of such officers or technicians are bidders, directors or carry out executive functions for them.

Interested parties who have participated in the tender can file an objection against bids made by persons or entities meeting the abovementioned criteria within 3 business days before the tender opening act.

The Bidding Terms and Conditions establish, in each case, whether foreign bidders with no branch office or no permanent representation in Argentina can participate in the tenders.

305 Article 1 of Law No. 4,990.

306 Article 22 of Law No. 4,990.

307 Article 3 of Decree No. 256/17. Approximate figures; the exact values in euros may vary depending on the exchange rate.

308 For registration requirements see: <http://contaduriageneral.chaco.gov.ar/index.php/paginas/view/id/10>.

309 Article 7 of Law No. 4,990.

310 Article 19 of Law No. 4,990.

311 Article 30 of Law No. 4,990.



### *Local Preference Regime*

The Local Preference Regime applies within the General Regime, within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter VI 4.3](#)).

### *Award Criteria*

The most suitable bid will be awarded with the contract. Bids that differ by more or less than 20% from the estimated tender amount will be dismissed.<sup>312</sup>

### *Complaints Mechanism*

The pre-award ruling may not be appealed.

The award can be appealed within a short deadline.

Every appeal has to be backed with a guarantee established in the Specific Bidding Terms and Conditions.<sup>313</sup>

## **4.2.2 Public-Private Partnership**

Chaco adheres to the National Public-Private Partnership Regime<sup>314</sup> (please refer to [Chapter III 1.2.3](#)).

## **4.3 Local Preference Regime**

The Preference Regime of the Province of Chaco grants preferential treatment for local and national bidders, and also bidders domiciled in a Mercosur Member State<sup>315</sup>.

The institutions of the Centralized and Decentralized Public Administration –including autarkic entities and public companies – are required to apply the Chaco Preference Regime.

### **4.3.1 Goods**

Goods, materials, products and inputs of provincial origin have to be acquired if their quality is suitable in light of the objectives of the procurement, and if their price is equal or up to 7% higher than the lower non-local bid<sup>316</sup>. This percentage relates to the areas of workforce, raw materials or inputs.

### **4.3.2 Works and Services**

Works and services of construction or supplier companies, or suppliers located in the Province of Chaco, have to be acquired if the companies' track record and technical capabilities are satisfactory to achieve the objectives of the procurement<sup>317</sup>.

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312 Articles 31 and 32 of Law No. 4,990.

313 Article 33 of Law No. 4,990.

314 Law No. 2,665.

315 This does not mean that Chaco applies the National Preference Regime described (described at [Chapter III 1.4](#)) but rather that Chaco has established its own preference regime for local and national bidders exercising its own powers.

316 Article 1 subparagraph a) of Law No. 4,713.

317 Article 1 subparagraph b) of Law No. 4,713.

Also, public works concessions have to be granted to cooperations or companies located in the Province<sup>318</sup>.

Furthermore, professionals, technicians or workforce residing in the Province have to be contracted preferentially. Residence in the Province means having their real domicile within its geographical limits; the domicile must be accredited by means of the National Identity Card (*Documento Nacional de Identidad*) and the corresponding certificate of domicile<sup>319</sup>.

#### 4.3.3 Consultancy Services<sup>320</sup>

The regulation establishes that consultancy services shall be contracted from professionals, technicians or consultants who are registered in the Province, and have maintained their real domicile for at least two years in Chaco prior to the procurement.

However, in case the technical complexity so requires, foreign companies may be contracted.

##### *Definitions:*

Supplier companies located in the Province are/have:

- 1) Legal or real domicile in the Province;
- 2) A seniority of at least two years in the Province and in the area, they offer, and
- 3) Equity consisting of assets largely based in the Province.<sup>321</sup>

Construction companies located in the Province are/have:

- 1) Seniority of at least two years in the province in the area they offer<sup>322</sup>, and
- 2) In case the bidding company does not meet the seniority, it can associate with other companies meeting such requirement<sup>323</sup>.

Every call for tender (or any other means of procurement) includes a particular clause which requires the offeror to acquire the raw materials and workforce of provincial origin that are necessary for compliance with the contract, subject to the existence of sufficient local offers<sup>324</sup>.

##### *Preference order<sup>325</sup>*

- 1) First, commodities of provincial origin and industrialized products that either use inputs of provincial origin or have greater added-value in the Province are purchased.
- 2) In case the primary and industrialized products are not produced in the province or their production was insufficient in quality or quantity, acquisition will be made preferentially from trading companies located in the Province, prioritizing those located there for more than two years.
- 3) In case there are no goods with the aforementioned qualities, the purchase of goods and services will be in favor of, first, goods and services with origin in a Member Province of the Regional Commission for External Trade (*CRECENEA-Litoral* for its initial letters in Spanish); secondly, national goods and services; thirdly, MERCOSUR goods and services, and, fourthly, foreign goods and services.

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318 Article 1 subparagraph d) of Law No. 4,713.

319 Article 1 subparagraph c) of Law No. 4,713.

320 Article 8 of Law No. 4,713.

321 Article 1 of Decree No. 1,874/2000.

322 Article 2 of Decree No. 1,874/2000.

323 Article 2 of Decree No. 1,874/00.

324 Article 4 of Law No. 4,713.

325 Article 5 of Law No. 4,713.

## 5. Province of Chubut

**Annex XIV** contains a table with general information on the laws applicable in the Province of Chubut with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 5.1 Chubut General Regime

The General Public Procurement Regime of the Province of Chubut (hereinafter "*Chubut General Regime*") is regulated by the Administration of the Province of Chubut's Public Procurement Framework<sup>326</sup> and its Implementing Regulations<sup>327</sup>.

Furthermore, the General Bidding Terms and Conditions as well as the Model Specific Clauses serve as a blueprint for the preparation of Specific Bidding Terms and Conditions, which are adopted by the subjects who apply the regime<sup>328</sup>.

#### *Entities Regulated by the Chubut General Regime*

Like in the National General Regime, the regulation of this regime applies to the institutions of the Centralized and Decentralized Public Administration (e.g. the "*Instituto de Seguridad Social y Seguros (ISSYS)*") or the *Instituto Provincial del Agua (IPA)*). However, unlike the National General Regime, the regulation of this regime applies to all public companies as well as to the Judicial and Legislative Branch<sup>329</sup>.

Nevertheless, in practice, the Implementing Regulations - which establish the specifications of the public procurement - only apply to a part of the Decentralized Public Administration, because some autarkic entities and public companies have their own procurement regime.

Moreover, the Legislative Branch and the Judicial Branch are invited to adhere to the Implementing Regulations<sup>330</sup>.

#### *Contracts Regulated by the Chubut General Regime*

The Chubut General Procurement Regime applies to the following contracts, which are concluded by the institutions mentioned in chapter "*Entities Regulated by the Chubut General Regime*" above<sup>331</sup>:

- 1) Purchase contracts;
- 2) Supplies contracts;
- 3) Services contracts;
- 4) Locations contracts;
- 5) Consultancy contracts;
- 6) Leasing contracts, and
- 7) Barter contracts.

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326 Law II No. 76.

327 Decree No. 777/06.

328 Resolution No. 1 SCE-OPC/2006.

329 Article 1 of Law II No. 76.

330 Article 1 and 2 of Decree No. 777/06.

331 Article 91 of Law II No. 76.

The following contracts are expressly exempt from Chubut General Procurement Regime: Contracts entered into with foreign States, public interprovincial legal entities, public international entities or multilateral credit institutions (that are partially or totally financed by this kind of organizations).

#### *Competent Administrative Authority*

Similar to the national general regime, Chubut General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management<sup>332</sup>.

The Competent Authority of the Chubut General Regime is the Provincial Office of Procurement (*Oficina Provincial de Contrataciones*)<sup>333</sup>, who establishes the general procurement policies as well as general rules of interpretation<sup>334</sup>.

At the same time, each of the entities mentioned in chapter "*Entities Regulated by the Chubut General Regime*" has their own administrative bodies in charge of executing their own public procurements<sup>335</sup>.

#### *Selection Procedures*<sup>336</sup>

The different procurement selection procedures provided by the Chubut General Regime are:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender, and
- 4) Direct Awarding.

By general rule, contracts under this regime are carried out by public tender or public auction. However, it is allowed to use private tender or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations)<sup>337</sup>:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>338</sup>:</b>
1) Public Tender	Higher than € 14,000 <sup>339</sup>
2) Private Tender	Less than € 14,000 <sup>340</sup>
3) Direct Awarding	Less than € 1,700 <sup>341</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>342</sup>: The acquisition and importation of aeronautical parts and equipment provided that there are no substitutes of the national industry.

#### *National and International Tenders*

National and international tenders are not expressly defined.

332 Article 93 of Law II No. 76.

333 Decree No. 217/06.

334 Article 93 of Law II No. 76.

335 Article 93 of Law II No. 76.

336 Article 94 et seq. of Law II No. 76.

337 Article 17 of Law No. 13,981.

338 Approximate figures; the exact values in euros may vary depending on the applicable exchange rate.

339 Higher than 100 Modules. Currently the value of each module is about € 117, established by Decree No. 163/14.

340 Less than 100 Modules (Article 95 of Law II No. 76).

341 Less than 12 Modules (Article 95 of Law II No. 76).

342 Article 95 of Law II No. 76).

However, foreign bidders are allowed to participate in the procurements if they are subscribed to the Provincial Register. The registration requirements cannot be met by a foreign bidder without branch office or permanent representation in Argentina. Consequently, except for cases in which the Bidding Terms and Conditions expressly exempt foreign bidders from the registration requirement, foreign bidders are required to subscribe to the Register.

#### *Contract Execution Modalities<sup>343</sup>*

##### *Who executes the contracts:*

Like the National General Regime, Chubut General Regime provides consolidated procurements<sup>344</sup>.

##### *How the contracts are executed:*

Like in the National General Regime, the following modalities can be used<sup>345</sup>:

- 1) Blanket ordering, and
- 2) Guaranteed maximum price.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must have sufficient legal capacity.

The following persons are disqualified from participating in a bid<sup>346</sup>:

- 1) Natural persons or legal entities suspended as suppliers;
- 2) Natural persons or legal entities in bankruptcy;
- 3) Persons that are processed for committing malicious crimes or crimes against the National Public Administration, and
- 4) Defaulted debtors of the Provincial State, the Provincial bank or the fiduciary funds created by the Provincial State.

Unlike the National General Regime, this Regime has not established specific regulations for foreign bidders.

Even though the analysis of the requirements for subscription to the Permanent Bidders Register evidences requirements that can only be met by companies with a branch office or permanent representation in Argentina, the Bidding Terms and Conditions in each specific case may exempt foreign bidders from the registration requirement.

#### *Local Preference Regime<sup>347</sup>*

Chubut General Regime establishes a local preference regime. This regime only applies within the general procurement regime, not to contracts with particular regulations<sup>348</sup>.

Local products and local suppliers are treated preferentially. National bidders do not receive preferential treatment.

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343 Article 96 of Law II No. 76.

344 For the description of this type of processes, please refer to Chapter I.3.5.

345 For the description of this type of process, please refer to Chapter I.3.5.

346 Article 102 of Law II No. 76.

347 Articles 119 and 120 of Law II No. 76 and Articles 112 and 113 of Decree No. 777/06.

348 Without prejudice to the aforementioned, the Bidding Terms and Conditions have to be consulted in each particular case in order to determine if similar provisions are established

### **Local products:**

Need to meet two requirements:

- 1) Producers should have a legal domicile and head office of in the Province of Chubut for at least two years before procurement; and
- 2) The product must be manufactured at fixed installations within the Province of Chubut and raw materials used to fabricate the product largely of provincial origin<sup>349</sup>.

Local products will be awarded when the offer's price does not exceed the lowest competing offer by more than 10%<sup>350</sup>.

### **Local Suppliers:**

Are those that offer a product that does not meet the abovementioned requirements but that have had legal domicile and head office in the Province of Chubut for at least two years before the procurement<sup>351</sup>.

Local suppliers will be awarded when the offer's price does not exceed the lowest competing offer by more than 20%<sup>352</sup>.

#### *Award Criteria*

The same criteria as to the National General Regime apply<sup>353</sup>.

#### *Complaints Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

Like the National General Regime, the awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the Province of Chubut (*Ley de Procedimientos Administrativos de la Provincia de Chubut*). Furthermore, it is possible to subsequently request judicial revision.

## **5.2 The Most Important Contracts with Particular Regime**

### **5.2.1 Public Works Contract**

#### *Scope and Coverage*

Public works are all constructions, installations and works in general carried out by the Province of Chubut.<sup>354</sup>

Public works have to be constructed on properties of the Province, municipalities or the national State. The locations of the public works are established by the respective Ministry.

#### *Selection Procedures*

By general rule, selections are made by public tender. However, it is allowed to use private tender or direct awarding in the following cases:

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349 Articles 119 and 120 of Law II No. 76 and Articles 112 and 113 of Decree No. 777/06.

350 Articles 119 and 120 of Law II No. 76 and Articles 112 and 113 of Decree No. 777/06.

351 Articles 119 and 120 of Law II No. 76 and Articles 112 and 113 of Decree No. 777/06.

352 Articles 119 and 120 of Law II No. 76 and Articles 112 and 113 of Decree No. 777/06.

353 Article 113 of Law II No. 76 and Article 43 of Decree No. 777/06.

354 Article 1 of Law I No. 11.

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>355</sup>:</b>
1) Public Tender	Higher than € 1,600,000
2) Private Tender	Higher than € 875,000 and less than € 1,600,000
3) Direct Awarding	Less than € 485,000

#### *Contract Execution Modalities<sup>356</sup>*

- 1) Units of measurement;
- 2) Lump sum;
- 3) Combination of 1) and 2), and
- 4) Cost plus fee.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders need to be registered in the Provincial Register of Public Works Constructors (*Registro Provincial de Constructores de Obras Públicas*)<sup>357</sup>.

In each specific case, the Bidding Terms and Conditions have to be consulted to determine whether foreign bidders are required to have a branch office or permanent representation in Argentina.

#### *Local Preference Regime*

The Preference Regime is regulated within the Chubut General Regime. Therefore, the Bidding Terms and Conditions have to be consulted in order to determine whether a national and/or local preference regime has been established.

In principle, it therefore applies only to contracts that are entered into under the Chubut General Regime.

Without prejudice to the aforementioned, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

#### *Award Criteria*

The contract will be awarded to the most beneficial bid.<sup>358</sup>

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of Chubut (*Ley de Procedimientos Administrativos de la Provincia de Chubut*). Furthermore, it is possible to subsequently request judicial revision.

<sup>355</sup> The amounts have been indicated by the provincial authorities. It was not possible to identify the norms they stem from. Approximate figures; the exact value in euros may vary depending on the applicable exchange rate.

<sup>356</sup> For the description of Contract Execution Modalities, please refer to Chapter III 1.2.1.

<sup>357</sup> Article 13 of Law I No. 11.

<sup>358</sup> Article 22 of Law I No. 11.

## 5.2.2 Public Works Concession Contract

### *Scope and Coverage*

The Executive Branch can grant Public Works Concessions for a determined time period to private or mixed companies, or to public entities, for the construction, maintenance and/or operation of public works by means of collection of fees or tolls<sup>359</sup>.

### *Selection Procedures*

If the project is at the Province's initiative, public works concessions may be granted:

- 1) By public tender, and
- 2) By direct award to public entities or companies with State capital<sup>360</sup>.

### *Public Works Concession Modalities*

In line with the expected profitability of the public works concession, the following concession modalities may be agreed<sup>361</sup>:

- 1) Against payment;
- 2) Free of charge, and
- 3) Subsidised.

The Executive Branch can define the modality of the concession within the abovementioned framework, considering:

- 1) That the average level of fees may exceed the economic value of the offered service in the concerned geographic zone, and
- 2) The profit of the concession, taking into account the presumed amount of users, the amortization costs, interests, maintenance and operating costs as well as earnings.

In case of free of charge or subsidized concessions, reinvestment obligations of the concessionaire or participation obligations of the Province have to be established if the investments end up to be higher than anticipated<sup>362</sup>.

### *Requirements for Bidders*

There are no additional requirements other than bidders having to be a private company or public entity<sup>363</sup>. In any case, as an indicative criterion, it is probable that bidders who cannot contract with the Public Administration according to the General Regime are not going to be awarded.

In each specific case, the Bidding Terms and Conditions have to be consulted to determine whether foreign bidders are required to have a branch office or permanent representation in Argentina.

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359 Article 1 of Law I No. 118.

360 Article 13 of Law I No. 118.

361 Article 1 of Law I No. 118. For the description of Public Works Concession Modalities, please refer to Chapter III.1.2.2.

362 Article 12 of Law I No. 118.

363 Article 1 of Law I No. 118.



### *Award Criteria*

No award criteria are expressly stated, but the principle of awarding to the most suitable bid applies.

### *Complaint Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of Chubut (*Ley de Procedimientos Administrativos de la Provincia de Chubut*). Furthermore, it is possible to subsequently request judicial revision.

## **5.2.3 Public-Private Partnership**

Chubut adheres to the National Public-Private Partnership Regime<sup>364</sup> (please refer to [Chapter III 1.2.3](#)).

### **Additional Information**

In July 2017, the authors had a meeting with provincial officers.

The authors were then informed about the abovementioned legislation that regulates provincial procurements.

Moreover, it was stated that the Local Preference Regime is actually applied in practice.

Foreign bidders are allowed to participate in the procurements if they have subscribed to the Provincial Register. The registration requirements cannot be met by a foreign bidder without branch office or permanent representation in Argentina. Consequently, except for cases in which the Bidding Terms and Conditions expressly exempt foreign bidders from the registration requirement, foreign bidders are required to subscribe to the Register.

The authors were also informed that the Provincial Government pushes large water stream containment works in 2018 (particularly the *La Mata* Stream) as well as repaving works.

In 2017, around 44,000 kilometres of provincial roads have been repaved.

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364 Law No. I - 616.

## 6. Province of Cordoba

**Annex XIV** contains a table with general information on the laws applicable in the Province of Cordoba with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 6.1 Cordoba General Regime

The General Public Procurement Regime of the Province of Cordoba (hereinafter "*Cordoba General Regime*") is regulated by the Administration of Córdoba's Procurement Framework<sup>365</sup> and its Implementing Regulations<sup>366</sup>.

#### *Entities Regulated by the Cordoba General Regime*<sup>367</sup>:

Like in the National General Regime, the regulations of this regime apply to the Centralized and Decentralized Public Administration, with the exception of autarkic entities and public companies having their own regulation. In this case, the General Regime applies subsidiarily.

Unlike the National General Regime, the Judicial and Legislative Branch may apply the guidelines of this regime.

#### *Contracts Regulated by the Cordoba General Regime*

The Cordoba General Procurement Regime applies to the majority of contracts, which are concluded by the institutions mentioned in chapter "*Entities Regulated by the Cordoba General Regime*" above, except for the following<sup>368</sup>:

- 1) Public works contracts;
- 2) Employment contracts;
- 3) Public credit contracts and all contracts that are necessary to carry out a public credit operation;
- 4) Contracts entered into with foreign States, or multilateral credit institutions and those contracts partially or totally financed with resources coming from those States or entities, and
- 5) Contracts of purchases or supplies which are performed and are executed abroad.

#### *Competent Administrative Authority*

Similar to the National General Regime, Cordoba General Regime is based on the idea of centralization of policies and regulation, and decentralization of the operational management.

The Competent Authority of the Córdoba General Regime is the General Direction of Procurements (*Dirección General de Compras y Contrataciones*)<sup>369</sup>, who establishes the general procurement policies and the general rules of interpretation<sup>370</sup>.

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365 Law No. 10,155.

366 Decree 305/2014.

367 Article 1 of Law No. 10,155.

368 Article 2 of Law No. 10,155.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Cordoba General Regime*" has their own administrative body in charge of executing their own public procurements.

The Province maintains an electronic procurement system (see "Additional information").

### *Selection Procedures*

The different procurement selection procedures provided by the Córdoba General Regime are:

- 1) Public tender and public auction;
- 2) Private tender, and
- 3) Direct award.

By general rule, contracts under this regime are selected by public tender. However, it is allowed to use private tender or direct award in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>371</sup>:</b>
1) Public tender	Higher than € 131,000 <sup>372</sup>
2) Private tender	Lower than € 87,500 <sup>373</sup>
3) Direct Awarding	Lower than € 4,300 <sup>374</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>375</sup>:

- 1) Existence of a significant scarcity or shortage in the market of the goods to procure.
- 2) The goods or services have such nature that they can only be entrusted to professionals, artists or specialists of recognized ability, irrespective of their legal structure.
- 3) In the case of manufactured products or rendered services, exclusively distributed by a particular person or entity, or by a single supplier, provided that there are no suitable substitutes.

### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Cordoba General Regime provides private initiative<sup>376</sup>.

### *National and International Tenders*

National and international tenders are not expressly defined. However, the Local Preference Regime establishes that between a national bid and international bid, the first one must be preferred.

369 Articles 30 of Law No. 10,155.

370 Articles 30 and 31 of Law No. 10,155.

371 Article 11 of Law No. 10,155. Currently each index has a value of AR\$ 9,000 (Law No. 10,410). Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

372 Higher than index 300 (AR\$2.700.000).

373 Lower than index 200 (AR\$1.800.000).

374 Lower than index 10 (AR\$ 90.000).

375 Article 10 of Law No. 10,155.

376 For the description of this type of process, please refer to Chapter I.3.4.

Without prejudice to this, the Bidding Terms and Conditions have to be consulted in order to determine the specific requirements.

#### *Contract Execution Modalities*

*How the contracts are executed:*

- 1) Closed purchase order, and
- 2) Blanket ordering<sup>377</sup>.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must have sufficient legal capacity.

A subscription to the State Contractors and Suppliers Register (*Registro Oficial de Proveedores y Contratistas del Estado* (ROPyCE) is not required from bidders in order to take part in the tender process<sup>378</sup>. However, awarding registration is required upon contract.

The other selection procedures do not require registration<sup>379</sup>.

However, foreign suppliers are free to register<sup>380</sup>. To this effect, they are required to present documentation regarding their incorporation issued abroad (meeting all the formalities that are required by their respective country of origin as well as by international law). Documentation has to be translated to Spanish by a certified translator.

The following persons are barred from participating in the procurement process<sup>381</sup>:

- 1) Natural persons or legal entities disqualified as suppliers;
- 2) Provincial State officers and agents, as well as companies in which they have social participation or high positions;
- 3) Natural persons or legal entities that are failed, in bankruptcy procedures or under an injunction;
- 4) Natural persons who are sentenced for committing crimes against private property; the National, Provincial or Municipal Public Administration; public faith or the Inter-American Convention against Corruption (Law No 24,759);
- 5) Sanctioned companies and companies who can be reasonably considered as being set up for the sole purpose of circumventing sanctions imposed on their predecessors<sup>382</sup>;
- 6) Intermediaries in general<sup>383</sup>;
- 7) Representatives of companies established in Argentina, in their personal capacity<sup>384</sup>; and
- 8) Defaulting debtors of the Provincial State<sup>385</sup>.

#### *Local Preference*<sup>386</sup>

In case there are equal offers in terms of price between a national and a international offer, the former will be treated preferentially.

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377 For the description of this type of processes, please refer to Chapter I.3.5.

378 Article 29 of Decree No. 305/2014.

379 Articles 28.1 and 29 of Decree No. 305/2014.

380 This information has been provided by provincial authorities.

381 Articles 17 and 18 of Law No. 10,155.

382 Article 29.2 of Decree No. 305/2014.

383 Article 29.2 of Decree No. 305/2014.

384 Article 29.2 of Decree No. 305/2014.

385 Article 29.2 of Decree No. 305/2014.

386 Law No. 9,331.

Furthermore, in case of equal national bids, the bid offering local goods will be treated preferentially<sup>387</sup>. Also, the Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 6.3](#)).

#### *Award Criteria*<sup>388</sup>

The same criteria as to the National General Regime apply.

Generally, the contract is awarded in favor of the most suitable bid for the contractor body, without prejudice to the conditions established in the Provincial General Regime.

For the determination of the most suitable bid, criteria that are directly linked to the procurement's objective have to be used, such as price, quality, technical capacity and bidder experience, offered guarantees and further conditions of the bid. If more than one assessment criterion is used, price always has to be considered. If only one criterion is used, it has to be price.

If only one bid has been presented, it may be awarded with the contract provided that it fulfills the requested conditions.

In case the only criterion in consideration is price, the most suitable bid is the one with the lowest price.

#### *Complaints Mechanism*

The same criteria as to the National General Regime apply.

The pre-award ruling may be appealed. In order to appeal, bidders must present a security deposit. The competent authority will order the devolution of the security deposit only in case of founded appeals, without prejudice of the legal actions that may emerge from the appeal.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Cordoba (*Ley de Procedimientos Administrativos de la Provincia de Cordoba*). Furthermore, it is possible to subsequently request judicial revision.

## **6.2 The Most Important Contracts with a Particular Regime**

### **6.2.1 Public Works and Public Works Concession Contracts**

#### *Scope and Coverage*

Through the administrative public works or public works concession contract<sup>389</sup>, the Centralized Public Administration assigns a contractor to carry out a public work. This is defined as every construction or general work for the public interest<sup>390</sup>.

By means of the Public Works Concession Contract, the State entrusts natural persons or legal entities with the projection, construction, conservation, maintenance, repair, extension or operation of a new or pre-existing public work. However, the work's price is not paid directly by the Administration but by its

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387 Article 22.2.3 of Decree No. 305/2014.

388 Articles 22 and 23 of Law No. 10,155.

389 Article 4 of Law No. 8,614.

390 Article 1 of Law No. 8,614.

end users (by way of toll). The contractor is given certain powers on a temporary basis, to be able to effectively collect the tolls<sup>391</sup>.

Upon termination of the contract, the concessionaire is required to hand over the work in a functioning state to the contracting entity.

### Selection Procedures

By general rule, selections are made by public tender<sup>392</sup>.

However, it is allowed to use electronic auction<sup>393</sup>, price bidding and direct awarding in the following cases:

<b>Selection procedure</b>	<b>If the estimated amount of the contracting is<sup>394</sup>:</b>
1) Public tender	Higher than € 2,185,000 <sup>395</sup>
2) Electronic auction	Lower than € 2,185,000 <sup>396</sup>
3) Price bidding	Lower than € 350,000 <sup>397</sup>
4) Direct awarding	Lower than around € 8,700 <sup>398</sup>

### Contract Execution Modalities<sup>399</sup>

- 1) Units of measurement, and
- 2) Lump sum.

### Requirements for Bidders<sup>400</sup>

Bidders must be registered in the Public Works Constructors Register (*Registro de Constructores de Obra Pública*)<sup>401</sup>. Any natural person or legal entity wishing to contract works with the Province may register, with the following exceptions:

- 1) Defaulting tax debtors of the Province;
- 2) Those that have not satisfactorily complied with previous contractual obligations from contracts with the Province;
- 3) (Ex-)Agents and (ex-) officers of the Provincial State, until six months after termination of their functions;
- 4) Companies in which agents and officers of the Provincial State have sufficient participation to determine the social will, or have had such participation during twelve months prior to the procurement;
- 5) Those bankrupt, in the course of reorganization or whose assets are frozen, and

391 Article 5 of Law No. 8,614.

392 Article 4 of Law No. 8,614.

393 An electronic auction is a dynamic price competition carried out electronically in real time and in interactive form (Article 9 of Law No. 8,614).

394 Article 4 quarter Law No. 8,614. Currently each index has a value of AR\$ 9,000 (Law No. 10,410). Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

395 Article 4 quarter Law No. 8,614 (Higher than Index 5,000).

396 Article 4 quarter Law No. 8,614 (Lower than Index 5000).

397 Article 4 quarter Law No. 8,614 (Lower than Index 800).

398 Article 4 quarter Law No. 8,614 (Lower than Index 20).

399 Article 17 of Law No. 8,614. For the description of this Contract Execution Modalities, please refer to Chapter III.1.2.1.

400 [http://www.mosp.gba.gov.ar/sitios/registro/documentacion/Reglamento\\_funcionamiento\\_Registro\\_Licitadores.pdf](http://www.mosp.gba.gov.ar/sitios/registro/documentacion/Reglamento_funcionamiento_Registro_Licitadores.pdf).

401 Decree No. 809/96.

- 6) Those convicted for offenses against property, against Public National, Provincial or Municipal Administration, against public faith or for money laundering or offenses included in the Inter-American Convention against Corruption (Law No. 24,759) irrespective of whether those offenses have been committed on the national territory or abroad.

In order to subscribe to the Public Works Register, legal entities are required to register their articles of association with the Public Registry of Cordoba (*Registro Público de Cordoba*)<sup>402</sup>.

Companies also have the possibility to enter into a joint venture with local companies. In this case, they are not required to register in the Public Registry of Cordoba, provided that the local companies demonstrate sufficient capacity to execute the work<sup>403</sup>.

#### *Local Preference Regime*

Also, the Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 6.3](#)).

#### *Award Criteria*

The award is issued to the most suitable bid<sup>404</sup>.

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Cordoba (*Ley de Procedimientos Administrativos de la Provincia de Buenos Aires*). Furthermore, it is possible to subsequently request judicial revision.

### **6.2.2 Public-Private Partnership**

Cordoba adheres to the National Public-Private Partnership Regime<sup>405</sup> (please refer to [Chapter III 1.2.3](#)).

## **6.3 Local preference Regime**

The Local Preference Regime is applied within the Córdoba General Regime, the Special Regimes and to contracts with particular regulations.

In procurements of supplies, goods, capital assets, works or services there is a preferential treatment of provincial products, provided they offer similar conditions than non-provincial products.

The Provincial Public Administration (centralized and decentralized), the autarchic entities, State Societies and Mixed Economy Societies of the Provincial State are legally obliged to contract provincial

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402 Article 1 of Resolution No. 105/96.

403 Article 23 of Resolution No. 105/96.

404 Article 32 of Law No. 8,614.

405 Law No. 1,040.

goods, public works and services, when they show the same qualities and conditions than the ones produced outside of the Córdoba's territory.

#### *Goods*

The materials, merchandise, products and goods of use or capital will be considered of provincial origin when they were produced or obtained in the Province of Córdoba, or when the costs of the components used for their production that are not of provincial origin do not exceed 40% of its gross production value.

#### *Works and Provision of Services*

A company or industrial organization, construction or service provider will be considered of provincial origin, if it is duly registered in the jurisdiction of the Province or has constituted legal domicile in the Province of Córdoba. Also, if it has a production seat or provision of services therein, with a minimum of two years of residence prior to contracting.

A joint venture (*Unión Transitoria de Empresas – UTE*) will be considered of provincial origin when at least 51% of the participation in it corresponds to companies or industrial organizations (of construction or suppliers of services) considered of provincial origin. It will be an indispensable condition in these cases that the companies of other jurisdictions that make up the UTE have been incorporated to it for a minimum of two years.

#### **Additional Information**

In October 2017, the authors held a meeting with relevant officers of the Province. They highlighted the existence of the electronic procurement portal called "*ComprasPúblicas*" (that is, "Public Procurement") where calls for tenders by the provincial public entities are published.

They also highlighted that in case of electronic auctions carried out by means of *ComprasPúblicas*, only suppliers that are registered on the web portal and in ROPyCE may participate.

They assured that foreign bidders may register in ROPyCE and provided the link to the register<sup>406</sup>.

The Province of Córdoba has implemented sustainable public procurements, by considering not only economical but also social, technical and environmental aspects, with the objective of satisfying the needs of the entities and bodies of the Provincial Government and generating benefits for them, the society and the economy, while minimizing the environmental impact of procurements. Thus, sustainable procurements have to take into account the production conditions of the goods or services to acquire, the materials needed, the direct and indirect (short and long-term) consequences resulting from the goods' or services' production, consumption or provision, as well as the labour conditions of employees along the supply chain.

The authors were also informed that the Regulatory Entity of Public Services (*Ente Regulador de Servicios Públicos*) is in charge of the control of public works.

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406 <http://compraspublicas.cba.gov.ar/wp-content/uploads/2015/07/08-Checklist-Inscripci-%C2%A6n-en-ROPyCE-%C3%94%C3%87%C3%B4-Proveedor-extranjero-Rev.00.pdf>



## 7. Province of Corrientes

**Annex XIV** contains a table with general information on the laws applicable in the Province of Corrientes with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 7.1 Corrientes General Regime

The General Public Procurement Regime of the Province of Corrientes (hereinafter "*Corrientes General Regime*") is regulated by the Administration of Corrientes's Procurement Framework<sup>407</sup> and its Implementing Regulations<sup>408</sup>.

#### *Entities Regulated by the Corrientes General Regime*<sup>409</sup>:

The regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration (e.g. *Instituto de Vivienda de Corrientes*).

However, the Implementing Regulations - which establish the specifications of the public procurement - do not apply to public companies that are ruled by their own regulations. In other words, public companies only apply Corrientes' Procurement Framework, which establishes general guidelines. Furthermore, the regulation of each public company has to be analyzed to understand the implementing regulations they use.

Unlike the National General Regime, it also applies to all public companies, and to the Legislative and Judicial Branch.

The Legislative and Judicial Branches can either adhere to the Corrientes' Implementing Regulations or establish their own regulations, but always apply the general guidelines established in Corrientes' Procurement Framework.

#### *Contracts Regulated by the Corrientes General Regime*

The Corrientes General Procurement Regime applies to the majority of contracts entered into by the institutions in abovementioned chapter "*Entities Regulated by the Corrientes General Regime*" except for the following contracts<sup>410</sup>:

- 1) Public Works;
- 2) Employment contracts;
- 3) Contracts entered into with foreign States, entities of public international law or multilateral credit institutions, and
- 4) Contracts partially or totally financed by such institutions.

#### *Competent Administrative Authority*

Unlike the National General Regime, Corrientes General Regime is not entirely based on the idea of centralization of policies and regulation, and decentralization of the operational management.

<sup>407</sup> Law No. 5,571.

<sup>408</sup> Decree No. 3,056/2004.

<sup>409</sup> Article 1 of Law No. 5,571 and Article 1 of Decree No. 3,056/04.

<sup>410</sup> Article 2 Annex 1 of Decree No. 3,056/04.

In fact, public tenders of institutions of the Centralized Public Administration are managed by the General Accounting Office of the Province of Corrientes (*Contaduría General de la Provincia*). Public tenders of the institutions of the Decentralized Public Administration are managed by the internal office of each institution<sup>411</sup>.

Private tenders, price biddings and direct awardings are managed by each institution of the Centralized and Decentralized Public Administration.

### *Selection Procedures*

The different procurement selection procedures provided for the Corrientes General Regime are:

- 1) Public Tender;
- 2) Private Tender, and
- 3) Direct Awarding (following a price bidding process)<sup>412</sup>.

By general rule, contracts under this regime are made by public tender<sup>413</sup>. However, it is allowed to use private tender, price bidding or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations)<sup>414</sup>:

<b>Selection procedure</b>	<b>If the estimated amount of the contracting is<sup>415</sup>:</b>
1) Public tender	Higher than € 44,000
2) Private tender	Higher than € 22,000 and lower than € 44,000
3) Direct awarding (following a price bidding)	Lower than € 22,000

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>416</sup>:

- 1) To acquire goods whose fabrication or ownership is exclusive to those who have the privilege for it, provided that no suitable substitutes exist, and
- 2) Purchases and tenancy which must be executed abroad.

### *National and International Tenders*

National and international tenders are not expressly defined. Consequently, except for cases in which the Bidding Terms and Conditions expressly exempt foreign bidders from the registration requirement, foreign bidders are required to subscribe to the Register.

### *Contract Execution Modalities*

Unlike the National General Regime, the Contract Execution Modalities are not defined expressly but are part of the respective Specific Bidding Terms and Conditions.

411 Article 6 of Decree No. 3,056/04.

412 In this case, even though bidders are required to present their bids within a price bidding procedure, the contracting entity may carry out a direct award rendering the use of the price bidding procedure optional. Article 96 of Decree No. 3,056/04.

413 Article 4 of the Decree No. 3,056/04.

414 Articles 107 and 108 of Law No. 5,571.

415 Article 109 of Law No. 5,571 and Decree No. 2,035/16. Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

416 Article 109 of Law No. 5,571

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Corrientes. Bidders need to be registered at the Provincial Suppliers Register, which is run by the Provincial General Accounting Office.

For registration in the mentioned Registers, the interested parties must<sup>417</sup>:

- 1) Have capacity to enter into contracts;
- 2) Legal entities have to be registered in the General Inspectorate for Companies or the corresponding jurisdictional register;
- 3) If the interested party is an importer, agent or authorized signatory established in Argentina or in another country, must have commercial activity established in Argentina with an authorization which enables commercialization in the relevant sectors, indicating in each case the number of this authorization or habilitation;
- 4) Be registered with the Federal Tax Bureau (AFIP for its initial letters in Spanish), and
- 5) Be registered at the General Directorate of Revenues of the Province of Corrientes (*Dirección General de Rentas de la Provincia de Corrientes*) for Taxes on Gross Income (*Impuesto sobre los Ingresos Brutos*).

The following natural or legal persons are disqualified from participating in the procurement process<sup>418</sup>:

- 1) Natural persons or legal entities suspended as suppliers;
- 2) Companies whose partners or spouses are suspended as suppliers;
- 3) Persons (or their spouses) who have been partners in suspended companies or in companies that have been removed from the Provincial Suppliers Register;
- 4) Brokers without accredited representation;
- 5) Officers of the National, Provincial or Municipal State;
- 6) Companies comprised partially of persons that are State officials (either partners, administrators or managers) provided that they took office in the company after their designation as public officials, as well as companies entirely comprised of State officials;
- 7) Companies that are in the process of bankruptcy, insolvency or liquidation, except if they possess a judicial authorization to contract and the contracts in question lie clearly within the economic capacity of the contractor;
- 8) Natural persons or legal entities whose assets have been frozen, and
- 9) Persons that do not possess certification issued by the provincial tax collecting entities, if they can prove that there are no liabilities with the Provincial State for the activities they seek registration for.

Bearing in mind that the requirements of the Suppliers Register can only be met by foreign bidders with branch office or permanent representation in Argentina, it can be inferred that, generally, foreign bidders without branch office or permanent representation in Argentina may not participate in tenders.

### *Local Preference Regime*

Currently, there is no specific regulation of the national or local preference regime. Therefore, in each case the Bidding Terms and Conditions have to be consulted.

### *Award Criteria*

The same criteria as to the National General Regime apply<sup>419</sup>.

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417 Article 119 Annex 1 of Decree No. 3,056/04.

418 Article 120 Annex 1 of Decree No. 3,056/04.

419 Article 45 Annex 1 of Decree No. 3,056/04.

### Complaints Mechanism

Unlike the National General Regime, the pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Corrientes (*Ley de Procedimientos Administrativos de la Provincia de Corrientes*). Furthermore, it is possible to subsequently request judicial revision.

## 7.2 The Most Important Contracts with Particular Regulations

### 7.2.1 Public Works and Public Works Concession Contract

#### Scope and Coverage

"Public works" are all constructions, projects, studies, maintenance works, installations and general works carried out by the Province via its centralized or decentralized divisions, including public companies<sup>420</sup>.

The procurement of the public work is carried out by public works contract or by public works concession contract<sup>421</sup>.

#### Selection Procedures <sup>422</sup>:

By general rule, selections are made by public tender.

However, it is allowed to use private tender, price bidding or direct awarding in the following cases:

Selection procedure	If the estimated amount of the contracting is <sup>423</sup> :
1) Public Tender	Higher than € 1,300,000
2) Private Tender	Lower than € 1,300,000
3) Price Bidding	Lower than € 405,000
3) Direct Awarding	Lower than € 170,000

#### Contract Execution Modalities<sup>424</sup>

- 1) Units of measurement;
- 2) Lump sum;
- 3) Cost plus fee;
- 4) Combination of these modalities, and
- 5) Other modalities that can be used in exceptional circumstances.

<sup>420</sup> Article 1 of Law No. 3,079/72.

<sup>421</sup> Article 10 of Law No. 3,079/72.

<sup>422</sup> Article 9 of Law No. 3,079/72 and Decree No. 1,483/16.

<sup>423</sup> Decree No. 1,483/16. Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

<sup>424</sup> For the description of this Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

### *Requirements for Bidders*<sup>425</sup>

Bidders can be either natural persons or legal entities. They need to be registered at the Register of Public Works Constructors and Suppliers (*Registro de Constructores y Proveedores de Obras Públicas*).

Bearing in mind that the requirements of the Suppliers Register can only be met by foreign bidders with branch office or permanent representation in Argentina, it can be inferred that, generally, foreign bidders without a branch office or permanent representation in Argentina may not participate in tenders<sup>426</sup>.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case, to determine whether foreign bidders can participate.

### *Local Preference Regime*

Currently, there is no specific regulation of the national or local preference regime. Therefore, in each case the Bidding Terms and Conditions have to be consulted.

### *Award Criteria*<sup>427</sup>

Generally, the contract is awarded for the most suitable bid from the perspective of the contracting body. The price of the offer is not the exclusively determining factor for awarding. An award can be issued if only one bid is made, provided that it meets abovementioned requirements.

The procuring administration can reject all offers without incurring any obligations towards the bidders. For the awarding of the works, the authorities take into account the bidder's track record; its technical, economical, financial and executive capacity; the amount of the offer and the final report of the Register of Public Works Constructors and Suppliers<sup>428</sup>.

### *Complaints Mechanism*

No complaints mechanism is expressly stipulated. The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Corrientes (*Ley de Procedimientos Administrativos de la Provincia de Corrientes*). Furthermore, it is possible to subsequently request judicial revision.

## **7.2.2 Investment Promotion Regime**

In the Province of Corrientes, an Investment Promotion Regime has been set up for further investments in private enterprises in the agroindustry, agribusiness, industry, tourism and recreation sectors<sup>429</sup>.

Within this regime, the Provincial State and the Municipalities grant tax benefits and preferential treatment in the tenders<sup>430</sup>.

The regulations do not expressly establish the aliquot of the tax benefits. However, it is stipulated that the projects receiving investment benefits may be granted tax exemptions or reductions during a

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425 Article 18 of Law No. 3,079/72, and Article 18 of Decree No. 4,800/72.

426 Although there are no special requirements for foreign bidders, the forms to register in abovementioned register have requirements that can only be met by companies that have an Argentine Tax Identification Number (CUIT for its initial letters in Spanish). Registration requirements: <http://www.dpo.gov.ar/formularios.php>.

427 Articles 18, 19 and 20 of Law No. 3,079/72.

428 Article 18 of Decree No. 4,800/72.

429 Article 1 of Law No. 5,470.

430 Article 8 of Law No. 5,470.

determined time period (which cannot exceed the period of recoupment of the invested capital and is limited to 10 years at most)<sup>431</sup>.

### 7.2.3 Public-Private Partnership

Corrientes adheres to the National Public-Private Partnership Regime<sup>432</sup> (please refer to [Chapter III 1.2.3](#)).

#### Additional Information

The authorities have provided the authors with the most recent statistical data available. The last Gross Geographic Product available was for the year 2013 and amounted to around € 4.3 billion<sup>433</sup>.

Furthermore, they shared the total authorized amounts of currently executed works in several sectors<sup>434</sup>:

<b>Sector</b>	<b>Total authorized amounts</b>
Health care	Around € 1.2 billion
Production and Transport	Around € 1.1 billion
Education and Culture	Around € 460 million
Social and recreational Services	Around € 340 million
Religious Affairs	Around € 160 million
Security and Police	Around € 125 million

The largest public works projects of the past years have been repaired works, hospitals and airports.

431 Article 9 of Law No. 5,470.

432 Law No. 6,435.

433 The average annual exchange rate for 2013 used was: € 1 = AR\$ 7.30 (<https://www.oanda.com/lang/es/currency/average>).

434 This and more information is available on: [http://www.dpo.gov.ar/en\\_ejec.php](http://www.dpo.gov.ar/en_ejec.php).

## 8. Province of Entre Rios

**Annex XIV** contains a table with general information on the laws applicable in the Province of Entre Rios with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 8.1 Entre Rios General Regime

The General Public Procurement Regime of the Province of Entre Rios (hereinafter "Entre Rios General Regime") is regulated by the Administration of Entre Rios's Procurement Framework<sup>435</sup> and its Implementing Regulations<sup>436</sup>.

It includes General Bidding Terms and Conditions, too<sup>437</sup>.

#### *Entities Regulated by the Entre Rios General Regime*

Like in the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration. It is expressly established that public companies' regulations apply only subsidiarily, except if their articles of association establish otherwise<sup>438</sup>.

#### *Contracts Regulated by the Entre Rios General Regime*

The Entre Rios General Procurement Regime applies to the following contracts, which are concluded by the institutions mentioned in chapter "*Entities Regulated by the Entre Rios General Regime*" above<sup>439</sup>:

- 1) Supply contract;
- 2) Services contract;
- 3) Consultancy contract;
- 4) Sales contract;
- 5) Rental contract, and
- 6) Works contract (noting that public works are regulated by a special regime, while the General Regime only has a subsidiary role).

The following contracts are expressly exempt from the Entre Rios General Procurement Regime: Service contracts with temporary staff, financed with a budget established to that end<sup>440</sup>.

#### *Competent Administrative Authority*

Similar to the National General Regime, Entre Rios General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The Competent Authority of the Entre Rios General Regime is the Central Contracting Unit (*Unidad Central de Contrataciones*), who establishes the general procurement policies as well as general rules of interpretation. All public procurements are carried out through the Central Contracting Unit.

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435 Law No. 2,095.

436 Decree No. 326/17.

437 Last version adopted by Decree No. 723/17.

438 Article 1 of Law No. 5,140.

439 Article 5 of Law No. 6,351.

440 Article 1 of Decree No. 795/96.

The execution of the procurements is within the responsibility of the administrative bodies of each contracting entity.

#### *Selection Procedures<sup>441</sup>*

The different procurement selection procedures regulated in the Entre Rios General Regime are:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender, and
- 4) Direct Awarding.

By general rule, contracts under this regime are carried out by public tender. However, it is allowed to use private tender or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations)<sup>442</sup>:

<b>Selection procedure</b>	<b>If the estimated amount of the contracting is<sup>443</sup>:</b>
1) Public Tender	Higher than € 29,500
2) Private Tender	Lower than € 29,500
3) Direct Awarding	Lower than € 240

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>444</sup>:

- 1) Acquisition of goods that are not produced or supplied in the country, whereby it is advisable to carry it out through International Bodies to which the Argentina or the Province of Entre Ríos adhere, and
- 2) Procurements in the context of inter-governmental agreements or with foreign State entities, that involve a compensation countertrade of products manufactured or fabricated in the Province and destined for exportation.

#### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Entre Rios General Regime allows private initiative<sup>445</sup>.

#### *National and International Tenders*

National or international tenders are not defined in particular by the correspondent regulation.

In principle, foreign bidders can only participate if they have branch office or permanent representation in Argentina. However, it is expressly established that the Bidding Terms and Conditions may exempt foreign bidders from this requirement<sup>446</sup>.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case to determine whether foreign bidders can participate.

441 Article 26 of Law No. 540 and Article 5 of Decree No. 795/96.

442 Article 6 of Decree No. 795/96.

443 Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

444 Article 26 of Law No. 5,140.

445 For the description of this type of process, please refer to [Chapter I.3.4](#).

446 Article 14 of Decree No. 795/96.



### *Contract Execution Modalities*

Contract Execution Modalities are not defined expressly but are part of the respective Specific Bidding Terms and Conditions.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must register in the Provincial Suppliers Register. The Specific Bidding Terms and Conditions may however deviate from this requirement, if necessary due to the objective of the contract<sup>447</sup>.

To be able to register, the interested bidders must<sup>448</sup>:

- 1) Have a commercial office or factory established in Argentina;
- 2) Be either importers or authorized signatories of companies established in foreign countries, and
- 3) Provide the reports or references that may be required.

In principle, foreign bidders can only participate if they have a branch office or permanent representation in Argentina. However, it is expressly established that the Bidding Terms and Conditions may exempt foreign bidders from this requirement<sup>449</sup>.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case to determine whether foreign bidders can participate.

### *Local Preference*

There is no legislation on local preference. However, currently there are legislation projects being debated on this subject in the legislative chambers.

Without prejudice to this, the Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

### *Award Criteria*

The same criteria as to the National General Regime apply.

### *Complaints Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

Like the National General Regime, the awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the Province of Entre Rios (*Ley de Procedimientos Administrativos de la Provincia de Entre Rios*). Furthermore, it is possible to subsequently request judicial revision.

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447 Article 14 of Decree No. 795/96.

448 Article 155 of Regulatory Decree No. 795/96.

449 Article 14 of Decree No. 795/96.

## 8.2 The most Important Contracts with Particular Regulations

### 8.2.1 Public Works and public works concessions

#### *Scope and Coverage*

"Public works" are all constructions, projects, studies, maintenance works, installations and works in general realized by the Province via its centralized or decentralized divisions, including public companies<sup>450</sup>.

The following operations do not fall under the public works regime: purchase of materials or supplies normally or currently used in the divisions dependent on the Provincial Administration, and purchases destined for the creation of warehouses and plants.

Public works may be carried out by public works concessions<sup>451</sup>.

#### *Selection Procedures*

By general rule, the execution of contracts under this regime is carried out by public tender.

However, it is allowed to use private tender, price bidding or direct awarding when the contracting amount does not exceed the maximum settled by the regulations<sup>452</sup>.

#### *Contract Execution Modalities<sup>453</sup>:*

- 1) Units of measurement;
- 2) Lump sum;
- 3) Cost plus fee, and
- 4) Combination of these modalities.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular<sup>454</sup>*

To be able to participate in the procurement process, natural persons and legal entities are required to register in the Provincial Register of Public Works Constructors (*Registro Provincial de Constructores de Obra Pública*). For registration, the authorities take into account the technical, economical, financial and executive capacity of a bidder.

Registration is also required for consultancy services and for public works concessions.<sup>455</sup> Registrants are required to have at least one employee that acts as a Technical Director<sup>456</sup>.

However, the authors were informed by provincial authorities that it is possible to participate in a tender process without being registered at the moment of the bid submission, provided that they register within ten business days after the envelope opening.

The following persons are disqualified from registration<sup>457</sup>:

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450 Article 1 of Law No. 6,351.

451 Article 10 of Law No. 6,351.

452 The amounts have been requested in due time from the municipal authorities.

453 Article 9 of Law No. 6,351. For the description of the Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

454 Article 11 of Law No. 6,351.

455 Article 11 of Decree No. 112/97.

456 Article 15 of Decree No. 112/97.

- 1) Natural persons and legal entities with no capacity to enter into contracts;
- 2) Natural persons and legal entities in the process of insolvency, bankruptcy, with general inhibitions or who have their assets seized in a manner that affects the normal provision of their services;
- 3) Natural persons or legal entities who do not meet the technical, economical and or moral requirements to contract with the State;
- 4) Public officers disqualified to contract with the Provincial State;
- 5) Companies totally or partially comprised of ex-manager/s of companies sanctioned by that Register, and
- 6) Natural persons or legal entities suspended or excluded from contracting, as a consequence of sanctions imposed by registers of other Provinces.

Even though there are no special requirements for foreign bidders, the requirements to register in the Provincial Register of Public Works Constructors can only be met by foreign bidders that have a branch office or other form of permanent representation in Argentina<sup>458</sup>.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

#### *Award Criteria*<sup>459</sup>

The award is issued to the most suitable bid meeting the requirements of the Bidding Terms and Conditions of the procurement. The price of the offer is not the exclusively determining factor for awarding. An award can be issued if only one bid is made, provided that it meets the abovementioned requirements.

The procuring administration can reject all offers without incurring any obligations towards the bidders.

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Entre Rios (*Ley de Procedimientos Administrativos de la Provincia de Entre Rios*). Furthermore, it is possible to subsequently request judicial revision.

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457 Article 16 of Decree No. 112/97.

458 Registration requirements:

[https://www.entrerios.gov.ar/varcostos/index.php?codigo=77&item=pagina\\_textos&menu=menu&modulo=&accion=](https://www.entrerios.gov.ar/varcostos/index.php?codigo=77&item=pagina_textos&menu=menu&modulo=&accion=)

459 Articles 17, 18 and 19 of Law No. 6,351.

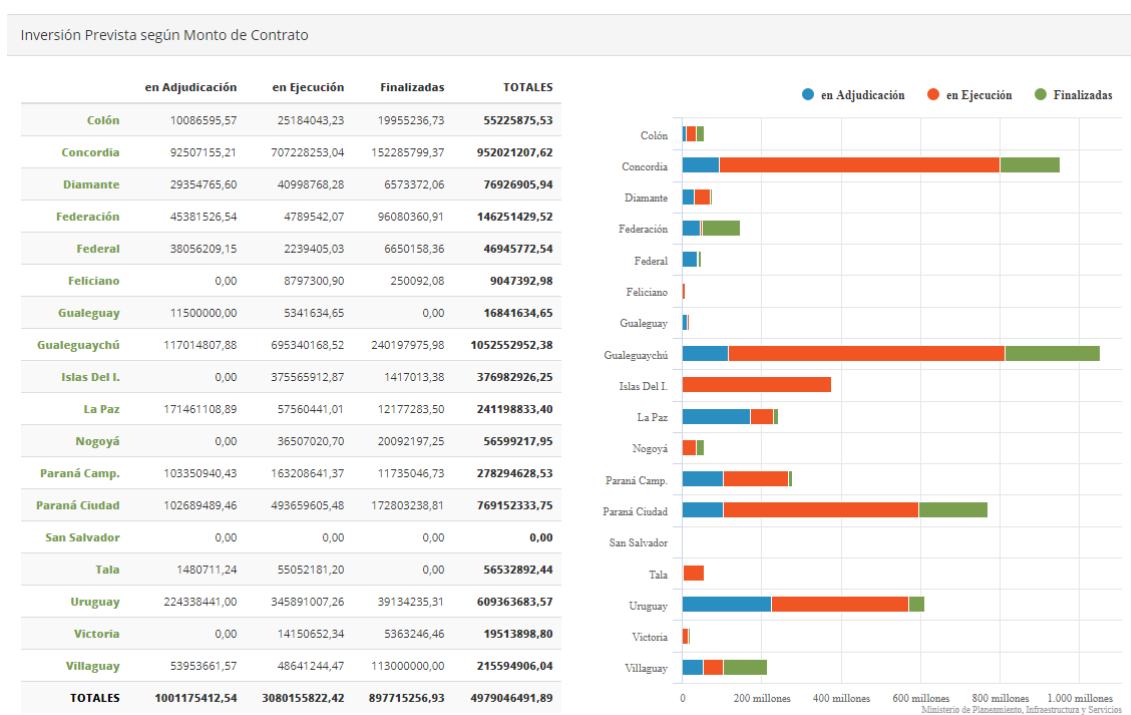
### 8.2.2 Public-Private Partnership

Entre Rios adheres to the National Public-Private Partnership Regime<sup>460</sup> (please refer to Chapter III 1.2.3).

#### Additional information

Provincial authorities provided information on the provincial investments in each of its Municipalities<sup>461</sup>, distinguishing public works that have been concluded, public works that are currently being executed and public works in the process of awarding.

Based on this information, it is possible to determine the Municipalities that have received the largest investments in recent times:



Furthermore, the following sectors are primarily receiving investments:

- 1) Water and sanitation;
- 2) Education;
- 3) Health care;
- 4) Waterworks, and
- 5) Social and security services.

460 Law No. 6,435.

461 This information is published on: <http://www.entrerios.gov.ar/minplan/#obras>.

## 9. Province of Formosa

**Annex XIV** contains a table with general information on the laws applicable in the Province of Formosa with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 9.1 Formosa General Regime

The General Public Procurement Regime of the Province of Formosa (hereinafter "*Formosa General Regime*") is regulated by the Administration of Formosa's Procurement Framework<sup>462</sup> and its Implementing Regulations<sup>463</sup>.

#### *Entities Regulated by the Formosa General Regime*

The regulations of this regime apply to the Central and Decentralized Public Administration, including autarkic entities and public companies, except for those with a Special Regime<sup>464</sup>.

#### *Contracts Regulated by the Formosa General Regime*

The Formosa General Procurement Regime applies to the following contracts, which are concluded by the institutions mentioned in chapter "*Entities Regulated by the Formosa General Regime*" above<sup>465</sup>:

- 1) Purchase contracts;
- 2) Supplies contracts;
- 3) Services contracts, and
- 4) Consultancy contracts.

The employment contract is expressly excluded within this regime. Finally, the Public Works has a specific regime, and applies this regime only subsidiarily.

#### *Competent Administrative Authority*

Similar to the National General Regime, the Provincial regime is based on the criteria of centralization of policies and regulation, but decentralization of the operational management<sup>466</sup>

The Competent Authority of the Formosa General Regime is the General Unit for Public Procurement (*Unidad Central de Contrataciones*), who establishes the general procurement policies<sup>467</sup>.

Concerning the (decentralized) operational management, each of the entities mentioned in the chapter "*Entities Regulated by the Formosa General Regime*" has their own Operative Unit (*Unidad Operativa*) in charge of executing their own public procurements<sup>468</sup>.

#### *Selection Procedures*

By general rule, the selection of contracts included in this regime is made by public tender or public auction. However, it is allowed to implement private tender or direct award when the contracting amount does not exceed the maximum settled by the regulations<sup>469</sup>.

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462 Law No. 1,180.

463 Decree No. 70/59.

464 Article 11 of Law No. 1180.

465 Article 92 of Law No. 1180.

466 Article 92 of Law No. 1180.

467 Article 94 of Law No. 1180.

468 Article 94 of Law No. 1180.

469 The amounts have been requested in due time from the provincial authorities.

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>470</sup>:

- 1) Acquisition of goods that are not produced or supplied in the country, whereby it is advisable to carry it out through International Bodies to which the Argentina or the Province of Formosa in particular adhere;
- 2) Procurements in the context of inter-governmental agreements or with foreign State entities, that involve a compensation countertrade of products manufactured or fabricated in the Province and destined for exportation, and
- 3) Whenever the local market shows a significant scarcity of supply of the goods to be procured, which shall be justified by the competent technical offices.

#### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Formosa General Regime provides Private initiative<sup>471</sup>.

#### *National and International Tenders*

National and international tenders are not expressly defined. However, the Local Preference Regime establishes that the participation of foreign bidders will be exceptional and it has to be approved by the Executive Branch<sup>472</sup>.

#### *Procedural Stages*

The selection procedures can be carried out in a single or multi-stage<sup>473</sup>.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must be registered at the Provincial Supplier's Register.

The Local Preference Regime establishes that the participation of foreign bidders will be exceptional and it has to be approved by the Executive Branch<sup>474</sup>.

This Regime has not established specific regulations for foreign bidders. Without prejudice to this, the Bidding Terms and Conditions have to be consulted in order to determine the specific requirements.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 9.3](#)).

#### *Award criteria*

The principle of awarding in favour of the most suitable bid applies.

#### *Impugnation system*

At the moment of the bid opening, bidders can object other bids.

Thus, the pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Formosa (*Ley de Procedimientos Administrativos de la Provincia de Formosa*). Furthermore, it is possible to subsequently request judicial revision.

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470 Article 102 of Law No. 1,180

471 Article 107 of Law No. 1180. For the description of this type of process, please refer to [Chapter I 3.4](#).

472 Article 17 of Law No 827.

473 Article 117 of Law No. 1180.

474 Article 17 of Law No 827.

## 9.2 The most Important Contracts with Particular Regulations

### 9.2.1 Public Works Contract

#### *Scope and Coverage*

"Public works" are all constructions, installations or general works that are totally or partially executed with provincial funds, provided that they enter State domain after completion<sup>475</sup>.

Also falling under this category are the provision or installation of machines, firm material, permanent work items and all elements that are necessary for the completion of the work<sup>476</sup>.

Public works have to be carried out on buildings or properties owned by the State<sup>477</sup>.

Public works may be subsidized<sup>478</sup>.

Public works are carried out by means of public tenders, unless the contracting amount does not exceed € 14,500<sup>479</sup>, in which case direct awarding is used.

### 9.2.2 Local Preference Regime

The Formosa General Regime grants preferential treatment to bidders domiciled in the Province (local preference).

Such preferential treatment is granted to acquisitions of local goods, procurement of professionals that are natives or residents of the Province of Formosa (and registered in it) as well as to procurements from local consulting companies.

The order of priority is as follows:

- 1) Preference in favor of companies domiciled where the goods and/or services involved (or the work to be executed) are destined for.
- 2) Preference in favor of companies domiciled in the Province who are associated with companies complying with point 1).
- 3) Consortia consisting of one or more companies domiciled in the Province, even in case the other members of the consortium have their domicile outside the Province.
- 4) Professionals domiciled in the Province.
- 5) Extra-provincial companies or professionals, in the following order:
  - a) Natives of the Great North Area (*Ámbito Norte Grande*).
  - b) Argentine nationals.
  - c) Foreigners from the area of the Association of Financial Institutions of Development (*Asociación Latinoamericana de Instituciones Financieras de Desarrollo (ALICE)*).
  - d) Other foreigners. In all cases, they have to associate with professionals domiciled in the Province<sup>480</sup>.

Procurements with foreign companies or professionals are exceptional and have to be authorized by the Governor, providing an express justification<sup>481</sup>

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475 Article 2 of Law No. 70.

476 Article 4 of Law No. 70.

477 Article 5 of Law No. 70.

478 Article 6 of Law No. 70.

479 AR\$ 300,000.

480 Article 1 of Law No 827.

481 Article 17 of Law No 827.

## 10. Province of Jujuy

**Annex XIV** contains a table with general information on the laws applicable in the Province of Jujuy with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 10.1 Jujuy General Regime

The General Public Procurement Regime of the Province of Jujuy (hereinafter "*Jujuy General Regime*") is regulated by the Administration of Jujuy's Procurement Framework<sup>482</sup> and its Implementing Regulations<sup>483</sup>.

#### *Entities Regulated by the Jujuy General Regime*

The regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration<sup>484</sup> and Municipalities<sup>485</sup>. However, autarkic entities and public companies may adopt their own procurement regulations provided that they respect the general principles established in the Jujuy Procurement Framework.

#### *Contracts Regulated by the Jujuy General Regime*

The Jujuy General Regime applies to the following contracts, which are concluded by the institutions mentioned in chapter "*Entities Regulated by the Jujuy General Regime*" above<sup>486</sup>:

- 1) Purchase contracts;
- 2) Service contracts;
- 3) Rental contracts, and
- 4) Supply contracts.

Petty cash purchases are exempt from this regime<sup>487</sup>.

#### *Competent Administrative Authority*

Similar to the national general regime, Jujuy General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The Competent Authority of the Jujuy General Regime is the Direction of Register of State Contractors and Suppliers (*Dirección de Registro de Contratistas y Proveedores del Estado*), who establishes the general procurement policies and the general rules of interpretation<sup>488</sup>.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Jujuy General Regime*" has their own administrative body in charge of executing their own public procurements.

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482 Decree-Law No. 159. (Provincial Accounting Law whose provisions regarding procurements are applicable).

483 Decree No. 3,716/78.

484 Article 19 of Decree No. 3,716/78.

485 Article 118 of Law No. 4,958.

486 Article 53 of Law No. 159.

487 Article 80 of Decree No. 3,716/78.

488 Article 83 of Decree No. 3,716/78.



### Selection Procedures

The different procurement selection procedures provided by the Jujuy General Regime are<sup>489</sup>:

- 1) Public Tender;
- 2) Private Tender;
- 3) Price Bidding, and
- 4) Direct Awarding.

By general rule, contracts under this regime are carried out by public tender<sup>490</sup>. However, it is allowed to use private tender, price collection or direct awarding in the following cases, if the contracting amount does not exceed the maximum set out by the regulations:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>491</sup>:</b>
1) Public Tender	Higher than € 218,500 <sup>492</sup>
2) Private Tender	Lower than € 218,500 <sup>493</sup>
3) Price Bidding	Lower than € 72,800 <sup>494</sup>
4) Direct Awarding	Lower than € 22,000 <sup>495</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>496</sup>:

- 1) Acquisition of goods manufactured or sold by suppliers with exclusivity, or owned by a specific person or entity, provided that no suitable substitutes exist;
- 2) Purchases and tenancy which must be executed abroad, and
- 3) Whenever the local market shows a significant scarcity of supply of the goods to be procured, which shall be justified in each case by the competent technical offices.

### National and International Tenders

Like the National General Regime, the Jujuy General Regime includes<sup>497</sup>:

- 1) National tenders, and
- 2) International tenders
- 3)

### Contract Execution Modalities

Unlike the National General Regime, they are not defined expressly but are part of the respective Specific Bidding Terms and Conditions.

489 Article 19 of Decree No. 3,716/78.

490 Article 53 of Law No. 159.

491 Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

492 Article 1 of Decree No. 878/2016 establishes an amount higher than AR\$ 4,500,000.

493 Article 1 of Decree No. 878/2016 establishes an amount lower than AR\$ 4,500,000.

494 Article 1 of Decree No. 878/2016 establishes an amount lower than AR\$ 1,500,000.

495 Article 1 of Decree No. 878/2016 establishes an amount lower than AR\$ 450,000.

496 Article 54 of Decree No. 159 H/G-57.

497 National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that foreign bidders without branch office or representation in Argentina are not required to register at the Suppliers Register, it can be inferred that international tenders do exist.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must have legal capacity and be registered in the Provincial Suppliers Register<sup>498</sup>. It is only expressly mentioned which bidders are exempt from the requirement to register (e.g. foreign bidders without a branch or representation in Argentina)<sup>499</sup>.

### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 10.3](#)).

### *Award Criteria*

The same criteria as to the National General Regime apply.

A comparative price table is drawn up in order to compare the bids<sup>500</sup>. In case two bids are priced equally, the pre-award will go to the national bid. In case there is still a tie between two bids, the bid with the better elements of quality (with regard to the specified characteristics or the provided sample) will be awarded.

In any case, the principle of awarding in favour of the most suitable bid applies.

### *Complaints Mechanism*

At the moment of the bid opening, bidders can object other bids<sup>501</sup>.

Unlike the National General Regime, the pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedure of the Province of Jujuy (*Ley de Procedimientos Administrativos de la Provincia de Jujuy*). Furthermore, it is possible to subsequently request judicial revision.

## **10.2 The Most Important Contracts with Particular Regulations**

### **10.2.1 Public Works and Public Works Concession**

#### *Scope and Coverage*

The Public Works Regime applies to the whole Centralized and Decentralized Administration, except for autarkic entities and public companies that have their own special regime and to whom this regime applies subsidiarily<sup>502</sup>.

Public works are all works carried out on real estate on behalf of the Province of Jujuy, or works that are guaranteed or subsidized with public funds<sup>503</sup>.

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498 <http://infraestructura.jujuy.gob.ar/proveedores/>.

499 Article 32 of Decree No. 3716/78.

500 Article 44 of Decree No. 3716/78.

501 Article 38 of Decree No. 3,716/78.

502 Article 2 of Law No. 1,864.

503 Article 1 of Law No. 1,864.

Other operations also falling under this category are the provision or installation of machines, firm material, permanent work items and all elements that are necessary for the completion of the work<sup>504</sup>.

Contracts of public works are carried out by way of the following modalities<sup>505</sup>:

- 1) By Public Works Contract, and
- 2) By Concession.

#### *Selection Procedures<sup>506</sup>*

The contractors can be selected through public tender, private tender, price bidding and direct awarding.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>507</sup>:</b>
1) Public Tender	Higher than € 388,500 <sup>508</sup>
2) Private Tender	Lower than € 388,500 <sup>509</sup>
3) Price Bidding	Lower than € 255,000 <sup>510</sup>
3) Direct Awarding	Lower than € 72,800 <sup>511</sup>

#### *Contract Execution Modalities<sup>512</sup>*

- 1) Lump sum;
- 2) Units of Measurement, and
- 3) Cost plus fee.

The Ministry of Infrastructure, Public Services, Land and Housing (*Ministerio de Infraestructura, Servicios Públicos, Tierra y Vivienda*) determines the execution system, taking into account the local and temporal circumstances of every case as well as the technical, political and economical principles of each work.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders are required to subscribe to the Permanent Procurement Register (*Registro Permanente de Licitaciones*)<sup>513</sup>. Such register determines the technical and financial capacities of every registered company and natural person.

504 Article 7 of Law No. 1,864.

505 Article 9 of Law No. 1,864.

506 Article 11 of Law No. 1,864.

507 Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

508 Article 1 of Decree No. 878/2016 establishes an amount higher than AR\$ 8,000,000.

509 Article 1 of Decree No. 878/2016 establishes an amount lower than AR\$ 8,000,000.

510 Article 1 of Decree No. 878/2016 establishes an amount lower than AR\$ 5,250,000.

511 Article 1 of Decree No. 878/2016 establishes an amount lower than AR\$ 1,500,000.

512 Article 9 of Law No. 1,864. For the description of Contract Execution Modalities, please refer to Chapter III.1.2.1.

513 Article 24 of Law No. 1,864.

Persons are disqualified from participating in the procurement process if<sup>514</sup>:

- 1) Prosecuted for a crime;
- 2) Deprived of their legal capacity;
- 3) Incapable to enter into a contract according to current legislation;
- 4) They have not shown up to sign the contract of a previous procurement within the legally required period, or
- 5) They were previously disqualified due to the failure to provide guarantees.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (it is described in [Chapter IV 10.3](#)).

#### *Award Criteria*<sup>515</sup>

The contract is awarded for the most suitable bid.

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the Province of Jujuy (*Ley de Procedimientos Administrativos de la Provincia de Jujuy*). Furthermore, it is possible to subsequently request judicial revision.

### **10.2.2 Public-Private Partnership**

Jujuy adheres to the National Public-Private Partnership Regime<sup>516</sup> (please refer to [Chapter III 1.2.3](#)).

## **10.3 Local Preference Regime**<sup>517</sup>:

The Preference Regime of the Province of Jujuy grants preferential treatment to bidders domiciled in the Province (local preference). However, there is no national preference.

The Local Preference Regime regulates the acquisition of goods and the contracting of services provided by local companies, including public works. It is applied by the Central and Decentralized Public Administration, including autarkic entities and public companies, as well as the Judicial and Legislative Branch.

### **10.3.1 Goods**

The preference for products, materials or goods of provincial origin amounts to 8% in relation to non-provincial products. That means that a bidder of local goods will be awarded even if his offer is up to 8% higher than the offer of a bidder of non-local goods.

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514 Article 25 of Law No. 1,864.

515 Article 40 of Law No. 1,864.

516 Law No. 6,056.

517 Law No. 5,187.

### 10.3.2 Works and Services

The preference for works and/or services offered by local companies amounts to 5% in relation to non-local companies.

To be considered local, companies must:

- 1) Be domiciled in the Province of Jujuy;
- 2) Subscribe to the Provincial Suppliers Register (*Registro de Proveedores Provincial*);
- 3) Have 60% of its labour and technical personnel domiciled in the Province of Jujuy, and
- 4) In the case of public works, have completed works in the Province of Jujuy within the past two years.

In case there is no offer from local companies for reasons of capacity, the preference is awarded to consortiums of national companies composed of at least one provincial company.

Furthermore, the Specific Bidding Terms and Conditions have to provide for the use of the highest possible quantity of local goods and/or products. In any case, it is possible to make exceptions from these rules in concrete cases.

#### Additional Information

The Province is currently executing several paving and road extension works (some of which amount to up to € 1 million<sup>518</sup>).

The Province is also developing a programme called *Jujuy Habitat* whose primary objective is to intervene in villages with high social vulnerability, by improving the conditions of life of its inhabitants. Among the projects are:

- 1) Sewage systems;
- 2) Investments in plazas, lighting and recreational sites;
- 3) Tree planting, and
- 4) Paving.

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518 ARS \$ 21,000,000.

## 11. Province of La Pampa

**Annex XIV** contains a table with general information on the laws applicable in the Province of La Pampa with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 11.1 La Pampa General Regime

The General Public Procurement Regime of the Province of La Pampa (hereinafter "*La Pampa General Regime*") is regulated by the Accounting Law of the Province of La Pampa (*Ley de Contabilidad de la Provincia de La Pampa*)<sup>519</sup>, its Implementing Regulations<sup>520</sup> and the Procurement Rules<sup>521</sup>.

#### *Entities Regulated by the La Pampa General Regime*<sup>522</sup>

Like the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities and public companies having their own regulation.

#### *Contracts Regulated by the La Pampa General Regime*

The regulations of this regime apply to the majority of contracts concluded by the institutions in above chapter "*Entities Regulated by the La Pampa General Regime*", except for the following contracts, and those with specific regulations<sup>523</sup>:

- 1) Public employment contracts;
- 2) Small purchases, and
- 3) Public works.

#### *Competent Administrative Authority*

Unlike the National General Regime, La Pampa's legislation is not entirely based on the idea of centralization of policies and regulation, with decentralization of the operational management.

In fact, public tenders of the institutions of the Centralized Public Administration are managed by the Department of Purchase and Supplies of the Provincial General Accounting Office (*Departamento de Compras y Suministros de Contaduría General de la Provincia*)<sup>524</sup>. On the one hand, public tenders of the institutions of the Decentralized Public Administration, are managed by the internal office of each institution.

On the other hand, private tenders, price biddings and direct awarding are managed by each institution of the Centralized and Decentralized Public Administration.

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519 Law No 3.

520 Decree No. 95/54

521 Decree No. 470/73 and Decree No. 1656/16.

522 Article 33 of Law No. 3.

523 Although these exceptions are not expressly mentioned.

524 Article 4 of Decree No. 1,656/2016.

### Selection Procedures

The different procurement selection procedures provided by the La Pampa General Regime are:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender, and
- 4) Direct Awarding.

By general rule, selections are made by public tender<sup>525</sup>. However, it is allowed to use private tender, price bidding or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>526</sup>:</b>
1) Public Tender	Higher than € 177,400 <sup>527</sup>
2) Private Tender	Higher than € 3,500 and lower than € 177,400 <sup>528</sup>
3) Direct Awarding	Lower than € 3,500 <sup>529</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>530</sup>:

- 1) Acquisitions or tenancy of goods by exclusive sellers, or owned by a specific person or entity, provided that no suitable substitutes exist, and
- 2) Whenever the local market shows a significant scarcity of supply of the goods to be procured, which shall be justified in each case by the competent technical body.

### National and International Tenders

Like the National General Regime, La Pampa General Regime includes<sup>531</sup>:

- 1) National tenders, and
- 2) International tenders.

### Contract Execution Modalities

They are not defined expressly, but are part of the respective Specific Bidding Terms and Conditions.

<sup>525</sup> Article 33 of Law No. 3.

<sup>526</sup> Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

<sup>527</sup> Annex I of Decree No. 1,656/2016 establishes an amount higher than AR\$ 3,654,000.

<sup>528</sup> Annex I of Decree No. 1,656/2016 establishes an amount higher than \$ 73,050 and lower than AR\$ 3,654,000.

<sup>529</sup> Annex I of Decree No. 1,656/2016 establishes an amount lower than AR\$ 73,050.

<sup>530</sup> Article 34 of Law No. 3.

<sup>531</sup> National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that foreign bidders without branch office or representation in Argentina are not required to register at the Suppliers Register, it can be inferred that international tenders do exist.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for La Pampa. Foreign bidders without branch office or permanent representation in Argentina are exempt from the requirement to subscribe to the Provincial Suppliers Register<sup>532</sup>.

In order to be registered, bidders are required to<sup>533</sup>:

- 1) Have the capacity to enter into contracts;
- 2) Have business or manufacturing premises established in Argentina - with authorization or license that enables them to trade, in the fields in which they operate - or be a producer, importer or representative with power of attorney granted abroad, and
- 3) Provide the required reports or references.

The following persons and entities are not qualified to subscribe to the Provincial Suppliers Register<sup>534</sup>:

- 1) Companies that are successors of sanctioned companies, provided there are sufficient indications to presume that the new companies are merely used to evade the effects of the sanctions imposed on the preceding companies;
- 2) Brokers, commissioners, agents and intermediaries;
- 3) Officials and agents of the provincial public administration, as well as legal entities, *de facto* associations or any group wholly or partly integrated by them;
- 4) Natural persons and legal entities in the process of reorganization, bankruptcy or liquidation;
- 5) Natural persons and legal entities that have been barred by a judge from operating;
- 6) Debtors of the State for obligations arising from previous procurements;
- 7) Representatives of companies established in Argentina in their personal capacity, and
- 8) Any person who has been convicted for a crime.

### *Local Preference Regime*

La Pampa General Regime establishes a local preference regime<sup>535</sup>. This regime only applies within the general procurement regime, not to contracts with particular regulations<sup>536</sup>. Therefore, it is analyzed within the General Regime.

Local products and local suppliers are treated preferentially (local preference). There is, however, no national preference.

The Local Preference Regime regulates the procurement of the Centralized and Decentralized Public Administration, including autarkic entities and public companies, as well as the Judicial and Legislative Branch. The procurement of services does not fall under this regime.

Likewise, the regime is not applicable to procurements that are carried out with financing from national or international organizations with their own procurement regulations.

Products are considered local if they have been produced either partially or totally in the Province of La Pampa.

Suppliers are considered local if they have domicile in the Province of La Pampa. Joint ventures (*Uniones Transitorias de Empresas*) and other corporate groups without legal personality are required to have been domiciled in the Province of La Pampa for at least three years.

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532 Article 8 and 25 of Decree No. 470/73.

533 Article 9 of Decree No. 470/73.

534 Article 11 of Decree No. 470/73.

535 Law No. 1,863.

536 Without prejudice to the aforementioned, the Bidding Terms and Conditions have to be consulted in each particular case in order to determine if similar provisions are established.



The preference for products of provincial origin amounts to 5% in relation to non-provincial products. That means that a bidder of local products will be awarded even if his offer is up to 5% higher than the offer of a bidder of non-local products.

Local suppliers are treated preferentially by up to 2% in relation to non-local suppliers.

#### *Award Criteria*

The same criteria as to the National General Regime apply.

#### *Complaints Mechanism*<sup>537</sup>

The same criteria as to the National General Regime apply: the pre-award ruling may be appealed. The Department of Purchase and Supplies of the Provincial General Accounting Office (*Departamento de Compras y Suministros de Contaduría General de la Provincia*) has to make its pre-award ruling available to the bidders. This ruling can be appealed within a short deadline.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of La Pampa (*Ley de Procedimientos Administrativos de La Pampa*). Furthermore, it is possible to subsequently request judicial revision.

## 11.2 The most Important Contracts with Particular Regulations

### 11.2.1 Public Works Contract

#### *Scope and Coverage*

Public works will be all constructions or works that are guaranteed, subsidized or carried out with the use of public funds from the Province of La Pampa. These works have to become part of the provincial assets<sup>538</sup>.

#### *Selection Procedures*<sup>539</sup>

The standard procurement selection procedure for public works contracts is public tender.

However, public works contracts can be awarded by private tender, price bidding or direct awarding if the contracting amount does not exceed the maximum set out by the regulations:

<b>Selection Procedures</b>	<b>When the estimated amount of the contracting is<sup>540</sup>:</b>
1) Public Tender	Higher than € 200,000
2) Private Tender	Lower than € 200,000
3) Price Bidding	Lower than € 100,000
4) Direct Awarding	Lower than € 34,000

<sup>537</sup> Article 61 of Decree No. 470/73.

<sup>538</sup> Article 2 of Law No. 38.

<sup>539</sup> Article 9 of Law No. 38.

<sup>540</sup> Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

Furthermore, the public works regulations established that in the following specific cases private tender and price bidding have to be applied:

- 1) If the work requires a specific artistic, technical or scientific skill, involves objects of art or special techniques that can only be carried out by specially qualified scientists, technicians, artists, entrepreneurs or operators - or requires patents or exclusive privileges;
- 2) If there are proven reasons of urgency to be solved by the Executive Branch;
- 3) If the State security demands a special guarantee;
- 4) If there have been no bidders or bids that met the requirements, or
- 5) If the bids cannot be specified or budgeted for the purpose of tendering, because of their special nature

#### *Contract Execution Modalities*<sup>541</sup>

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Other established contract execution modalities that may be used in exceptional circumstances.

#### *Requirements for Bidders*

The bidders must register at the Permanent Bidders Register (*Registro Permanente de Licitadores*). The Public Works Counsel (*Consejo de Obras Públicas*) is the body in charge of admitting the bidders at the Register.<sup>542</sup>

Even though the analysis of the requirements for subscription to the Permanent Bidders Register evidences requirements that can only be met by companies with a branch office or permanent representation in Argentina<sup>543</sup>, the Bidding Terms and Conditions in each specific case may exempt foreign bidders from the registration requirement.

#### *Local Preference Regime*

The Preference Regime of the Province of La Pampa is regulated within the La Pampa General Regime. In principle, it therefore applies only to contracts that are entered into under the La Pampa General Regime.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

#### *Award Criteria*

No award criteria are expressly stated, but the principle of awarding to the most suitable bid applies.

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

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541 Article 16 of Law No. 38. For the description of the Contract Execution Modalities, please refer to [Chapter III.1.2.1.](#)

542 Article 21 of Law No. 38.

543 <http://www.lapampa.gov.ar/participacion-comunitaria/138-ministerio-de-obras-y-servicios-publicos/registro-permanente-de-licitadores-obras-publicas/3447-formularios-oficiales.html>.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of La Pampa (*Ley de Procedimientos Administrativos de La Pampa*). Furthermore, it is possible to subsequently request judicial revision.

### **Additional Information**

Provincial authorities informed the authors that they carry out public works primarily in the following areas<sup>544</sup>:

- a) Sewage;
- b) Water network;
- c) Rainwater;
- d) Provincial roads, and
- e) Education.

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544 <http://www.obraspublicas.lapampa.gob.ar/category/noticias/ministerio-de-obras-y-servicios-publicos/>

## 12. Province of La Rioja

**Annex XIV** contains a table with general information on the laws applicable to the Province of La Rioja with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 12.1 La Rioja General Regime

The General Public Procurement Regime of the Province of La Rioja (hereinafter "*La Rioja General Regime*") is regulated by the Administration of La Rioja's Procurement Framework<sup>545</sup> and its Implementing Regulations<sup>546</sup>.

#### *Entities Regulated by the La Rioja General Regime*<sup>547</sup>

Like in the National General Regime, the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities and public companies which have their own regulation.

#### *Contracts Regulated by the La Rioja General Regime*<sup>548</sup>

The La Rioja General Regime applies to the following contracts, which are entered into by the institutions mentioned in chapter "*Entities Regulated by the La Rioja General Regime*" above:

- 1) Public service concession and licensing contracts;
- 2) Purchase contracts;
- 3) Supply contracts;
- 4) Service contracts;
- 5) Consultancy contracts;
- 6) Rental contracts and rental contracts with an option to purchase;
- 7) Barter contracts, and
- 8) Concession contracts for the use of public and private assets that are entered into by the jurisdictions and entities within their scope of application as well as any other contracts that are not expressly exempt.

For Public works contracts and Public works concession contracts, the general regime only applies subsidiarily, bearing in mind that a particular regime applies for public works).

The following contracts are expressly exempt from the La Rioja General Procurement Regime<sup>549</sup>:

- 1) Public employment contracts;
- 2) Collaboration agreements by the administration – authorized by the Provincial Government – with private individuals, to carry out private activities in the public interest;
- 3) Agreements by the Provincial State with other national, provincial or municipal States, with national, provincial or municipal public entities and with non-State public entities;
- 4) Contracts with foreign States, entities of public international law or with multilateral credit institutions, and
- 5) Contracts that are financed by organisms mentioned under points 3) and 4).

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545 Law No. 9,341.

546 Decree No. 2,350/13.

547 Article 1 of Law No. 9,341.

548 Article 2 of Law No. 9,341.

549 Article 3 of Law No. 9,341.

### Competent Administrative Authority<sup>550</sup>

Similar to the National General Regime, La Rioja General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management<sup>551</sup>.

The Competent Authority of the La Rioja General Regime is the Directorate General of the Procurement System (*Dirección General de Sistema de Contrataciones*), who establishes the general procurement policies and the general rules of interpretation<sup>552</sup>.

At the same time, each of the entities mentioned in chapter "Entities Regulated by the La Rioja General Regime" has their own Financial Administration Department, which is in charge of executing their own public procurements.

The Province of La Rioja has an electronic procurement system, which can be accessed by previously obtaining a certificate issued by the Competent Authority<sup>553</sup>.

### Selection Procedures<sup>554</sup>

The different procurement selection procedures provided by the La Rioja General Regime are:

- 1) Public Tender;
- 2) Public Auction
- 3) Private Tender;
- 4) Price Bidding, and
- 5) Direct Awarding.

By general rule, selections are carried out by public tender. However, it is allowed to use private tender, price collection or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection Procedures</b>	<b>If the estimated amount of the contract is<sup>555</sup>:</b>
1) Public Tender	Any amount
2) Private Tender	Lower than € 14,570 <sup>556</sup>
3) Price Bidding	Higher than € 971 and less than € 14,570
4) Direct Awarding	Lower than € 971 <sup>557</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>558</sup>:

- 1) Purchases and tenancy which must be executed abroad, and
- 2) The acquisition of goods that are not produced or supplied in the country.

550 Article 6 of Law No. 9,341.

551 Article 5 of Law No. 9,341.

552 Article 10 of Law No. 9,341.

553 <http://www.larioja.org/contratacion-publica/es/licitaciones/licitacion-electronica>.

554 Article 12 of Law No. 9,341.

555 Article 13 Annex I of Regulatory Decree No. 2,350/2013. Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

556 Lower than AR\$ 300,000.

557 Lower than AR\$ 20,000.

558 Article 13 of Law No. 9,341.

#### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the La Rioja General Regime allows framework agreements<sup>559</sup>.

#### *National and International Tenders*

National and international tenders are not expressly defined.

Bearing in mind that the requirements of the Suppliers Register can only be met by foreign bidders with branch office or permanent representation in Argentina, it can be inferred that, generally, foreign bidders without a branch office or permanent representation in Argentina may not participate in tenders.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case, to determine whether foreign bidders can participate.

#### *Contract Execution Modalities<sup>560</sup>*

*Who executes the contract:*

Comprehensive projects bids are expressly established as a contract execution modality<sup>561</sup>.

*How executes the contract<sup>562</sup>:*

- 1) Blanket ordering, and
- 2) Guaranteed maximum price.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for La Rioja: bidders must have sufficient legal capacity and be registered at the Provincial Register of Suppliers of Goods and Services of the State (*Registro Provincial de Proveedores de Bienes y Servicios del Estado*, hereinafter "RPPBSE" for its initial letters in Spanish)<sup>563</sup>.

Likewise, the following persons are expressly disqualified from registering in the RPPBSE<sup>564</sup>:

- 1) Natural persons or legal entities that are sanctioned in a register with suspension, disqualification or discharge;
- 2) Natural persons or legal entities that participate in any way in a sanctioned company, provided their participation allows them to determine the company's will;
- 3) Spouses of such sanctioned persons;
- 4) Companies that are successors of sanctioned companies, if there are sufficient indications to presume the existence of a simulation with the objective of avoiding the effects of the sanctions imposed on the predecessors;
- 5) Agents of the State;
- 6) Natural persons or legal entities in the process of insolvency, bankruptcy or liquidation;
- 7) Natural persons or legal entities imposed with precautionary judicial measures that affect their solvency or capacity to contract, and
- 8) Persons that have been convicted by a final judgment in criminal cases, either in their own State or in third party States, for reasons related to corruption or fraud in public procurement.

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559 For the description of this type of process, please refer to [Chapter I.3.4](#).

560 Article 14 of Law No. 9,341.

561 Article 19 of Law No. 9,341.

562 For the description of this type of processes, please refer to [Chapter I.3.5](#).

563 Article 10 of Regulatory Decree No. 2,350/13.

564 Article 10 of Regulatory Decree No. 2,350/13.

If a bidder is not registered at the RPPBSE, the sole submission of its offer in any selection procedure is interpreted as a request to be registered.

Bearing in mind that the requirements of the Suppliers Register can only be met by foreign bidders with branch office or permanent representation in Argentina, it can be inferred that, generally, foreign bidders branch office or permanent representation in Argentina may not participate in tenders.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case to determine whether foreign bidders can participate.

#### *Local Preference Regime*<sup>565</sup>

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 11.3](#)).

#### *Award Criteria*

The same criteria as to the National General Regime apply<sup>566</sup>.

#### *Complaints Mechanism*<sup>567</sup>

The same criteria as to the National General Regime apply: the pre-award ruling may be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the La Rioja (*Ley de Procedimientos Administrativos de la Provincia de La Rioja*). Furthermore, it is possible to subsequently request judicial revision.

## **12.2 The Most Important Contracts with Particular Regulations**

### **12.2.1 Public Works Contract**

#### *Scope and Coverage*

There is a special law that establishes the regulations on public works. For everything not regulated by such Law, the La Rioja General Regime applies<sup>568</sup>.

The Public Works Regime covers constructions, works or general industrial services that are financed using provincial funds<sup>569</sup>.

Also, this regime is applied to the purchase of machines, facilities, materials and all other elements complementary to or necessary for the works<sup>570</sup>.

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<sup>565</sup> Law No. 7,536.

<sup>566</sup> Article 18 of Law No. 7,341.

<sup>567</sup> Article 43 Annex I of Regulatory Decree No. 2,350/13 and Article 16 Annex II of Regulatory Decree No. 2,350/13.

<sup>568</sup> Article 61 of Law No. 9,341.

<sup>569</sup> Article 2 of Decree No. 21,323.

<sup>570</sup> Article 4 of Decree No. 21,323.

### *Contract Execution Modalities*<sup>571</sup>

- 1) Units of Measurement;
- 2) Lump sum;
- 3) Cost plus fee in case of proven need or urgency, and
- 4) Other established contract execution modalities that may be used in exceptional circumstances.

### *Requirements for Bidders in General and Foreign Bidders in Particular*

The bidders must register at the Register of Public Works Constructors.<sup>572</sup>

Even though there are no special requirements for foreign bidders, the requirements to subscribe to the Provincial Register of Public Works Constructors can only be met by foreign bidders that have a branch office or other form of permanent representation in Argentina.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

## **12.3 Local preference**<sup>573</sup>

Local products and local suppliers are treated preferentially (local preference). However, there is no national preference.

The Local Preference Regime regulates the acquisition of local goods, the contracting of services, the procurement of public works and the granting of service or works concessions, carried out by the Centralized and Decentralized Public Administration as well as the Judicial and Legislative Branch.

In case of procurements financed by international financial institutions, this regime applies provided it is compatible with the covenants entered into to obtain the financing.

Bidders are considered local if they meet the following requirements:

- 1) Local producers are those who manufacture or produce in the Province of Rioja;
- 2) Local natural persons or local legal entities are those with domicile or principal seat of business in the Province of Rioja for at least two years;
- 3) Local companies are those who have been authorized to operate by the Provincial Corporate Register (*Registro Provincial de Sociedades*), and
- 4) Local joint ventures (*Uniones Transitorias de Empresas Locales*) are those which have one or more local companies whose combined participation amounts to at least 51% of the joint venture.

Local producers are given the opportunity to match offers of non-local producers provided that their initial offer has not exceeded the non-local offer by more than 7%. The local producer will then be awarded with the contract if he chooses to match the non-local offer.

Local natural persons and local legal entities are given the same opportunity to match the non-local offer, provided that their initial offer has not exceeded the non-local offer by more than 2%.

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<sup>571</sup> Article 10 of Decree No. 21,323. For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

<sup>572</sup> Article 21 of Decree No. 21,323.

<sup>573</sup> Law No. 7,536.



Lastly, in the case of procurements of public works and granting of concessions, local companies or local joint ventures are given the same opportunity to match the non-local offer provided that their initial offer has not exceeded the non-local offer by more than 5%.

### **Additional Information**

According to provincial authorities, the Province expects growth in the renewable energy sector (e.g., Arauco Wind Park (*Parque Eólico Arauco*)).

Provincial authorities also shared the following data from 2016:

- Total outlay of € 54,747,412,<sup>574</sup>
- The principal contracting entities were:
  - o Ministry of Health Care;
  - o Provincial Social Security Administration (*Administración Provincial de Obra Social (APOS)*);
  - o Social Development Ministry, and
  - o Ministry of Education

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574 AR\$ 1,127,249,219.

## 13. Province of Mendoza

**Annex XIV** contains a table with general information on the laws applicable in the Province of Mendoza with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 13.1 Mendoza General Regime

The General Public Procurement Regime of the Province of Mendoza (hereinafter "*Mendoza General Regime*") is regulated by the Administration of Mendoza's Procurement Framework<sup>575</sup> and its Implementing Regulations<sup>576</sup>.

It also has Document on General Bidding Terms and Conditions for the Procurement of Goods and Services (*Pliego de Bases y Condiciones Generales para la Contratación de Bienes y Servicios*)<sup>577</sup>

#### *Entities Regulated by the Mendoza General Regime*

Like in the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities having their own regulation, and public companies<sup>578</sup>.

#### *Contracts Regulated by the Mendoza General Regime*

The Mendoza General Regime applies to the majority of contracts entered into by the institutions in above chapter "*Entities Regulated by the Mendoza General Regime*", except for the following contracts<sup>579</sup>:

- 1) Public employment contracts;
- 2) Contracts settled with public international entities or multilateral credit institutions;
- 3) Contracts that are partially or totally financed by previous mentioned institutions;
- 4) Public works contracts, public works concession contracts, public service concession contracts and licensing contracts, and
- 5) Small purchases.

#### *Competent Administrative Authority*

Similar to the national general regime, Mendoza general regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management<sup>580</sup>.

The Competent Authority of the Mendoza General Regime is the General Office of Public Procurements and Property Management (*Dirección General de Contrataciones Públicas y Gestión de Bienes*) and it establishes the general procurement policies and the general rules of interpretation<sup>581</sup>.

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575 Law 8,706.

576 Decree No. 1,000/15.

577 Adopted by Disposition No. 1534/16.

578 Articles 1, 4 and 7 of Law No. 8,706.

579 Article 138 of Law No. 8,706.

580 Article 130 of Law No. 8,706.

581 Article 131 of Law No. 8,706.

At the same time, each of the entities mentioned in the chapter "Entities Regulated by the Mendoza General Regime" has their own Operative Units of Acquisitions in charge of the general management of the procurement processes, authorized by the tendering body to which they belong<sup>582</sup>.

Mendoza has an electronic procurement system called "Portal Compras On-line"<sup>583</sup>.

#### Selection Procedures<sup>584</sup>

The different procurement selection procedures provided by the Mendoza General Regime are:

- 1) Public Tender;
- 2) Public Auction, and
- 3) Direct Awarding.

By general rule, selections are carried out by public tender or public auction. However, it is allowed to use direct awarding in the following cases, when the contracting amount does not exceed the maximum set out by the regulations<sup>585</sup>:

Selection Procedures	If the estimated amount of the contract is <sup>586</sup>
1) Public Tender	Higher than € 5,800 <sup>587</sup>
2) Direct Awarding	Lower than € 5,800 <sup>588</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>589</sup>:

- 1) Contracts executed between official entities or State companies, corporations or any other type of public or private entities, whose majority shareholder is the State;
- 2) Contracts between national, provincial or municipal entities or trusts, mostly comprised of goods or funds from the National, Provincial or Municipal States, or owned by foreign States or Governments, or
- 3) Purchases and tenancy which must be executed abroad.

#### Other Selection Procedures that Use Public Tender

Like the National General Regime, the Mendoza General Regime allows framework agreements<sup>590</sup>.

582 Article 130 of Law No. 8,706.

583 Article 146 of Law No. 8,706;

<https://www.ciudademendoza.gov.ar/sistemas/consultas/apex/produccion/?p=104:10012>

584 Articles 139 and 144 of Law No. 8,706.

585 Article 144 of Law No. 8,706.

586 Article 13 Annex I of Regulatory Decree No. 2,350/2013. Approximate figures; the exact values in euros will vary depending on the exchange rate.

587 Updated every year in the Budget Law of Mendoza. For 2017 the amount is set out in Article 72 of Law No. 8,930 (AR\$ 120.000)

588 Updated every year in the Budget Law of Mendoza. For 2017 the amount is set out in Article 72 of Law No. 8,930 (AR\$ 120.000)

589 Article 144 of Law No. 8,706.

590 For the description of this type of process, please refer to [Chapter I .3.4](#)

### *Procedural Stages*

Like in the National General Regime, procedural stages can be either single or multi-stage<sup>591</sup>.

### *National, Regional or International Tenders*

National and international tenders are not expressly defined. However, according to information obtained by the authors from public officials, foreign bidders without a branch office in Argentina are exempted from the requirement to register in the Unique Suppliers Register.

### *Contract Execution Modalities*

They are not defined expressly but are part of the respective Specific Bidding Terms and Conditions.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Mendoza. Bidders must have sufficient legal capacity and be registered at the provincial Unique Suppliers Register ("*Registro Único de Proveedores*") to be able to take part in the procurement process.

The following persons cannot register at the Unique Suppliers Register:

- 1) Those who are not legally able to contract;
- 2) Those who lack a Compliance Tax Certificate issued by Mendoza's Tax Administration;
- 3) Those sanctioned with suspension from the Unique Suppliers Register by the Governing Body of the Procurement and Property Management System, during the time of such suspension;
- 4) Persons who have been sanctioned with the elimination from the Unique Suppliers Register;
- 5) Companies that are successors of sanctioned companies, provided there are sufficient indications (in terms of their gravity, precision and consistency) to presume the existence of a simulation to avoid the effects of the sanctions imposed on the predecessors;
- 6) Public agents and public officers of the Provincial Public Sector;
- 7) Profit-seeking legal entities with participation of public agents and public officers from the Provincial Public Sector;
- 8) Bankrupt natural persons;
- 9) Bankrupt legal entities, and
- 10) Those Registered at the Provincial list of food supporting debtor;

According to information obtained by the authors from public officials, foreign bidders without a branch office in Argentina are exempted from the requirement to register at the Unique Suppliers Register.

### *Local Preference Regime*<sup>592</sup>

Mendoza General Regime establishes a local preference regime that grants preferential treatment to bidders domiciled in Mendoza. There is, however, no national preference.

This regime only applies within the General Procurement Regime, not to contracts with particular regulations. Therefore, it is analyzed within the General Regime.

The principle of local preference is applied in all procurement proceedings. To be considered local, natural persons and legal entities must be duly inscribed in the jurisdiction of the Province of Mendoza,

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591 Article 140 of Decree No. 1,000/15.

592 Article 44 of Decree No. 1534/16.

and have maintained a legal as well as a fiscal domicile in the Province for at least two years prior to the procurement<sup>593</sup>.

Furthermore, joint ventures (*Uniones Transitorias de Empresas*) are considered local if at least 51% of the participation in the joint venture is made up by a local enterprise, in line with the above criteria<sup>594</sup>.

The preferential treatment means that<sup>595</sup>:

- 1) In case the most suitable offer has been presented by a non-local bidder, local bidders are given the option to improve or match it, provided their initial offer has not exceeded the non-local offer by more than 5%.
- 2) Furthermore, once the improvement has taken place, the offer of the local bidder will be preferred inasmuch as it does not exceed the non-local offer by more than 2%.
- 3) However, in case of local Small or Medium Enterprises, awards may be issued if their offer does not exceed the most suitable offer by more than 4%.

### *Award Criteria*

The same criteria as to the National General Regime apply<sup>596</sup>.

### *Complaints Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Mendoza (*Ley de Procedimientos Administrativos de la Provincia de Mendoza*). Furthermore, it is possible to subsequently request judicial revision.

## **13.2 The Most Important Contracts with Particular Regulations**

### **13.2.1 Public Works Contract**

#### *Scope and Coverage*

The Public Works Regime covers constructions, maintenance, construction facilities and industrial services in general, that are carried out by the province, its municipalities and public companies<sup>597</sup>.

Furthermore, this regime applies to the costs in general, personal transportation, provision, lease, adaptation or repair of machines or facilities, and all other elements that are accessory or complementary to the public work<sup>598</sup>.

Public Works are to be built in assets that are owned by the Province of Mendoza or other State entities<sup>599</sup>.

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593 Article 44 of Decree No. 1534/16.

594 Article 44 of Decree No. 1534/16.

595 Article 44 of Decree No. 1534/16.

596 Article 149 of Law 8,706 and Article 149 of Decree No. 1,000/15.

597 Article 1 of Law No. 4,416.

598 Article 2 of Law No. 4,416.

599 Article 4 of Law No. 4,416.

### *Procurement Selection Procedure*<sup>600</sup>

By general rule, selections are made by public tender.

However, public works contracts can be awarded by direct awarding, price bidding or private tender if it is not possible to apply the public tender procedure, and in other exceptional cases.

### *Contract Execution Modalities*<sup>601</sup>

- 1) Units of measurement;
- 2) Lump sum;
- 3) Cost plus fee in case of proven need or urgency, and
- 4) Other established contract execution modalities that may be used in exceptional circumstances.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

The bidders must register at the Register of Records of Public Works Constructors (*Registro de Antecedentes de Constructores de Obras Públicas (RACOP)*).<sup>602</sup>

Although not expressly stated in the regulations, the Enforcement Authority confirmed to the authors that foreign bidders are required to subscribe to the Register of Records of Public Works Constructors.

### *Local Preference Regime*

The Preference Regime of the Province of Mendoza is regulated within the Mendoza General Regime. In principle, it therefore applies only to contracts that are entered into under the Mendoza General Regime.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

### *Award Criteria*

The same criteria as to the National General Regime apply.

### *Complaints Mechanism*

The same criteria as to the National General Regime apply.

The pre-award ruling may be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Mendoza (*Ley de Procedimientos Administrativos de la Provincia de Mendoza*). Furthermore, it is possible to subsequently request judicial revision.

## **13.2.2 Public Works Concession Contract**

### *Scope and Coverage*

The Public Administration assigns a particular contractor with the realization of a public work, granting them the use, exploitation or a real right over the property for a certain time<sup>603</sup>.

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600 Article 16 of Law No. 4,416.

601 Article 15 of Law No. 4,416. For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

602 Article 17 of Law No. 4,416.

For Public Works Concession contracts, the regulations on public works apply<sup>604</sup>.

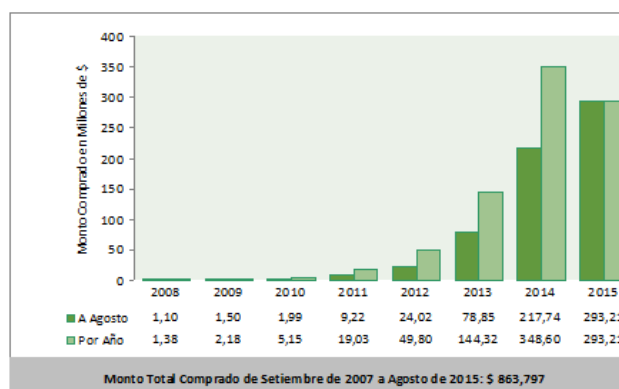
### 13.2.3 Public-Private Partnership

Mendoza adheres to the National Public-Private Partnership Regime<sup>605</sup> (please refer to [Chapter III 1.2.3](#)).

#### Additional Information:

Provincial authorities informed the authors that framework agreements are reflected in the Electronic Catalogue of Permanent Offer Bids and Services of Usual and/or Regular Consumption (*Catálogo Electrónico de Oferta Permanente de Bienes y Servicios de Consumo Habitual y/o Periódico*). Provincial authorities are required to consult the Electronic Catalogue to check if the goods they need fall under a framework agreement.

In 2015, procurements carried out through the Electronic Catalogue amounted to around € 14 million<sup>606</sup>.



The provincial budget for 2018<sup>607</sup> allocates up to 11% of the expenditures for infrastructure projects (since 2012, this number had never exceeded 10%).

Among the projects planned for 2018, the following may be pointed out:

- Security:
  - o Construction of prisons, and
  - o Remodelations of police stations.
  
- Judicial Hub: Almost € 30 million are invested in the construction of a judicial "hub", where various judges and the office of the public prosecutor will be located. The hub will also provide space for arrested people.
  
- Health care:
  - o Remodelation and extension of the Central Hospital, amounting to around € 7.7 million.
  - o Construction of new health care centres.

603 Article 89 of Law No. 4,416.

604 Article 90 of Law No. 4,416.

605 Law No. 8,992.

606 AR\$ 293,000,000.

607 Law No. 27,431.

## 14. Province of Misiones

**Annex XIV** contains a table with general information on the laws applicable in the Province of Misiones with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 14.1 Misiones General Regime

The General Public Procurement Regime of the Province of Misiones (hereinafter "*Misiones General Regime*") is regulated by the Accounting Law<sup>608</sup> and its Implementing Regulations<sup>609</sup>.

#### *Entities Regulated by the Misiones General Regime*

Like in the National General Regime, the regulations of this regime apply to the institutions of the the Centralized Public Administration. Entities of the Decentralized Public Administration, with the exceptions of autarkic entities and public companies, have their own regulation.

Although it is established that autarkic entities and public companies have their own regulation, this Regime applies subsidiarily<sup>610</sup>.

#### *Contracts Regulated by the Misiones General Regime*

The Misiones General Regime applies to the following contracts, which are concluded by the institutions mentioned in chapter "*Entities Regulated by the Misiones General Regime*" above<sup>611</sup>:

- 1) Purchasing contracts;
- 2) Locations contracts;
- 3) Rents contracts;
- 4) Supplies contracts, and
- 5) Services contract.

Public Works contracts have their own specific regulation. The provisions of the Misiones General Regime will only apply to these contracts when they do not contradict the specific provisions of the Public Works Law (*Ley de Obra Pública*)<sup>612</sup>.

#### *Competent Administrative Authority*

Unlike the National General Regime, the Misiones General Regime is not entirely based on the idea of centralization of policies and regulation, and decentralization of the operational management.

In fact, before issuing an awarding act in public tenders and private tenders, the contracting entity requires a report from the General Accounting Office of the Province of Misiones (*Contaduría General de la Provincia*)<sup>613</sup>.

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608 Law VII – No. 11.

609 Decree No. 3,421/1986.

610 Articles 84 and 100 of Law VII.

611 Article 94 of Law VII and Decree 3,421/86.

612 Article 77 of Law X.

613 Article 96 of Law VII.



### Selection Procedures

The different procurement selection procedures provided by the Misiones General Regime are<sup>614</sup>:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender, and
- 4) Direct Awarding.

By general rule, contracts under this regime are carried out by public tender<sup>615</sup>. However, it is allowed to implement private tender or direct award in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>616</sup>:</b>
1) Public Tender	Higher than € 3,400
2) Private Tender	Lower than € 3,400
3) Direct Awarding	Lower than € 400

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>617</sup>:

- 1) Purchases and tenancy which must be executed abroad, and
- 2) Whenever the provincial market shows a significant scarcity of supply of the goods to be procured, which shall be justified in each case by the competent technical offices.

### National and International Tenders

Like the National General Regime, the Misiones General Regime includes<sup>618</sup>:

- 1) National tenders, and
- 2) International tenders.

### Contract Execution Modalities

Contract Execution Modalities are not expressly established. Therefore, the Bidding Terms and Conditions have to be consulted in each specific case.

#### Requirements for Bidders in General and for Foreign Bidders in Particular

Similar requirements as those established by the National General Regime also apply for Misiones. The General Accounting Office of Misiones Province is in charge of the Suppliers Register.

Foreign bidders without branch office or permanent representation in Argentina are exempted from the requirement to subscribe to the Suppliers Register<sup>619</sup>.

614 Article 84 and 85 of Law VII.

615 Article 84 of Law VII.

616 The amounts have been indicated by the provincial authorities. Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

617 Article 85 of Law No. VII - No. 11

618 National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that foreign bidders without branch office or representation in Argentina are not required to register at the Suppliers Register, it can be inferred that international tenders do exist.

619 Article 94 of Law VII and Decree 3,421/86.

### *Local Preference Regime*

In case that more than one bid meets the conditions of the procurement, the bid with most provincial elements or, in case there are no such bids, the bid with most national elements will be awarded with the contract<sup>620</sup>.

These provisions are complemented by the provisions of the Provincial Preference Law. The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (it is described in [Chapter IV 13.3](#)).

### *Award Criteria*

The same criteria as to the National General Regime apply.

However, it is expressly established that in general, the most suitable bid will be the lowest price meeting all conditions of the procurement<sup>621</sup>.

Exceptionally and upon proper justification, it is possible to award a bid with a higher price than competing bids, in cases in which a better quality is essential.

### *Complaints Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Misiones (*Ley de Procedimientos Administrativos de la Provincia de Misiones*). Furthermore, it is possible to subsequently request judicial revision.

## **14.2 The Most Important Contracts with Particular Regulations**

### **14.2.1 Public Works Contract**

#### *Scope and Coverage*

Through the administrative public works contract, the Centralized Public Administration assigns a contractor to carry out a public work – defined as every construction, construction facilities or works in general, that are executed by the Province<sup>622</sup>.

Also, this regime applies to the provision, adaptation or repair of machines or facilities, and to all other jobs that are accessory or complementary to the work.<sup>623</sup>

Public Works shall be constructed on properties owned by the Province or by other States entities<sup>624</sup>.

#### *Selection Procedures*<sup>625</sup>

By general rule, selections are made by public tender.

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620 Article 92 of Law VII – No. 11 and Article 13 of Decree No. 3,421/86.

621 Article 91 of Law VII.

622 Article 1 of Law X – No. 4

623 Article 2 of Law X – No. 4

624 Article 4 of Law X – No. 4

625 Article 13 of Law X – No. 4.

However, it is allowed to use private tender or direct awarding in the following cases:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting will be<sup>626</sup></b>
1) Public Tender	Higher than € 485,600
2) Private Tender	Higher than € 12,100 and lower than € 485,600
3) Direct Awarding	Lower than € 12,100

#### *Contract Execution Modalities<sup>627</sup>*

The different types of procurement that emerge from this Regime are:

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

The bidders must register in at Register of Public Works Constructors<sup>628</sup>.

Before submitting a tender, bidders have to provide a guarantee of 1% of the amount of the official budget of the work.<sup>629</sup>

Also, bidders are required to submit all documents that are necessary to give proof of their ability to carry out the work<sup>630</sup>.

Foreign bidders only have to subscribe to the Register of Public Works Constructors in provincial tenders; in international tenders, they are exempted from this requirement<sup>631</sup>.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 13.3](#)).

#### *Award Criteria*

The same criteria as to the Misiones General Regime apply.

#### *Complaints Mechanism*

The same criteria as to the Misiones General Regime apply.

<sup>626</sup> The amounts have been indicated by the provincial authorities. Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

<sup>627</sup> Article 15 of Law X – No. 4. For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

<sup>628</sup> Article 18 of Law X – No. 4.

<sup>629</sup> Article 19 of Law X – No. 4.

<sup>630</sup> Article 3 of Decree of Law X – No. 4.

<sup>631</sup> This information stems from competent authorities.

### 14.3 Local Preference Regime

The Misiones Preference Regime grants preferential treatment to bidders domiciled in Misiones (local preference) and to national bidders (national preference)<sup>632</sup>.

The Centralized and Decentralized Public Administration, as well as public companies, are required to:

- 1) Acquire products, materials and ware of provincial origin if available, and contract services from suppliers located in the Province if their quality and/or characteristics satisfy the procurement's requirements;
- 2) Contract and/or designate professionals, technicians and workforce that are native to the Province or have residence therein;
- 3) Contract construction or supply companies located in the Province. In this case, the companies meeting the following requirements are considered companies of provincial origin<sup>633</sup>:
  - a) To comply with pension, labour and tax obligations;
  - b) To operate with the bank that acts as a financial agent of the Province<sup>634</sup>, and
  - c) To subscribe to the Public Works Contractors Register (*Registro de Contratistas de Obra Pública*).

Furthermore, for contracts executed within the Province, companies domiciled in the location of the final procurement project are prioritized during the bid evaluation.

In case there are no provincial bidders (for capacity reasons), the preference in the bid evaluation is given to consortia of national companies that include at least one provincial company.

In addition, the Bidding Terms and Conditions have to include provisions that require bidders to acquire (either totally or partially, in line with provincial production capacities) the necessary elements for the execution of the work, provision of the services and/or supply of goods from local industry<sup>635</sup>.

If several viable alternatives exist within bids of works or services, the projects that allow the largest use of materials and/or products supplied or developed by the local industry in reasonable time, quality and at a reasonable cost will be selected<sup>636</sup>.

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632 This does not mean that Misiones applies the National Preference Regime (see Chapter [III.1.4](#)) but rather that Misiones has established its own preference regime for local and national bidders exercising its own powers.

633 Article 5 of Law VII – No. 10.

634 The authors are consulting with official authorities which is this Bank.

635 Article 2 of Law VII – No. 10.

636 Article 4 of Law VII – No. 10.

## 15. Province of Neuquen

**Annex XIV** contains a table with general information on the laws applicable in the Province of Neuquen with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 15.1 Neuquen General Regime

The General Public Procurement Regime of the Province of Neuquen (Hereinafter "*Neuquen General Regime*") is regulated by the Financial Administration Law<sup>637</sup> and its Implementing Regulations<sup>638</sup>.

#### *Entities Regulated by the Neuquen General Regime*

Like in the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities and public companies which have their own regulation.

Unlike the National General Regime, the provincial regime also applies to the Legislative and Judicial Branch, as well as to Neuquen's Social Security Institute<sup>639</sup>.

#### *Contracts Regulated by the Neuquen General Regime*

The Neuquen General Regime applies to the majority of contracts entered into by the institutions in above chapter "*Entities Regulated by the Neuquen General Regime*".

Although the exempted contracts are not expressly mentioned, the Neuquen General Regime does not apply to public employment contracts or to other contracts with a particular regime.

#### *Competent Administrative Authority*

Similar to the national General Regime, Neuquen General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The governing body of the Neuquen General Regime is the Provincial Procurement Office (*Oficina Provincial de Contrataciones*) and it establishes the general procurement policies and the general rules of interpretation.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Neuquen General Regime*" has their own administrative body in charge of executing their own public procurements.

#### *Selection Procedures*

The different procurement selection procedures provided for the Neuquen General Regime are:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender;
- 4) Price Bidding, and
- 5) Direct Awarding.

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637 Law 2.141

638 Decree 2.758/1995 Anexo II

639 Article 6 of Law No. 2,141/95

By general rule, selections are carried out either by public tender or public auction. However, it is allowed to use private tender, direct awarding or price bidding in the following cases, when the contracting amount does not exceed the maximum set out by the regulations:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>640</sup></b>
1) Public Tender	Higher than € 72,800 <sup>641</sup>
2) Private Tender	Lower than € 72,800 <sup>642</sup>
3) Price Bidding	Lower than € 18,200 <sup>643</sup>
4) Direct Awarding	Lower than € 3,600 <sup>644</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>645</sup>:

- 1) Purchases and leases that need to be carried out in foreign countries, provided that it is not possible to submit them to tendering, and
- 2) To acquire goods from exclusive sellers, provided that no suitable substitutes exist.

#### *National and International Tenders*

National and international tenders are not expressly defined. Provincial authorities informed the authors that, in certain procurements, foreign bidders without branch office or permanent representation in Argentina may be exempt from the requirement to subscribe to the Suppliers Register.

#### *Contract Execution Modalities*

Contract Execution Modalities are not expressly established. Therefore, the Bidding Terms and Conditions have to be checked in each specific case.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Neuquen. Bidders are required to register at the Suppliers Roll (*Padrón de Proveedores*) which is managed by the General Accounting Office of the Province (*Contaduría General de la Provincia*).

The following natural persons or legal entities are barred from contracting with the Provincial State:

- 1) Agents, officials and companies either entirely or partially comprised of such officials - some of them being director, partner, administrator, representative or manager;
- 2) Natural persons or legal entities in the process of bankruptcy, insolvency or reorganization;
- 3) Tax or social security debtors and evaders, declared as such by the competent authority;
- 4) Companies (or its partners and/or members of the board of directors, individually) that are on the Register of Sanctions (*Registro de Sancionados*);
- 5) Companies whose partners have been sanctioned (if their participation is large enough to form the social will), and
- 6) Spouses of sanctioned persons, and companies in which they have enough participation to form the social will.

640 Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

641 Article 1 of Decree No. 1,062/16 (AR\$1.500.000).

642 Article 1 of Decree No. 1,062/16 (AR\$1.500.000).

643 Article 1 of Decree No. 1062/16 (AR\$375,000).

644 Article 1 of Decree No. 1062/16 (AR\$75,000).

645 Article 64 of Law No. 2,141

Provincial authorities informed the authors that, in certain procurements, foreign bidders without branch office or permanent representation in Argentina may be exempt from the requirement to subscribe to the Suppliers Register.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 14.3](#)).

#### *Award Criteria*

The same criteria as to the National General Regime apply<sup>646</sup>.

#### *Complaint Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Neuquén (*Ley de Procedimientos Administrativos de la Provincia de Neuquén*). Furthermore, it is possible to subsequently request judicial revision.

## **15.2 The Most Important Contracts with Particular Regime**

### **15.2.1 Public Works Contract**

#### *Scope and Coverage*

Public works are all studies, projects, constructions, maintenance works, installations and general works that are carried out by the Province of Neuquén through its centralized, decentralized, autarkic or autonomous divisions, public or mixed companies (by means of third-party concessions) or public welfare organizations, irrespective of the origin of the funds used to finance them<sup>647</sup>.

#### *Selection Procedures*

By general rule, selections are made by public tender<sup>648</sup>.

In exceptional cases concerning procurements of minor value, private tender, direct awarding or price bidding may be used<sup>649</sup>.

#### *Contract Execution Modalities*<sup>650</sup>

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

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646 Article 63 of Law 2,141.

647 Article 1 of Law Nro. 687.

648 Article 12 of Law Nro. 687.

649 Even upon request, the amounts have not been provided by authorities.

650 Article 10 of Law No. 687 and Article 10 of Decree No. 108/72. For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must have sufficient legal capacity and be registered at the Public Works Constructors and Suppliers Register (*Registro de Constructores y Proveedores de Obras Públicas*)<sup>651</sup>.

In each specific case, the Bidding Terms and Conditions have to be consulted to determine whether foreign bidders are required to have a branch office or permanent representation in Argentina.

### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 14.3](#)).

### *Award Criteria*

The contract is awarded in favour of the most suitable bid. Price is not the exclusively determining factor of the decision. The fact that a sole bid is presented does not impede the award, as long as it is considered suitable<sup>652</sup>.

If two or more bids are considered to be equally suitable, a call for improvement of the offers is made<sup>653</sup>.

When awarding a contract, the procuring authorities take into account the bidder's track record; its technical, economical, financial and executive capacity; the bid's price and the final report of the Public Works Constructors Register<sup>654</sup>.

### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Neuquen (*Ley de Procedimientos Administrativos de la Provincia de Neuquén*). Furthermore, it is possible to subsequently request judicial revision.

## **15.2.2 Public Works Concession**

For Public Works Concession contracts, the regulations on Public Works apply.

Bidders are required to attach a work plan including a graphical illustration of the public work and - where applicable<sup>655</sup>-a collection plan, an analysis of prices and a graphic of certificates<sup>656</sup>.

Bids presentations are accepted until the date and time indicated by the tender opening act, in closed envelopes<sup>657</sup>.

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651 Article 11 of Law No. 687. The required documentation can be found on: <http://cpop.neuquen.gov.ar/DocumentelSistema/documentacionPresentarPFisica.pdf>

652 Article 18 of Law No. 687.

653 Article 19 of Law No. 687.

654 Article 18 of Decree No. 108/72.

655 If the Bidding Terms and Conditions established this requirement.

656 Article 14 of Law No. 687.

657 Article 13 of Decree No. 108/72.



Registration and authorization of natural persons and companies wishing to act as public works suppliers is executed through the Public Works Constructors and Suppliers Register, primarily taking into account their technical, economical, financial and executive capacities<sup>658</sup>.

### 15.2.3 Public-Private Partnership

Neuquen adheres to the National Public-Private Partnership Regime<sup>659</sup> (please refer to [Chapter III 1.2.3](#)).

## 15.3 Local preference Regime

### 15.3.1 The Province of Neuquen has an Specific Preference Regime for Activities Related to Hydrocarbons

Natural persons and legal entities that are licensees, permit holders or concessionaires of mines or activities related to hydrocarbons, as well companies carrying out activities in this sector within the provincial territory, receive preferential treatment in public procurement of goods services<sup>660</sup>.

The preference is granted to independent professionals, merchants and companies located in the Province of Neuquen which<sup>661</sup>:

- 1) Have had their domicile registered with the Commercial Registry of Neuquen, as well as their principal seat of business in the Province for at least five years;
- 2) Are provincial tax payers;
- 3) Have a board of directors where at least 70% of the capital is held by directors with residence in the Province, or if the majority of partners has provincial residence;
- 4) Joint ventures are required to consist of one or more provincial companies, with an aggregated participation of no less than 70% of the joint venture's capital;
- 5) Comply with national, provincial and/or municipal health and safety norms;
- 6) Comply with environmental and public health laws;
- 7) Comply with quality standards required from contracting companies;
- 8) In case of companies whose objective is the sale of goods to the petroleum or mining sector, the product adding the biggest aggregated value to the supply chain will be taken into account, to consider it a genuinely product of Neuquen;
- 9) Have municipal or, if applicable, provincial license to operate, and
- 10) Are registered with AFIP.

Companies that meet the above criteria but are associated with or controlled by national or foreign companies not meeting these requirements cannot benefit from preferential treatment<sup>662</sup>.

The preferential treatment consists in a priority of no less than 60% for all goods and services acquired<sup>663</sup>. And, in case of goods purchases, those offered by local suppliers are acquired preferentially, provided that their price does not exceed non-local prices by more than 7%<sup>664</sup>.

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658 Article 11 of Law No. 687.

659 Law No. 3,074.

660 Article 1 and 2 of Law No. 2,755.

661 Article 5 of Law No. 2,755.

662 Article 6 of Law 2755.

663 Article 8 of Law 2755.

664 Article 9 of Law 2755.

### 15.3.2 Local Preference Regime

This Regime is applied by the Centralized and Decentralized Administration, including autarkic entities and public companies<sup>665</sup>.

To this end, it is required that they:

- 1) Acquire products, materials, merchandise and other goods of provincial origin, if they are available and of a quality and price that is considered suitable<sup>666</sup>. Goods of provincial origin are:
  - (i) Those whose materials come from mines or quarries located in the territory of the Province;
  - (ii) Agricultural goods that are produced in the Province; (iii) Industrial goods produced or manufactured mainly in the Province<sup>667</sup>.
- 2) Contract works and services from provincial companies, constructors or suppliers located in the Province, provided that the quality, characteristics and price are considered suitable for the objective of the procurement<sup>668</sup>.
- 3) Companies that:
  - (i) Have had their legal and fiscal domicile as well as their principal seat of business in the Province for more than two years;
  - (ii) Employ a workforce consisting of more than 50% of persons with residence in the Province, and use materials and inputs of provincial production for the construction of works or the provision of services;
  - (iii) Joint ventures and other collaborative associations, if the participating companies meet the above criteria; or (iv) non-profit organizations registered at the Suppliers Register of the Provincial State and with legal domicile in the Province of Neuquen<sup>669</sup>.
- 4) Companies that meet the above criteria but are associated with or controlled by national or foreign companies that do not meet these requirements, are not considered local<sup>670</sup>.
- 5) Contract or designate (as the case may be) professionals, technicians and workforce that have residence, or are registered in the Province, or are natives, provided that they comply with the required competence for the procurement.
- 6) Provincial suppliers are all-natural persons, legal entities, joint ventures or other associations that<sup>671</sup>:
  - a) Have had their legal and fiscal domicile as well as their principal seat of business in the Province for more than two years.
  - b) Joint ventures or other collaborative associations between companies that meet the above criteria.

Companies that meet the above criteria but are associated with or controlled by national or foreign companies that do not meet these requirements, are not considered local<sup>672</sup>.

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665 Article 2 of Law No. 2683.

666 Article 2 of Law No. 2683.

667 Article 2 of Decree No. 2178/10.

668 Article 2 of Law No. 2683.

669 Article 4 of Law No. 2683 y Articles 2 and 4 of Decree No. 2178/10.

670 Article 5 of Law No. 2683.

671 Article 4 of Law No. 2683.

672 Article 5 of Law No. 2683.

### Preferences:

- 1) Bidders who offer products with origin in Neuquen are awarded with the contracts in the following cases: (i) For manufacturing activities, if the price of the products does not exceed the price of non-local products by more than 4%; (ii) For industrial activities, if the price of the products does not exceed the price of non-local products by more than 3%; (iii) In case of public works, if the price of works using materials with origin in Neuquen does not exceed the price of non-local works by more than 2%, and (iv) In case of provision of goods and services, if their price does not exceed the price of non-local goods and services by more than 1%<sup>673</sup>.
- 2) In case the products or services (be it manufactured, industrial, public works or provision of goods/services) are offered by a provincial supplier, this company will be awarded the contract if their price does not exceed the offer of the non-local bidder by more than 1%<sup>674</sup>.

Provincial suppliers are those that:

- a) Have had their legal and fiscal domicile as well as their principal seat of business in the Province for more than two years.
- b) Joint ventures and other collaborative associations between companies that meet the above criteria.

Companies that meet the above criteria but are associated with or controlled by national or foreign companies that do not meet these requirements, are not considered local<sup>675</sup>.

- 3) Those companies who have complied with certificates of quality in line with national and international standards will be awarded too, if their offer does not exceed others not meeting such standards by more than 1%<sup>676</sup>.
- 4) Furthermore, bidders with domicile in the Municipality for which the procured products or works are destined for, will be awarded if their offer does not exceed offers from bidders that are not domiciled in such Municipality by more than 2%<sup>677</sup>.

The Specific Bidding Terms and Conditions may include provisions that require bidders to purchase inputs and hire workforce of provincial origin (either entirely or partially, and subject to availability) for the execution of the work and the provision of the service or goods<sup>678</sup>.

### Additional Information

In July 2017, the authors held a meeting with provincial officials:

- They clarified the applicable regulations that are detailed in **Annex XIV**.
- They informed that the Province is currently developing a web portal for procurements of different bodies. They also mentioned that the Province has an electronic procurement portal operated by the Provincial Framework Agreement Procurements Office.
- In 2018, large investments in public works are planned, especially the construction and maintenance of hospitals, schools and roads.

It must be noted that this Province offers special opportunities for the development of infrastructure and public services, given the potential of growth around the exploitation of shale oil and shale gas reservoirs in the area of Vaca Muerta.

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673 Article 8 of Decree No. 2178/10.

674 Article 8 of Decree No. 2178/10.

675 Article 5 of Law No. 2683.

676 Article 8 of Decree No. 2178/10.

677 Article 8 of Decree No. 2178/10.

678 Article 3 of Decree No. 2178/10.

## 16. Province of Rio Negro

**Annex XIV** contains a table with general information on laws applicable to the Province of Rio Negro with regard to the General Regime, the most important contracts with particular regimes and local preference, together with a short summary of their content, the competent authority and other data.

### 16.1 Rio Negro General Regime

The General Public Procurement Regime of the Province of Rio Negro (hereinafter "*Rio Negro General Regime*") is regulated by the Financial Administration Law<sup>679</sup> and its Implementing Regulations<sup>680</sup>.

#### *Entities Regulated by the Rio Negro General Regime*

The regulations of the Rio Negro General Regime apply to the institutions of the Centralized and Decentralized Public Administration. In the case of public companies, such as INVAP (*Investigaciones Aplicadas*) this regime applies subsidiarily to matters that have not been provided for by the respective special regimes.

Unlike the National General Regime, this regime also applies to the Judicial and Legislative Branches<sup>681</sup>.

#### *Contracts Regulated by the Rio Negro General Regime*

The Rio Negro General Procurement Regime applies to the following contracts, which are concluded by the institutions mentioned in the chapter "*Entities Regulated by the Rio Negro General Regime*" above<sup>682</sup>:

- 1) Purchasing contracts;
- 2) Supplies contracts;
- 3) Services contracts;
- 4) Barter contracts;
- 5) Location contracts;
- 6) Rents with buying option;
- 7) Governmental or private concession contracts, and
- 8) Contracts of use of goods of public and private domain of the State of Rio Negro.

#### *Competent Administrative Authority*

Similar to the National General Regime, Rio Negro General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management<sup>683</sup>.

The Competent Authority of the Rio Negro General Regime is the General Supply Office (*Oficina General de Suministros*)<sup>684</sup>, who establishes the general procurement policies and the general rules of interpretation.

At the same time, each of the entities mentioned in chapter "*Entities Regulated by the Rio Negro General Regime*" has their own Supply Office in charge of executing their own public procurements<sup>685</sup>.

679 Law No. 3,186.

680 Annex II of Decree No. 1,737/98.

681 Article 1, Annex II of Decree No. 1.737/98 and Articles 2 and 3 of Law No. 3,186.

682 Decree 4 of Article 4, Annex II of Decree No. 1.737/98.

683 Article 81 of Law No. 3186

684 Article 5 of Annex II of Decree 1737/98.

685 Article 81 of Law No. 3186 and Article 5 of Annex II of Decree 1737/98.

### *Selection Procedures*

Public tenders, public auction, private tenders, price bidding or direct awarding are allowed depending on the amount of the contract<sup>686</sup>.

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>687</sup>:

- 1) The acquisition of goods or services by exclusive sellers or owned by a specific person or entity, provided that no suitable substitutes exist;
- 2) Procurements which must be executed abroad, provided that it is not possible to execute a tender, and
- 3) Whenever the market shows a significant scarcity of supply of the goods or services to be procured, which shall be duly justified and corroborated.

### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Rio Negro General Regime allows private initiative<sup>688</sup>.

### *National and International Tenders*

Like the National General Regime, the Rio Negro General Regime includes<sup>689</sup>:

- 1) National tenders, and
- 2) International tenders.

### *Procedural Stages*

Like in the National General Regime, procedural stages can be either single or multiple<sup>690</sup>.

### *Contract execution modalities:*

#### *Who executes the contract:*

Comprehensive project bids are expressly established as a contract execution modality<sup>691</sup>.

#### *How are the contracts executed*<sup>692</sup>:

- 1) Blanket ordering, and
- 2) Maximum Price.

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686 Article 87 of Law No. 3186 and Article 9 of Annex II of Decree No. 1737/98. The amounts have been requested in due time from the provincial authorities.

687 Article 87 of Law No. 3,186.

688 Article 28 of Annex II of Decree No. 1,737/98.

689 Article 31 of Annex II of Decree No. 1,737/98.

690 Article 27 of Annex II of Decree No. 1,737/98.

691 Article 30 of Annex II of Decree No.1,737/98. For the description of this type of process, please refer to Chapter I.3.5.

692 Article 32 of Annex II of Decree No.1,737/98. For the description of type of processes, please refer to Chapter I.3.5.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Rio Negro. Bidders must have sufficient legal capacity and be registered at the Unique Register of Suppliers (*Registro Único de Proveedores*)<sup>693</sup>.

Foreign bidders are exempted from the requirement to subscribe to the Unique Register of Suppliers<sup>694</sup>. However, they are required to give proof of their technical, financial and economical competence, as well as to establish an address for service in the Province<sup>695</sup>.

The following persons are barred from participating<sup>696</sup>:

- 1) Those sentenced in a Criminal Court for a crime against the property in violation of the Criminal Code of the Republic of Argentina;
- 2) Those being processed for such a crime;
- 3) Those suspended or eliminated from the Unique Register of Suppliers;
- 4) Employees of the contracting public entity;
- 5) Bankrupt persons and tax debtors, as well as pension debtors.

### *Local Preference Regime*<sup>697</sup>

Rio Negro General Regime establishes a local preference regime. This only applies within the general procurement regime, not to contracts with particular regulations<sup>698</sup>. Therefore, it is analyzed within the General Regime.

The preference regime of Rio Negro grants preferential treatment to bidders domiciled in the Province of Rio Negro (local preference). There is, however, no national preference.

The Rio Negro Local Preference Regime establishes preferences for local goods and services provided by local companies and is applied by the Centralized and Decentralized Public Administration<sup>699</sup>.

Companies that are concessionaires, licencees or permit holders of public services are required to apply the preference regime, too, in case the procurement is related to the service they provide<sup>700</sup>.

Bidders domiciled in the Province of Rio Negro that provide goods or services of provincial origin will be awarded with the contract even if their bid is up to 5% more expensive than quality-wise equal non-local bids<sup>701</sup>.

Bidders domiciled in the Province of Rio Negro that provide goods or services that are not of provincial origin will be awarded with the contract even if their bid is up to 2% more expensive than quality-wise equal non-local bids<sup>702</sup>.

If a non-local bid is considered atop the order of merit after bid evaluation, local bidders are granted the possibility to improve their offer to match the winning bid, as long as the price difference between the local and the winning non-local bid does not exceed: (i) 8%, for bidders domiciled in the Province of

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693 Article 48 of Annex II of Decree 1737/98.

694 Article 48 of Annex II of Decree 1737/98.

695 Article 48 of Annex II of Decree 1737/98.

696 Article of Annex II of Decree No. 1.737/98.

697 Law No. 4,187.

698 Without prejudice to the aforementioned, the Bidding Terms and Conditions have to be consulted in each particular case in order to determine if similar provisions are established.

699 Article 1 of Law No. 4,187.

700 Article 3 subparagraph d) of Law No. 4,187.

701 Article 4 "a" subparagraph 1) of Law No. 4,187.

702 Article 4 "a" subparagraph 2) of Law No. 4,187.

Rio Negro who provide goods or services of provincial origin; (ii) 5%, for bidders domiciled in the Province of Rio Negro providing goods or services of non-provincial origin<sup>703</sup>.

Provincial goods are those that have their origin and, if applicable, their entire production process in the Province of Rio Negro.

#### *Award Criteria*

The same criteria as to the National General Regime apply<sup>704</sup>.

#### *Complaints Mechanism*

Like in the National General Regime, the possibility to appeal the pre-awarding ruling is expressly provided.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Rio Negro (*Ley de Procedimientos Administrativos de la Provincia de Río Negro*). Furthermore, it is possible to subsequently request judicial revision.

## **16.2 The Most Important Contracts with a Particular Regime**

### **16.2.1 Public Works Contract**

#### *Scope and Coverage*

The General Regime is applicable to all constructions, projects, installations and works in general carried out by the Province through its divisions, and through private or public persons or entities with its own funds or funds from the National State, Municipalities or private individuals<sup>705</sup>.

The Subsecretariat of the Ministry of Housing, Public Works and Services (*Subsecretaría de Obras Públicas del Ministerio de Hacienda, Obras y Servicios Públicos*) is in charge of the planning execution and control of the works carried out by the technical divisions under its supervision<sup>706</sup>.

#### *Selection Procedures*

By general rule, selections are made by public tender.

However, it is allowed to use private tender, price bidding or direct awarding in the following cases<sup>707</sup>:

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703 Article 4 subparagraphs a) and b) of Law No. 4,187.

704 Article 83 of Law No. 3,186.

705 Article 1 of Law No. 286.

706 Article 3 of Law No. 286.

707 Article 9 of Law No. 286.

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>708</sup></b>
1) Private Tender	Higher than € 250,400 <sup>709</sup>
2) Private Tender	Higher than € 127,600 and lower than € 250,400 <sup>710</sup>
3) Price Bidding	Higher than € 8,100 and lower than € 127,600 <sup>711</sup>
4) Direct Awarding	Lower than € 8,100 <sup>712</sup>

#### *Contract Execution Modalities<sup>713</sup>*

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee (if deemed suitable by the Executive Branch).

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders are required to subscribe to the Bidders Register, where the technical-financial capacity of each bidder can be consulted (i.e. the maximum individual and total annual amount of public works in their field of expertise that may be awarded simultaneously to them by the province)<sup>714</sup>.

The registration has to be firmly approved by the Provincial authorities before the bidding act and within the period set out by the respective regulation<sup>715</sup>.

The provincial authorities confirmed to the authors that foreign bidders are required to establish a branch office in Argentina and present their track record as well as reports of their commercial activities.

#### *Local Preference Regime*

The Preference Regime of the Province of Rio Negro is regulated within the Rio Negro General Regime. In principle, it therefore only applies to contracts that are entered into under the Rio Negro General Regime.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine of similar provisions are established.

#### *Award Criteria*

The contract is awarded in favor of the most suitable bid<sup>716</sup>.

708 Resolution No. 008/17. Approximate figures; the exact values in euros will vary depending on the applicable exchange rate.

709 Higher than AR\$ 5,136,707 (Resolution No. 008/17).

710 Lower than AR\$ 5,136,707 (Resolution No. 008/17).

711 Lower than AR\$ 2,628,621 (Resolution No. 008/17).

712 Lower than AR\$ 168,751 (Resolution No. 008/17).

713 Article 12 of Law No. 286. For the description of this Contract Execution Modalities, please refer to [Chapter III.12.1](#).

714 Article 15 of Decree No. 686/1962.

715 Article 15 of Law No. 286.

716 Article 23 of Law No. 286.



### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.

Thus, the pre-award ruling may not be appealed.

The awarding act may be appealed by the administrative remedies provided by the Law on General Administrative Procedures of the Province of Rio Negro (*Ley de Procedimientos Administrativos de la Provincia de Río Negro*). Furthermore, it is possible to subsequently request judicial revision.

## **16.2.2 Public Works Concession Contract**

### *Scope and Coverage*

The Province may grant fixed-term public works concessions<sup>717</sup>.

Concessions may be granted for the operation, administration, repair, extensions, conservation or maintenance of existing public works and/or supplementary services, with the objective of obtaining funds for the construction or conservation of such works and those physically connected with them, without prejudice to prior investments having to be carried out by the concessionaire<sup>718</sup>.

The National Public Works Law applies subsidiarily<sup>719</sup>.

### *Selection Procedures*

By general rule, contracts included in this regime are carried out by public tender.

In the following exceptional cases, direct awarding is possible:

- 1) Procurements with national, provincial or municipal bodies, mixed companies or companies with a majority State participation, provided it is suitable for the Provincial State, and
- 2) Public Administration contracts with neighborhood associations, development committees, cooperatives or any other duly recognized entity for public good.

### *Public Works Concession Modalities*

Public works concessions are granted by decree of the Executive Branch and may be<sup>720</sup>:

- 1) Against payment,
- 2) Free of charge, and
- 3) Subsidised.

The Provincial Executive Branch has to consider: a) That the average level of fees cannot exceed the average economic value of the offered service, and b) The cost-effectiveness of the public work, taking into account the expected traffic, the amortization payment, the interest payment, the profit contributions and the maintenance or operation expenditures<sup>721</sup>.

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717 Article 1 of Law No. 1,444.

718 Article 5 of Law No. 1,444.

719 Article 16 of Law No. 1,444.

720 Article 2 of Law No. 1,444. For the description of these Public Works Concession Modalities, please refer to [Chapter III.1.2.2](#).

721 Article 6 of Law No. 1,444.

### *Award Criteria*

No award criteria are expressly stated, but the principle of awarding to the most suitable bid applies.

### *Complaints Mechanism*

No complaints mechanism is expressly stipulated. Thus, the pre-award ruling may not be appealed.

However, the act of awarding may be appealed through the remedies provided by the Law on General Administrative Procedures of the Province of Rio Negro (*Ley de Procedimientos Administrativos de la Provincia de Río Negro*). Furthermore, it is possible to subsequently request judicial revision.

## **16.2.3 Public-Private Partnership**

Rio Negro adheres to the National Public-Private Partnership Regime (please refer to [Chapter III 1.2.3](#)).

### **Additional Information**

In August 2017, the authors held a meeting with provincial officials:

- They clarified the applicable regulations that are included in **Annex XIV**.
- The public works expenditures between 2012 and 2014 amounted to € 50,235,555<sup>722</sup>.

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722 AR\$ \$1.034.350.089.

## 17. Province of Salta

**Annex XIV** contains a table with general information on the laws applicable in the Province of Salta with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 17.1 Salta General Regime

The General Public Procurement Regime of the Province of Salta (hereinafter "*Salta General Regime*") is regulated by the Financial Administration Law of the Province of Salta <sup>723</sup> and its Implementing Regulations<sup>724</sup>.

#### *Entities Regulated by the Salta General Regime*

Unlike the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration (e.g. Provincial Road Directorate (*Dirección de Vialidad de la Provincia*), Public Services Regulatory Entity (*Ente Regulador de Servicios Públicos*) or Metropolitan Transport Authority (*Autoridad Metropolitana de Transporte*)) – including autarkic entities and public companies – as well as to the Legislative Branch, Judicial Branch and the Municipalities, without exceptions<sup>725</sup>.

However, the Implementing Regulation, establishing the specifications of the public procurement, is not applicable to public companies, which apply their own procurement rules<sup>726</sup>.

#### *Contracts Regulated by the Salta General Regime*

The Salta General Regime applies to the following contracts, which are entered into by the institutions mentioned in the chapter "*Entities Regulated by the Salta General Regime*" above<sup>727</sup>:

- 1) Purchase contracts;
- 2) Supply contracts;
- 3) Service contracts;
- 4) Public Work contracts<sup>728</sup>;
- 5) Public Works concession contracts;
- 6) Services concession contracts;
- 7) Rental contracts, and
- 8) Sales contracts.

The following contracts are expressly exempted<sup>729</sup>:

- 1) Public employment contracts;
- 2) Cooperation agreements with local State entities and between other local State entities and national States, and
- 3) Collaboration agreements with private individuals.

<sup>723</sup> Law No. 6,838.

<sup>724</sup> Decree No. 1,448/96.

<sup>725</sup> Article 1 of Law No. 6,838.

<sup>726</sup> Article 1 of Law No. 6,838.

<sup>727</sup> Article 1 of Law No. 6,838.

<sup>728</sup> The Procurement Law expressly derogated the Public Works Law which has been in force previously.

<sup>729</sup> Article 1 of Decree No. 1,448/96 and Article 97 of Law No. 6,838.

### Competent Administrative Authority

Similar to the national general regime, Salta general regime is based on the idea of centralization of policies and regulations, but decentralization of the operational management.

The Competent Authority of the Salta General Regime is the Central Unity (*Unidad Central*), who establishes the general procurement policies and the general rules of interpretation.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Salta General Regime*" has their own Acquisition Operation Units (*Unidades Operativas de Adquisiciones*), in charge of executing their own public procurements<sup>730</sup>.

### Selection Procedures

The different selection procedures provided by the Salta General Regime are<sup>731</sup>:

- 1) Public Tender;
- 2) Public Auction;
- 3) Price Bidding, and
- 4) Direct Awarding.

The Operative Unit of each entity will determine the most suitable selection procedure for each procurement, taking into account the following criteria: publicity, equality of opportunities for interested parties and bidders, promotion of competitiveness, flexibility and procedural transparency<sup>732</sup>.

By general rule, contracts under this regime are selected by public tender or public auction. However, it is allowed to use price bidding or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

Selection procedures	If the estimated amount of the contract is <sup>733</sup>
1) Public Tender	Higher than € 3,600 <sup>734</sup>
2) Price Bidding	Lower than € 3,600 <sup>735</sup>
3) Direct Awarding	Lower than € 2,400 <sup>736</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>737</sup>:

- 1) The acquisition of goods that are not produced or supplied in the country whereby it is advisable to carry it out through International Bodies to which the Nation is adhered, and
- 2) Whenever the local market shows a significant scarcity of supply of the goods to be procured, which shall be justified in each case by the competent technical offices.

730 Article 3 of Law No. 6,838.

731 Article No. 8 of Law No. 6,838.

732 Article 18 of Law No. 6,838.

733 The amounts are estimated; the exact values in euros will vary depending on the applicable exchange rate.

734 Article 9 of Law No. 6,838 (amounts updated by Decree No. 560/14). An amount higher than AR\$ 75,000 is established.

735 Article 10 of Law No. 6,838 (amounts updated by Decree No. 560/14). An amount lower than AR\$ 75,000 is established.

736 Articles 11 and 12 of Law No. 6,838 (amounts updated by Decree No. 560/14). An amount lower than AR\$ 50,000 is established.

737 Article 13 of Law No. 6,838.

### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Salta General Regime allows the private initiative<sup>738</sup>.

### *National and International Tenders*

Like the National General Regime, the Salta General Regime includes<sup>739</sup>:

- 1) National tenders, and
- 2) International tenders.

### *Contract Execution Modalities:*

#### *Who executes the contract:*

- 1) Consolidated procurement<sup>740</sup>, and
- 2) Comprehensive project bids<sup>741</sup>.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Salta. Bidders must have sufficient legal capacity and be registered at the Provincial General Procurement Register<sup>742</sup>,

In order to register, at least a branch office, a permanent representation in Argentina or a representative with sufficient power of attorney granted abroad are required<sup>743</sup>.

The following persons are disqualified from participating in the procurement process<sup>744</sup>:

- 1) Natural persons or legal entities that are disqualified from registration;
- 2) Natural persons or legal entities with sufficient participation to form the social will in a legal entity that falls under subparagraph a);
- 3) Spouses of disqualified persons and companies in which they have sufficient participation to form the social will;
- 4) Successor companies of disqualified companies in case that there is enough proof to reasonably assume that they have been set up to circumvent the disqualification;
- 5) Public agents;
- 6) Natural persons or legal entities in the process of liquidation or bankruptcy;
- 7) Natural Persons or legal entities affected by injunctive judicial measures affecting their solvency or contracting capacity, and
- 8) Natural persons processed or sentenced in criminal cases. However, the competent authority may allow the inscription in case there are no crimes against private property or against the Public Administration.

Foreign bidders need to subscribe to the Provincial General Procurement Register unless the Bidding Terms and Conditions exempt them from this requirement.

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738 Article 17 of Law No. 6,838. For the description of this type of process, please refer to Chapter I.3.4.

739 National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that in certain cases tenders have to be announced in international media, it can be inferred that international tenders do exist

740 Article 19 of Law No. 6,838. For the description of this type of process, please refer to Chapter I.3.5.

741 Article 14 of Law No. 6,838. For the description of this type of process, please refer to Chapter I.3.5.

742 Article 47 of Law No. 6,838.

743 Article 47 of Law No. 6,838.

744 Article 49 of Law No. 6838.

### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 16.3](#)).

### *Award Criteria*

The same criteria as to the National General Regime applies<sup>745</sup>.

### *Complaints Mechanism*

It is expressly established that tender acts may be appealed within a short deadline<sup>746</sup> - including the awarding act.

## **17.2 The Most Important Contracts with Particular Regime**

### **17.2.1 Public Works Contract**

#### *Scope and Coverage*

Public works are all construction works, as well as procurements of goods for its use, consumption or incorporation, carried out by the Centralized and Decentralized Public Administration, including public companies<sup>747</sup>.

Studies, projects, purchases, leases, supplies, constructions, adaptations and repairs of buildings as well as transports and supplies of machines, equipment, apparatuses, installations, materials, lubricants, tools in general and goods for use on and incorporation into works fall under the public works contract regime<sup>748</sup>.

#### *Procurement Selection Procedures*

Public tenders, public auction, price bidding and direct awarding are allowed depending on the amount of the contract<sup>749</sup>:

<b>Selection procedures</b>	<b>When the estimated amount of the contracting is<sup>750</sup>:</b>
1) Public Tender	Higher than € 1,800 <sup>751</sup>
2) Price Bidding	Lower than € 3,600 <sup>752</sup>
3) Direct Awarding	Lower than € 2,400 <sup>753</sup>

745 Articles 30 and 31 of Law No. 6,838 and Decree No. 1,448/96.

746 Article 32 of Law No. 6,838.

747 Article 80 of Law No. 6,838.

748 Article 91 of Decree No. 1,448/96.

749 Article 8 of Law No. 6,838.

750 The amounts are estimated; the exact values in euros will vary depending on the applicable exchange rate.

751 Article 9 of Law No. 6,838 (amounts updated by Decree 1,658/96). An amount higher than AR\$ 37,500 is established.

752 Article 10 of Law No. 6,838 (amounts updated by Decree 560/14). An amount lower than AR\$ 75,000 is established.

753 Article 11 and 12 of Law No. 6838 (amounts updated by Decree 560/14). An amount lower than AR\$ 50,000 is established.

#### *Contract Execution Modalities<sup>754</sup>*

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

The requirements are the same as for the Salta General Regime.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 16.3](#)).

#### *Award Criteria*

The requirements are the same as for the Salta General Regime.

#### *Complaints Mechanism*

The requirements are the same as for the Salta General Regime.

### **17.2.2 Public Works Concession Contract**

#### *Scope and Coverage*

The regime applies to contracts that the Centralized and Decentralized Public Administration, including public companies, awards to natural persons or legal entities with the objective of projecting, constructing, conserving and maintaining a new or already existing public work, and the authorization to collect from the users and beneficiaries of the public work a compensation for the amortization of the investment, the coverage of operational expenses and an adequate return on investment.

Upon termination of the concession contract, the concessionaire is required to hand over the public work to the contracting entity in an adequate operating condition<sup>755</sup>.

What has been set out for Public Work Contracts applies to all matters not expressly addressed here.

#### *Selection Procedures*

In line with the expected profitability of the public works concession, the following concession modalities may be agreed on<sup>756</sup>:

- 1) Against payment;
- 2) Free of charge, and
- 3) Subsidised.

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754 Article 81 of Law No. 6,838. For the description of these Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

755 Article 61 of Law No. 6,838.

756 Article 63 of Law No. 6,838. For the description of this Public Works Concession Modality, please refer to [Chapter III.1.2.2](#).

Concessions granted over already existing works are not considered to be subsidized<sup>757</sup>.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 16.3](#)).

### **17.3 Local Preference Regime**

The preference regime of Salta grants preferential treatment to bidders domiciled in Salta (local preference)<sup>758</sup>. There is, however, no national preference.

All centralized and decentralized public entities as well as public companies are required to grant preference to local goods and services in the procurements of goods, works and services as well as when granting public works or service concessions<sup>759</sup>.

Local bidders are those who are/have (for five years immediately prior to the bid)<sup>760</sup>:

- 1) Registered in the provincial registers of their respective activity;
- 2) Their seat in the Province of Salta;
- 3) Paid their provincial taxes, and
- 4) Subscribed to the Suppliers Register in the moment of presenting their bid.

Joint ventures are considered local if at least one of its members meets all abovementioned criteria. Moreover, such company has to participate with at least 20% in the execution of the contract<sup>761</sup>.

Goods of local origin are those that have been produced or extracted in the Province of Salta provided that the value of the raw material exceeds 40% of the gross production value<sup>762</sup>.

#### **17.3.1 Preferences in case of Goods<sup>763</sup>**

Local goods are treated preferentially if, in case of identical or similar bids in terms of quality, technical characteristics and forms of payment, the bid offering local goods equals or does not exceed by more than 5% the non-local offer. Moreover, in case of dead ties, offers of local goods are treated preferentially.

#### **17.3.2 Preference in Case of Services<sup>764</sup>**

- 1) For price bidding procedures established by the General Regime, public works constructions and provisions of services, local bidders are contracted preferentially except for previously justified scenarios which (for reasons of opportunity, merit or suitability) allow not to contract with local bidders.
- 2) For public tenders established by the General Regime, public works constructions and provisions of services, preferential treatment is granted to the best-positioned local bidder who has offered an identical or similar bid - in terms of quality, technical characteristics and forms of payment - and with a price that equals or does not exceed the non-local offer by more than 3%<sup>765</sup>.

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757 Article 63 of Law No. 6,838.

758 Law No. 7,999.

759 Article 1 of Law No. 7,999.

760 Article 2 of Law No. 7,645.

761 Article 2 of Law No. 7,645.

762 Article 3 of Law No. 7,645.

763 Article 5 of Law No. 7,645.

764 Article 4 of Law No. 7,645.

765 Article 4 of Law No. 7,999.



### **Additional Information**

A total of 9,358 offers with an average of 3,62 bidders per tender - 959 companies have participated in the system until today. And 595 (59,33% of the companies) have been pre-awarded.

In the majority of the procurements of the Province carried out by means of tender through this system, allegedly the highest standards of quality have been achieved.

## 18. Province of San Juan

**Annex XIV** contains a table with general information on the laws applicable in the Province of San Juan with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 18.1 San Juan General Regime

The General Public Procurement Regime of the Province of San Juan (hereinafter "*San Juan General Regime*") is regulated by the Administration of San Juan's Procurement Framework<sup>766</sup> and its Implementing Regulations<sup>767</sup>.

#### *Entities Regulated by the San Juan General Regime*

Like in the National General Regime, San Juan General Regime applies to the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities having their own regulation and public companies<sup>768</sup>.

#### *Contracts Regulated by the San Juan General Regime*

The San Juan General Regime applies to the following contracts, which are concluded by the institutions mentioned in the chapter "*Entities Regulated by the San Juan General Regime*" above<sup>769</sup>:

- 1) Purchase contracts;
- 2) Rental contracts, and
- 3) Supply contracts of goods and services.

#### *Competent Administrative Authority*

Similar to the national general regime, San Juan general regime is based on the idea of centralization of policies and regulations, but decentralization of the operational management<sup>770</sup>.

The Competent Authority of the San Juan General Regime is the Provincial Central Procurement Office (*Oficina Central de Contrataciones de la Provincia*) which establishes the general procurement policies and the general rules of interpretation<sup>771</sup>.

At the same time, each of the entities mentioned in chapter "*Entities Regulated by the San Juan General Regime*" has their own Procurement Unit, in charge of executing their own public procurements<sup>772</sup>.

#### *Selection Procedures*

Public tenders, public auction, private tenders or direct awarding are allowed, depending on the amount of the contract<sup>773</sup>.

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766 Law No. 603-I (formerly Law No. 6,905).

767 This decree is not publicly available.

768 Article 8 of Law No. 603-I.

769 Article 95 of Law No. 603-I (formerly Law No. 6,905).

770 Articles 96 and 97 of Law No. 603-I (formerly Law No. 6,905).

771 Article 97 of Law No. 603-I.

772 Articles 96 and 97 of Law No. 603-I.

773 Article 98 of Law No. 603-I.

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>774</sup>:

- 1) For unforeseeable and imperative reasons of urgency, and
- 2) Goods and services of exclusive fabrication, provided that there are no suitable substitutes.

#### *National and International Tenders*

National and international tenders are not expressly defined.

Bearing in mind that the requirements of the Suppliers Register can only be met by foreign bidders with branch office or permanent representation in Argentina, it can be inferred that, generally, foreign bidders without a branch office or permanent representation in Argentina may not participate in tenders.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case to determine whether foreign bidders can participate.

#### *Contract Execution Modalities*

Contract Execution Modalities are not defined expressly but are part of the respective Bidding Terms and Conditions.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for San Juan. Bidders must have sufficient legal capacity.

The following persons are disqualified from participating in the procurement process<sup>775</sup>:

- 1) Persons whose assets are frozen;
- 2) Persons that have a record of non-compliance regarding their contracts with the Provincial Public Sector;
- 3) Public agents or officers, irrespective of their category or function, and
- 4) Persons with tax or other public debts.

Bearing in mind that the requirements of the Suppliers Register can only be met by foreign bidders with branch office or permanent representation in Argentina, it can be inferred that, generally, foreign bidders without a branch office or permanent representation in Argentina may not participate in tenders.

Therefore, the respective Bidding Terms and Conditions have to be consulted in each case, to determine whether foreign bidders can participate.

#### *Local Preference Regime*<sup>776</sup>

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 17.3](#)).

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774 Article 99 of Law No. 603-I.

775 Article 102 of Law No. 603-I.

776 Law No. 158-A.

### *Award Criteria*

No award criteria are expressly stated, but the principle of awarding to the most suitable bid applies.

### *Complaints Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

However, the act of awarding may be appealed using the remedies provided by the Law on General Administrative Procedures of the Province of San Juan (*Ley de Procedimientos Administrativos de la Provincia de San Juan*). Furthermore, it is possible to subsequently request judicial revision.

## **18.2 The Most Important Contracts with Particular Regime**

### **18.2.1 Public Works Contract**

#### *Scope and Coverage*

Public works are all studies, projects, constructions, conservations, installations and general works that are carried out by the Centralized and Decentralized Public Administration, including public companies, irrespective of the origin of the funds used to finance them<sup>777</sup>.

The purchase, supply, lease, adaptation or repair of machines, equipment, apparatuses, devices, installations, materials, fuels, lubricants, energy, tools and permanent work items with a specific public works objective fall under the public works contract regime<sup>778</sup>.

#### *Selection Procedures*

By general rule, selections are made by public tender.

However, it is allowed to use price bidding or private tender in the following cases<sup>779</sup>:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>780</sup>:</b>
1) Public Tender	Higher than € 315,600 <sup>781</sup>
2) Private Tender	Lower than € 315,600 <sup>782</sup>
3) Price Bidding	Lower than € 194,200 <sup>783</sup>
4) Direct Awarding	Lower than € 72,800 <sup>784</sup>

<sup>777</sup> Article 1 of Law No. 128.

<sup>778</sup> Article 2 of Law No. 128.

<sup>779</sup> Article 12 of Law No. 128.

<sup>780</sup> The amounts are estimated; the exact values in euros will vary depending on the applicable exchange rate.

<sup>781</sup> Article 1 of Decree No. 2,131/17 (ARS 6,500,000).

<sup>782</sup> Article 1 of Decree No. 2,131/17 (ARS 6,500,000).

<sup>783</sup> Article 1 of Decree No. 2,131/17 (ARS 4,000,000).

<sup>784</sup> Article 1 of Decree No. 2,131/17 (ARS 1,500,000).

#### *Contract Execution Modalities*<sup>785</sup>:

- 1) Units of measurement;
- 2) Lump sum;
- 3) Cost plus fee, and
- 4) A combination of aforementioned modalities.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders can be either natural persons or legal entities, as long as they have the required technical and financial capacity<sup>786</sup>.

Furthermore, bidders need to be registered at the Public Works Constructors Register of the Province of San Juan (*Registro de Constructores de Obras Públicas de la Provincia de San Juan*)<sup>787</sup>.

Even though there are no special requirements for foreign bidders, the requirement to subscribe to the Provincial Register of Public Works Constructors can only be met by foreign bidders that have a branch office or other form of permanent representation in Argentina.

Without prejudice to this, the Public Works Bidding Terms and Conditions have to be consulted in order to determine if similar provisions are established.

#### *Award Criteria*

The contract is awarded in favour of the most suitable bid. Price is not the exclusively determining factor<sup>788</sup>.

#### *Complaints Mechanism*

No complaints mechanism is expressly stipulated.  
The pre-award ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of San Juan (*Ley de Procedimientos Administrativos de la Provincia de San Juan*). Furthermore, it is possible to subsequently request judicial revision.

### **18.2.2 Public Works Concession Contract**

#### *Scope and Coverage*

The Centralized and Decentralized Public Administration, including public companies, may grant natural persons or legal entities with public works concessions that are repaid by means of tolls, fees or other repayment forms, for a specific period<sup>789</sup>.

Such concessions may also be granted over new or already existing public works with the objective of obtaining funds for the construction or maintenance of other public works that share a physical or technical link (or a link of a different nature) with the concessionary work<sup>790</sup>.

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785 Article 10 of Law No. 128. For the description of Contract Execution Modalities, please refer to Chapter III.1.2.1.

786 Article 11 of Law No. 128.

787 Article 11 of Law No. 128.

788 Article 18 of Law No. 128.

789 Article 1 of Law No. 6,697.

790 Article 2 of Law No. 6,697.

### *Selection Procedures*

The public works concession may be granted by:<sup>791</sup>

- 1) Public tender or competition, or
- 2) Direct awarding: In case the concessionaires are employees of already existing works, neighborhood associations, public entities or public companies.

### *Public Works Concession Modalities*<sup>792</sup>

In accordance with the expected profitability of the public works concession, the following concession modalities may be agreed on<sup>793</sup>:

- 1) Against payment;
- 2) Free of charge, and
- 3) Subsidised.

## **18.3 Local Preference**

The preference regime of San Juan grants preferential treatment to bidders domiciled in San Juan (local preference). There is, however, no national preference.

### **18.3.1 Goods**

In purchases carried out by the Centralized and Decentralized Public Administration, including public companies, preference is granted to products that meet the required technical specifications and have prices that:

- 1) Do not exceed the best prices of non-local goods by more than 10% in case of products fabricated in the Province<sup>794</sup>.
- 2) Do not exceed the best non-local bids by more than 5% in case of companies with legal domicile in the Province offering non-local products<sup>795</sup>.

### **18.3.2 Public Works**

In the procurement of public works carried out by the Centralized and Decentralized Public Administration, including public companies, preference is granted to bids of companies domiciled in the Province of San Juan that meet the required technical specifications and have prices that do not exceed the best non-local bids by more than 5%<sup>796</sup>.

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791 Article 7 of Law No. 6,697.

792 Article 3 of Law No. 6,697.

793 Article 3 of Law No. 6,697. For the description of Public Works Concession Modalities, please refer to [Chapter III.1.2.2](#).

794 Article 1 of Law No. 158-A (formerly Law 3,969).

795 Article 1 of Law No. 158-A (formerly Law 3,969).

796 Article 2 of Law No. 158-A (formerly Law 3,969).

## 19. Province of San Luis

**Annex XIV** contains a table with general information on the laws applicable in the Province of San Luis with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 19.1 San Luis General Regime

The General Public Procurement Regime of the Province of San Luis (hereinafter "*San Luis General Regime*") is regulated by the Administration of San Luis' Procurement Framework<sup>797</sup> and its Implementing Regulations<sup>798</sup>.

Also, there is a Unique Bidding Terms and Conditions document<sup>799</sup>.

#### *Entities Regulated by the San Luis General Regime*

Unlike the National General Regime, the regulations of the San Luis General Regime apply to the institutions of the Centralized and Decentralized Public Administration – including public companies –, the Judicial and Legislative Branch and the Governmental Accounting Office<sup>800</sup>.

#### *Contracts Regulated by the San Luis General Regime*

The San Luis General Regime applies to the following contracts which are concluded by the institutions mentioned in the chapter "*Entities Regulated by the San Luis General Regime*" above:

- 1) Purchase contracts, and
- 2) Services contracts.

The following contracts are expressly exempt from the San Luis General Regime<sup>801</sup>:

- 1) Public employment;
- 2) Public works;
- 3) Certain goods and services that are subsidized: medicines and various disposables as well as elements of use in hospitals;
- 4) Tariffed services (e.g. purchase of bulk gas);
- 5) Telegraphic and postal services;
- 6) Television Programming L.V.90 T.V. Channel 13;
- 7) Registration fees for associations, councils, chambers, etc.;
- 8) Books, magazines and newspapers;
- 9) Air checks;
- 10) Services of professionals and education services;
- 11) Medical services for urgent patient referrals;
- 12) Procurements carried out by self-financed programs, and
- 13) Procurements carried out by: the *Potrero de los Funes* Hotel, the Representation of San Luis in CABA, and the Representation of San Luis in Cordoba.

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797 Law No. VIII-0256-2004 (5,492).

798 Decree No. 2,863 MC 2004.

799 Decree No. 8,161/2015.

800 Article 4 of Law No. VIII-0256.

801 Article 92 of Decree No. 2,863.

### Competent Administrative Authority

Similar to the National General Regime, San Luis General Regime is based on the idea of centralization of policies and regulations, but decentralization of the operational management.

The Competent Authority of the San Luis General Regime is the Purchase and Procurement Program, Control of Specific Funds, Entities and Residual Programs (*Programa Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales*) who establishes the general procurement policies as well as general rules of interpretation, and safeguards compliance with the Unique Bidding Terms and Conditions in all procurements<sup>802</sup>.

At the same time, each of the entities mentioned in the chapter "Entities Regulated by San Luis General Regime" has their own Executive Unit, in charge of carrying out its own public procurements<sup>803</sup>.

There is an electronic procurement system called "Sistema Electrónico de Compras"<sup>804</sup>.

### Selection Procedures

The different procurement selection procedures provided for by the San Luis General Regime are:

- 1) Public Tender;
- 2) Public Auction;
- 3) Private Tender;
- 4) Price Bidding, and
- 5) Direct Awarding.

By general rule, the selections of contracts included in this Regime are made by public tender<sup>805</sup>. However, it is allowed to use private tenders, price biddings or direct awards in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

Selection procedures	When the estimated amount of the contracting is <sup>806</sup> :
1) Public Tender	Higher than € 3,400 <sup>807</sup> (in case of expenditures related to public works higher than € 7,300).
2) Private Tender	Lower than € 3,400 <sup>808</sup> (in case of expenditures related to public works lower than € 7,300).
3) Price Bidding	Lower than € 1,900 (in case of expenditures related to public works lower than € 4,900) <sup>809</sup> .
3) Direct Awarding	Lower than € 480 <sup>810</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>811</sup>:

802 Article 92 of Law No. VIII-0256.

803 Article 92 of Law No. VIII-0256.

804 [http://www.sistecompras.sanluis.gov.ar/pls/apex\\_prod/f?p=90012:2:0::NO:RP:P2\\_CFGPOP\\_CODIGO:PROVE EDORES](http://www.sistecompras.sanluis.gov.ar/pls/apex_prod/f?p=90012:2:0::NO:RP:P2_CFGPOP_CODIGO:PROVE EDORES).

805 Article 96 of Law No. VIII-0256.

806 The amounts are estimated; the exact values in euros will vary depending on the applicable exchange rate.

807 Article 97 of Law No. VIII-0256 (modified by Decree No. 5287-MHP-2008) (Lower than AR\$ 70,000).

808 Article 97 of Law No. VIII-0256 (modified by Decree No. 5287-MHP-2008) (Lower than AR\$ 70,000).

809 Article 98 of Law No. VIII-0256 (modified by Decree No. 5287-MHP-2008) (Lower than AR\$ 40,000).

810 Article 100 of Law No. VIII-0256 (modified by Decree No. 5287-MHP-2008) (Lower than AR\$ 10,000).

811 Article 100 of Law No. VIII-0256.



- 1) Procurements which must be executed abroad, provided that it is not possible to execute a tender or price bidding in the country, and
- 2) In case of conventions and procurements that are executed with public bodies.

#### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the San Luis General Regime provides private initiative<sup>812</sup>.

#### *National and International Tenders*

National and international tenders are not expressly defined. However, foreign bidders may under certain circumstances participate in the procurement process, as it will be explained below.

#### *Contract Execution Modalities*<sup>813</sup>

- 1) Blanket Ordering;
- 2) Electronic Purchase;
- 3) Maximum Price;
- 4) Unified Purchase, and
- 5) Turnkey.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for San Luis. Bidders must have sufficient legal capacity and be registered at the Contractors and Suppliers Register of the Provincial State (*Registro de Contratistas y Proveedores del Estado Provincial*)<sup>814</sup>.

Subscription to the Register is allowed to natural persons and legal entities which are duly constituted, have the capacity to enter into contracts and whose social objective or applicable statute allow for the supply of goods and the provision of services included in the Register's rubrics<sup>815</sup>.

However, the following persons are disqualified from participating in the procurement process<sup>816</sup>:

- 1) Public Agents and officers from the Provincial State and from State-controlled Companies and Enterprises in which they have enough a participation to make the social will;
- 2) Those failed and interdicted;
- 3) Those sentenced for committing a malicious crime;
- 4) Those sentenced for committing crimes against the Public Administration;
- 5) Those failed or in bankruptcy, until its rehabilitation;
- 6) Those who were unable to carry out public works;
- 7) Natural persons or legal entities who were suspended or in habilitated for any other legal reasons, and
- 8) Legal entities integrated by people who are sanctioned by the Sub-State Suppliers Register Program.

Foreign bidders and awardees must subscribe to Contractors and Suppliers Register of the Provincial State<sup>817</sup>.

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<sup>812</sup> Article 103 of Decree No. 2,863/2004. For the description of this type of process, please refer to [Chapter I.3.4](#).

<sup>813</sup> Article 106 of Decree No. 2,863/2004. For the description of type of processes, please refer to [Chapter I.3.4](#).

<sup>814</sup> Article 106 of Decree No. 2,863/2004 (modified by Decree No. 784/2009).

<sup>815</sup> Article 1 of Decree No. 784/2009.

<sup>816</sup> Article 3 of Decree No. 4,248 -MHYOP-2013.

### *Local Preference*

There are no local preference provisions.

### *Award Criteria*

The same criteria as to the National General Regime apply<sup>818</sup>. Generally, the contract is awarded in favor of the most suitable bid from the perspective of the contracting body, taking into account price, quality, the competence of the bidder and the remaining conditions of the bid.

Price is not the exclusively determining factor. The Administration is not required to award the bid with the lowest price with the contract, but the bid which meets most of the requirements of the procurement<sup>819</sup>.

### *Complaints Mechanism*

Like in the National General Regime, the pre-awarding ruling may be appealed<sup>820</sup>.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of San Luis (*Ley de Procedimientos Administrativos de la Provincia de San Luis*). Furthermore, it is possible to subsequently request judicial revision.

## **19.2 The Most Important Contracts with Particular Regulations**

### **19.2.1 Public Works**

#### *Scope and Coverage*

The Public Work Contracts are defined by Law as all the studies, projects, constructions, conservations, installations, labors and works in general carried out by the Province through its centralized or decentralized, autonomous or self-sufficient divisions, State or mixed companies or corporations, by concessions or by entities of public good, whatever the origin of the funds that are invested<sup>821</sup>.

Not included under the regulations of the Law are the acquisition, provision, lease, adaptation or repair of machinery, equipment, appliances, installations, materials, fuels, lubricants, energy, tools and permanent elements of work or activity carried out by the Administration with specific destination for Public Works.

#### *Procurement selection Procedure*

The procurement of selection under this Regime is, by general rule, the public tender, except for the following cases in which the contracting amount allows for private tender or direct awarding:

- 1) Due to a low amount;
- 2) When the works are indispensable in a work in execution and have not been foreseen in the project. The amount of these works may not exceed 50% of the original amount contracted;
- 3) In case of emergency;

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817 Article 106 of Decree No. 2,863/2004 (modified by Decree No. 784/2009).

818 Article 18 of Decree No. 8,161/2015 Unique Bidding Terms and Conditions.

819 Article 18 of Decree No. 8,161/2015 Unique Bidding Terms and Conditions.

820 Article 16 of Decree No. 8,161-MHyOP-2015.

821 Law VIII - 0257 - 2004.

- 4) When circumstances require a reservation;
- 5) In the case of works or objects of art or technique or of a special nature that can only be entrusted to artists, technicians, scientists, companies or specialized operators, and
- 6) When exclusive patents or privileges must be used, or when the knowledge for the execution is owned by a single person.

#### *Types of procurement*

The different types of procurement emerge from this Regime are<sup>822</sup>:

- 1) Public Works Contracts, with the following systems:
  - a) Units of measurement;
  - b) Cost plus fee;
  - c) Lump sum, and
  - d) By combining these systems with each other.
- 2) Public Work Concession Contracts.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

The bidders must register at the "Register of constructors and suppliers of Public Works".

The Bidding Terms and Conditions establish in each case whether foreign bidders with no branch office or no permanent representation in Argentina may participate.

#### **Additional Information**

The authors have obtained the following data on allocated expenditures from the Ministry of Public Works and Infrastructure for year 2018, in which total expenditure is expected to amount to € 328,003,082:

- 1) Rural roads and provincial roads;
- 2) Works of architecture, school infrastructure, health care and security;
- 3) Works of electrical and gas infrastructure, natural gas supply, electricity and alternative energies under the Energy Infrastructure Program ("Programa Infraestructura Energética");
- 4) Hydro and sanitation works under the Hydro-Infrastructure Program ("Programa Infraestructura Hídrica"), and
- 5) Large architectural works and housing under the (Large Architectural Works Program ("Programa Grandes Obras de Arquitectura").

In 2017, electronic procurements amounted to € 51,024,472 (5,993 procurements)<sup>823</sup>.

The public entities that had the biggest outlay on procurements were:

- 1) Ministry of Science and Technology;
- 2) Ministry of Health Care;
- 3) Ministry of Social Development, and
- 4) Ministry of Public Works and Infrastructure

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822 For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

823 This information can also be found on:

[http://www.sistemacompras.sanluis.gov.ar/pls/apex\\_prod/f?p=90012:2:14530338150566::NO:RP:P2\\_CFGPOP\\_CO DIGO:ESTADISTICAS](http://www.sistemacompras.sanluis.gov.ar/pls/apex_prod/f?p=90012:2:14530338150566::NO:RP:P2_CFGPOP_CO DIGO:ESTADISTICAS)

Different areas of procurement:

- 1) Informatics and telecommunications (IT) equipment;
- 2) Food and beverages (the Social Development Ministry accounts for approximately 75% of such procurements);
- 3) IT repair and maintenance services, and
- 4) Hospital equipment

## 20. Province of Santa Cruz

**Annex XIV** contains a table with general information on the laws applicable in the Province of Santa Cruz with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 20.1 Santa Cruz General Regime

The General Public Procurement Regime of the Province of Santa Cruz (hereinafter "*Santa Cruz General Regime*") is regulated by the Administration of Santa Cruz's Procurement Framework<sup>824</sup> and its Implementing Rules<sup>825</sup>.

#### *Entities Regulated by the Santa Cruz General Regime*

Like the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities having their own regulation, and public companies.

However, the Santa Cruz General Regime expressly establishes that it applies subsidiarily to public companies regarding all matters not addressed by their respective special laws<sup>826</sup>.

#### *Contracts Regulated by the Santa Cruz General Regime*

The Santa Cruz General Regime applies to the following contracts, concluded by the institutions mentioned in the chapter "*Entities Regulated by the Santa Cruz General Regime*" above<sup>827</sup>:

- 1) Purchases contracts;
- 2) Leases contracts;
- 3) Rents contracts;
- 4) Supplies contracts, and
- 5) Any contracts at the expense of the public treasury.

#### *Competent Administrative Authority*

Similar to the National General Regime, the Santa Cruz General Regime is based on the idea of centralization of policies and regulations, but decentralization of the operational management.

The Competent Authority of the Santa Cruz General Regime is the General Accounting Office of the Province (*Contaduría General de la Provincia*), who establishes the general procurement policies as well as general rules of interpretation.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Santa Cruz General Regime*" has their own administrative body, in charge of executing its own public procurements.

<sup>824</sup> Law No. 760.

<sup>825</sup> Decree No. 1847/1972 and 263/1,982.

<sup>826</sup> Article 1 of Law No. 760.

<sup>827</sup> Article 25 of Law No. 760 and Decree No. 1,847/72.

### Selection Procedures

The different procurement selection procedures provided by the Santa Cruz General Regime are<sup>828</sup>:

- 1) Public Tender;
- 2) Private Tender, and
- 3) Direct Award.

By general rule, procurement selections under this regime are carried out by public tender.

However, it is allowed to use private tender, price bidding or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations)<sup>829</sup>.

Selection procedures	If the estimated amount of the contract is <sup>830</sup> :
1) Public Tender	Higher than € 19,400 <sup>831</sup>
2) Private Tender	Lower than € 19,400
3) Price Bidding	Lower than € 9,700 <sup>832</sup>
4) Direct Awarding	Lower than € 1,400 <sup>833</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>834</sup>:

- 1) To acquire goods from exclusive manufacturers or sellers, provided that no suitable substitutes exist;
- 2) Purchases or tenancy which must be executed abroad, provided that it is not possible to execute a tender in the country;
- 3) In case of significant shortage of the elements to acquire, and
- 4) To acquire, execute, conserve or restore artistic, scientific or technical works which can only be entrusted to professionals, artists or specialists.

### National and International Tenders

National and international tenders are not expressly defined. In general, in order to participate in the procurement processes, foreign bidders are required to subscribe to the Unique Suppliers Register. Consequently, except for cases in which the Bidding Terms and Conditions expressly exempt foreign bidders from the registration requirement, foreign bidders are required to have a branch office or permanent representation in Argentina in order to be able to register and participate.

### Contract Execution Modalities

Contract Execution Modalities are not defined expressly but are part of the respective Specific Bidding Terms and Conditions.

<sup>828</sup> Article 26 of Law No. 760.

<sup>829</sup> Article 25 et seq. of Law No. 760.

<sup>830</sup> The amounts are estimated; the exact values in euros will vary depending on the applicable exchange rate.

<sup>831</sup> Article 26 of Law No. 760 (updated by Law No. 3,517) establishes an amount higher than 40,000 Modules. Currently, the value of a module is AR\$ 10 (€ 0,48), established by Law No. 3,517 of the year 2016. It is established that the Executive Branch may modify the value. Article 26 of Law No. 760 (updated by Law No. 3,517) establishes an amount lower than 40,000 Modules.

<sup>832</sup> Article 26 of Law No. 760 (updated by Law No. 3,517) establishes an amount lower than 20,000 Modules.

<sup>833</sup> Article 26 of Law No. 760 (updated by Law No. 3,517) establishes an amount lower than 3,000 Modules.

<sup>834</sup> Article 26 of Decree No. 263.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Santa Cruz. Bidders must have sufficient legal capacity and be registered in the Unique Suppliers Register of the Province of Santa Cruz (*Registro Único de Proveedores de la Provincia de Santa Cruz*)<sup>835</sup>.

In order to register, bidders must<sup>836</sup>:

- 1) Have a trading house, factory or establishment in the country, duly authorized to trade in the fields in which it operates, or to be a producer, importer or authorized representative of firms established abroad;
- 2) Accompany certificates of registration in the Public Commercial Registry;
- 3) Establish legal domicile within the Province of Santa Cruz, and
- 4) Provide reports or references that are required by the Acquisitions and Supplies Directorate.

The following natural persons or legal entities are barred from registering<sup>837</sup>:

- 1) Those who do not have the capacity to enter into contracts;
- 2) Companies and their individual members and/or members of the Board who have been sanctioned either with warnings, suspensions or disqualifications in the Unique Suppliers Register, as well as their spouses;
- 3) Companies that are successors to the sanctioned companies, when there are sufficient indications to presume that they have been set up to circumvent the effects of the sanctions imposed on its predecessor;
- 4) Brokers, commission agents, and intermediaries in general;
- 5) Officials or employees of the Provincial Public Administration, and the companies partially or totally composed of them;
- 6) Companies in the process of call to creditors, bankruptcy or liquidation;
- 7) Those civilly inhibited, and the contestants.
- 8) Representatives of companies established in the country, in their personal capacity;
- 9) Debtors of the National, Provincial or Municipal Treasury, or any public division, and
- 10) Those convicted in criminal cases.

In general, in order to participate in the procurement process, foreign bidders are required to have subscribe to the Unique Suppliers Register. Consequently, except for cases in which the Bidding Terms and Conditions expressly exempt foreign bidders from the registration requirement, they are required to either have a branch office or a permanent representation in Argentina in order to register and participate.

### *Local Preference Regime*

Santa Cruz General Regime establishes a local preference regime. This only applies within the general procurement regime, not to contracts with particular regulations<sup>838</sup>. Therefore, it is analyzed within the General Regime.

This local preference regime applies to the centralized and decentralized public administration, including autarkic entities and public companies<sup>839</sup>.

<sup>835</sup> Article 125 of Decree No. 263/82.

<sup>836</sup> Article 127 of Decree No. 263/82.

<sup>837</sup> Article 129 of Decree No. 263/82.

<sup>838</sup> Without prejudice to the aforementioned, the Bidding Terms and Conditions have to be consulted in each particular case in order to determine if similar provisions are established.

<sup>839</sup> Article 1 of Law No. 2,738.

In all procurements carried out by the Provincial State, there is a principle of priority in favor of companies of provincial origin, for the provision of services and goods that are produced, manufactured or marketed in the territory of the province of Santa Cruz<sup>840</sup>.

Companies of provincial origin are those whose real and legal domicile is established in the Province and which are duly registered there<sup>841</sup>.

The preferential treatment implies that<sup>842</sup>:

- 1) Companies of provincial origin with industrial, agricultural, craftsmanship, manufacturing or any similar productive activity, for goods and works produced in the province are awarded with the contract provided that their offer does not exceed the best non-provincial offer by more than 5%.
- 2) Companies of provincial origin with a commercial distribution business, intermediaries and/or resellers of goods of national origin, are awarded with the contract if they equal the lowest price offered by the non-provincial bidder.
- 3) Companies of provincial origin with activity in the construction or services sectors are awarded with the contract if they equal the lowest price offered by the non-provincial bidder.

International Public tenders are excluded from this regime<sup>843</sup>.

#### *Award Criteria*

The same criteria as to the National General Regime apply<sup>844</sup>. However, it is possible to award the contract to a higher bid if it is required for quality reasons or because of technical conditions of the procurement<sup>845</sup>.

#### *Complaints Mechanism*

Like the National General Regime, the pre-awarding ruling may be appealed within a short deadline<sup>846</sup>.

Also like under the National General Regime, the awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Santa Cruz (*Ley de Procedimientos Administrativos de la Provincia de Santa Cruz*). Furthermore, it is possible to subsequently request judicial revision.

## **20.2 The Most Important Contracts with Particular Regime**

### **20.2.1 Public Works Contract**

#### *Scope and Coverage*

Through the administrative public works contract, the Centralized and Decentralized Public Administration – including public companies – assigns a contractor for the implementation of a public

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<sup>840</sup> Article 1 of Law No. 2,738.

<sup>841</sup> Article 2 of Law No. 2,738.

<sup>842</sup> Article 4 of Law No. 2,738.

<sup>843</sup> Article 7 of Law No. 2,738.

<sup>844</sup> Article 41 of Decree No. 263/82.

<sup>845</sup> Article 41 of Decree No. 263/82.

<sup>846</sup> Article 44 of Decree No. 263/82.



work – defined as every construction, job and work in general, property of the Province of Santa Cruz<sup>847</sup>.

#### *Selection Procedures<sup>848</sup>*

By general rule, selections are carried out by Public tender.

However, private tendering or direct awarding are possible in certain cases, which to a great extent are the same as those of the National General Regime.

#### *Contract Execution Modalities<sup>849</sup>*

- a) Units of measurement;
- b) Lump sum, and
- c) Cost plus fee.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders must register at the Provincial Register of Public Works Constructors.

However, in certain cases, bidders are exempted from the registration requirement:

- 1) If works of significant urgency or unforeseen circumstances require a swift execution which cannot be achieved by way of public procurement;
- 2) For reasons of national security and defense, or
- 3) In case of works or objects of art, technique or special nature which can only be entrusted to artists, technicians, scientists or specialized companies. Or whenever the use of either patents or exclusive rights, or the knowledge of a particular person or company are necessary.

In principle, foreign bidders are required to subscribe to the Register, unless the Bidding Terms and Conditions exempt them from this requirement.

#### *Award Criteria*

The contract is awarded in favor of the most suitable bid<sup>850</sup>.

#### *Complaints Mechanism*

The pre-awarding ruling may be appealed within a short deadline<sup>851</sup>.

Like the National General Regime, the awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Santa Cruz (*Ley de Procedimientos Administrativos de la Provincia de Santa Cruz*). Furthermore, it is possible to subsequently request judicial revision.

## **20.2.2 Public Works Concession Contract**

<sup>847</sup> Including the provision, adequacy and reparation of machines, materials, services and work tools (Article 2 of Law No. 2,743).

<sup>848</sup> Article 19 of Law No. 2,743.

<sup>849</sup> Article 20 of Law No. 2743. For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

<sup>850</sup> Article 30 of Law No. 2,743.

<sup>851</sup> Article 35 of Law No. 2,743.

### *Scope and Coverage*

Through an administrative contract of Public Works Concession, the Provincial Executive Branch assigns a particular contractor with the construction, conservation or operation of a public work – defined as every construction, job and general work carried out by the Province of Santa Cruz – with the particularity that compensation is not paid directly by the Administration.

Compensation is paid by the users or beneficiaries of the public work (toll), and certain powers will be temporally given to the contractor to be able to effectively collect that remuneration<sup>852</sup>.

The State is always the owner of the public works.

The public works regime also applies to public works concessions.

### **20.2.3 Public-Private Partnership**

Santa Cruz adheres to the National Public-Private Partnership Regime<sup>853</sup> (please refer to [Chapter III 1.2.3](#)).

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<sup>852</sup> Article 12 of Law No. 2,743.

<sup>853</sup> Law No. 3566.

## 21. Province of Santa Fe

**Annex XIV** contains a table with general information on the laws applicable in the Province of Santa Fe with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 21.1 Santa Fe General Regime

The General Public Procurement Regime of the Province of Santa Fe (hereinafter "*Santa Fe General Regime*") is regulated by the Administration of Santa Fe's Procurement Framework<sup>854</sup> and its Implementing Rules<sup>855</sup>.

#### *Entities Regulated by the Santa Fe General Regime*

Like in the National General Regime, the regulation of this regime applies to the institutions of the Centralized and Decentralized Public Administration, with the exceptions of autarkic entities having their own regulation, and public companies<sup>856</sup>.

The Santa Cruz General Regime applies subsidiarily to public companies regarding all matters not addressed by their respective special laws<sup>857</sup>.

However, there is a difference between the Santa Fe General Regime and the National Regime. The Santa Fe General Regime also applies to the Judicial and Legislative Branch<sup>858</sup>.

#### *Contracts Regulated by the Santa Fe General Regime*<sup>859</sup>

The Santa Fe General Regime applies to the following contracts, concluded by the institutions mentioned in the chapter immediately above:

- 1) Acquisitions of goods;
- 2) Services;
- 3) Sales;
- 4) Concessions, and
- 5) All contracts not expressly exempted.

Public works are under regulation of a special law which will be analyzed in [Chapter IV 20.2.1](#), but the dispositions of this Regime are of supplementary application.

The following contracts are expressly exempt from the Santa Fe General Regime:

- 1) Public employment contracts;
- 2) Small purchases;
- 3) Those entered into with foreign States, entities of public international law or multilateral credit institutions;

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854 Law No. 12,510.

855 Decree No1,104/2016.

856 Article 1 and 4 of Law No. 12.510.

857 Article 5 and 114 of Law No. 12.510.

858 Article 1 and 4 of Law No. 12.510.

859 Article 114 of La Nro. 12,510

- 4) Those financed with resources from States or entities mentioned in the previous subparagraph, and
- 5) Those entered into by State-controlled companies.

#### Competent Administrative Authority

Similar to the National General Regime, the Santa Fe General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

The Competent Authority of the Santa Fe General Regime is the General Office of Public Procurements and Property Management (*Dirección General de Contrataciones y Gestión de Bienes*), who establishes the general procurement policies as well as general rules of interpretation<sup>860</sup>.

At the same time, each of the entities mentioned in the chapter "Entities Regulated by the Santa Fe General Regime" has its own administrative body, in charge of executing its own public procurements.

#### Selection Procedures

The different procurement selection procedures provided by the Santa Fe General Regime are:

- 1) Public Tender or Public Auction;
- 2) Private Tender, and
- 3) Direct Award.

By general rule, selections are carried out by public tender<sup>861</sup>. However, it is allowed to use private tender or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>862</sup>:</b>
1) Public Tender	Higher than € 38,800 <sup>863</sup>
2) Private Tender	Lower than € 38,800 <sup>864</sup>
3) Direct Awarding	Lower than € 3,800 <sup>865</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>866</sup>:

860 Article 106 and 107 of Law Nro. 12.510.

861 Article 116 of Law No. 12,510.

862 The amounts are approximate; the exact values in euros will vary depending on the applicable exchange rate.

863 Currently, the amount is established in budget law 2017 (Law No. 13,618) which establishes a value higher than AR\$ 800,000.

864 Currently, the amount is established in budget law 2017 (Law No. 13,618) which establishes a value lower than AR\$ 800,000.

865 Decree No. 2,233/16 establishes that if the amount is up to 10% of the value set for private tender, direct awarding may be used.

866 Article 116 of Law No. 12,510.

- 1) Urgencies and emergencies caused by unforeseeable and fully justified circumstances;
- 2) Artworks, scientific works or works of historical interest whose execution can only be entrusted to specialized companies, artists or professionals of recognized ability;
- 3) Verified exclusivity of the bidder, and
- 4) Shortage of substitute goods.

#### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Santa Fe General Regime allows for Framework agreements<sup>867</sup>. Such agreements can be carried out through the electronic procurement portal called "SANTAFECOMPRAS"<sup>868</sup>.

#### *National and International Tenders*<sup>869</sup>

Like the National General Regime, the Santa Fe General Regime includes:

- 1) National tenders, and
- 2) International tenders.

#### *Procedural Stages*

Like in the National General Regime, the procedural stages may be either single or multiple<sup>870</sup>.

#### *Contract Execution Modalities*

##### *Who executes the contract:*

Comprehensive Project Bids are expressly established as a contract execution modality<sup>871</sup>.

##### *How the contracts are executed*<sup>872</sup>:

- 1) Turnkey;
- 2) Blanket Ordering, and
- 3) Inverse Auction.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

Bidders are required to subscribe to the Unique Contractors and Suppliers Register<sup>873</sup>.

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867 Albeit not expressly provided for, framework agreements do exist:

868 <https://compras.santafe.gob.ar/VenderPorConvenioMarco.aspx>.

869 <https://compras.santafe.gob.ar/ComprasElectronicas.aspx>.

870 Article 124 and 125 of Law No. 12,510.

871 Article 122 and 123 of Law No. 12,510.

872 Article 126 of Law No. 12,510 and Decree No. 1,104/2016. For the description of this type of processes, please refer to Chapter I.3.5.

873 Article 115 of Decree No. 1,104/2016. For the description of type of processes, please refer to Chapter I.3.5.

874 Article 142 of Law No. 12,510 and Decree No. 1,104/2016.

The following persons are disqualified to contract with the Public Administration<sup>874</sup>:

- 1) Natural persons and legal entities who are suspended or disqualified from the Unique Suppliers and Contractors Register;
- 2) Public Agents and Public Officers of the Provincial Public Sector, and companies in which they have sufficient control to determine the social will;
- 3) Those whose assets are frozen or who are bankrupt;
- 4) Those sentenced for committing malicious crimes;
- 5) Persons who are still in process for committing crimes against property, against the Public Administration or against public faith, and
- 6) Legal entities or natural persons who did not comply with their tax or pension obligations.

Foreign bidders without branch office or permanent representation in the country are exempted from registering at the Unique Suppliers and Contractors Register in case of international tenders<sup>875</sup>.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 20.3](#)).

#### *Award Criteria*

The same criteria as the National General Regime apply<sup>876</sup>.

#### *Complaints Mechanism*

The pre-award ruling may not be appealed.

The act of awarding may be appealed within a short deadline<sup>877</sup>.

## **21.2 The Most Important Contracts with Particular Regulations**

### **21.2.1 Public Works Contract**

#### *Scope and Coverage*

Through an administrative public works contract, the Central Public Administration of the Province of Santa Fe assigns a contractor for the implementation of a "public work" - defined as every construction, provision, location, reparation of machines, devices and tools needed to the development of such public work - either with its own resources or resources from a third party<sup>878</sup>.

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874 Article 141 of Law No. 12,510.

875 Article 142 of Decree No. 1,104/2016.

876 Article 139 of Decree No. 1,104/2016.

877 Article 139 of Decree No. 1,104/2016.

878 The Public Works executed by a third party with public subsidies or subventions have special regulations.

### Selection Procedures<sup>879</sup>

The procurement selection procedure corresponding to the Public Works Contracts is carried out, by general rule, through public tender.

Public works contracts could be awarded by private tender, price bidding or direct awarding in the following cases:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>880</sup></b>
1) Public Tender	Higher than € 291,400
2) Private Tender	Higher than € 24,200 and lower than € 291,400
3) Price Bidding	Higher than € 970 and lower than € 24,200
4) Direct Awarding	Lower than € 970

Furthermore, direct awarding may be used in the following cases:

- 1) If scientific, artistic and technique capacity, skills or abilities, or the particular experience of the work's executor scoped by patents, exclusive rights or general knowledge for the execution can only be provided by one person or entity;
- 2) If urgency jobs or unexpected circumstances demand an early execution, not allowing the public tender process;
- 3) If there have been no proposals or admissible bids;
- 4) If the needed goods are limited in the market, or
- 5) If requirements considered essential could not be included at the respective contract, as long as the price of the complementary jobs do not exceed 30% of the total amount.

### Contract Execution Modalities<sup>881</sup>

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

### Requirements for the Bidders

The bidders must register at the "Register of Public Works Bidders"<sup>882</sup>.

They must not have any background of public works contract rescission during the last two years.

### Local Preference Regime

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 20.3](#)).

<sup>879</sup> Article 20 of Law No. 5188

<sup>880</sup> The exact values in euros will vary depending on the applicable exchange rate.

<sup>881</sup> Articles 18 of Law No. 5.188. For the description of Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

<sup>882</sup> The Decree No. 1/95 regulates the functioning of the Register.

### *Award Criteria*

The adjudication will be awarded to the most advantageous offer, considering the company's backgrounds, its contracting capacity and the amount of the offer.

### *Complaints Mechanism*

Anyone is allowed to make observations and contest the administrative act, or any offer, within forty-eight hours.

## **21.3 Local Preference**

The local preference regime applies to procurements carried out by the Centralized and Decentralized Public Administration including autarkic entities and State companies, as well as by the Judicial and Legislative Branch.

Private companies providing public services are also required to apply the preference regime.

Local products are those with a provincial origin, or which have been manufactured or transformed either entirely or partially in the province.

Local companies are those: (i) Legally established in the Province; (ii) Authorized to operate by the Provincial Company Registry; (iii) Whose administrative bodies operate in the Province; (iv) With fiscal domicile in the Province; and (v) Subscribed to the Provincial Unique Suppliers Register.

Joint ventures are considered local if all of their members are local companies. In case not all members are local companies, the preferential treatment is granted proportionally to the participation of local companies, provided that such participation amounts to at least 51% and that the non-local companies have existed for at least 5 years.

Local products and local companies are granted preferential treatment whenever in case of identical or similar offers, products or payment conditions – if their price is equal or lower than non-local prices, which are increased by 10% for calculation purposes.

If no local company meets these requirements, they are granted the possibility to improve their offer, provided that their initial offer did not exceed the best non-local offer by more than 15% (or 22% in case the offer meets national and international quality standards).

### **Additional Information**

The 2018 budget contains major public works outlays, among which the following can be remarked:

- Road works executed by the Provincial Road Directorate (*Dirección Provincial de Vialidad*);
- Construction of transport infrastructure: the new airport terminal building, renovation of provincial roads (patching) and the improvement of the Santa Fe – Rosario Highway, among others;
- Investments in infrastructure for drinking water and sewage;
- Construction of provincial aqueducts and purification plants;
- Housing and tourism;
- **Education and culture;**
- **Health care investments:** Continued construction of hospitals, and
- **Investments in security and the prisons system:** Maintenance and refurbishing of commissariats in Rosario, adaptation and renovation of commissariats and sub-commissariats as well as construction of territorial centers for complaints.



## 22. Province of Santiago del Estero

**Annex XIV** contains a table with general information on the laws applicable in the Province of Santiago del Estero with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 22.1 Santiago del Estero General Regime

The General Public Procurement Regime of the Province of Santiago del Estero (hereinafter "*Santiago del Estero General Regime*") is regulated by the Administration of Province of Santiago del Estero's Procurement Framework<sup>883</sup> and its Implementing Regulations<sup>884</sup>.

#### *Entities Regulated by the Santiago del Estero General Regime*

The regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration – including public companies.

However, for public companies the Santiago del Estero General Regime does only apply subsidiarily on matters that are not regulated by their respective Special Regimes<sup>885</sup>.

#### *Contracts Regulated by the Santiago del Estero General Regime*

The Santiago del Estero General Regime applies to the majority of contracts entered into by the institutions in the above chapter "*Entities Regulated by the Santiago del Estero General Regime*", except for procurements that are regulated by Particular Regimes<sup>886</sup>.

As regards public works, they are regulated by their Particular Regime while the Santiago del Estero General Regime only applies subsidiarily.

#### *Competent Administrative Authority*

Unlike the National General Regime, the Santiago del Estero General Regime is not entirely based on the idea of centralization of policies and regulations, and decentralization of the operational management.

For public tenders of the institutions of the Public Administration exceeding a certain threshold, the General Directorate of Purchses and Supplies (*Dirección General de Compras y Suministros*) is in charge of the procurement processes<sup>887</sup>.

Each institution has its own administrative body in charge of the executing management.

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883 Law No. 3,742.

884 Decree Series "B" No. 83/78.

885 Article 1 of Law No. 3,742.

886 Article 1 of Law No. 3,742 and Article 4 of Decree No. 83/78.

887 Article 4 of Decree No. 83/78.

### Selection Procedures

The different procurement selection procedures regulated at this General Procurement Regime are:

- 1) Public Tender or Public Auction;
- 2) Private Tender, and
- 3) Direct Award.

By general rule, the execution of the contracts under this Regime is carried out by public tender.<sup>888</sup> However, it is allowed to use private tender or direct award in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):<sup>889</sup>

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>890</sup>:</b>
1) Public Tender	Lower than € 12,100 <sup>891</sup>
2) Private Tender	Lower than € 4,800 <sup>892</sup>
3) Direct Awarding	Lower than € 900 <sup>893</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>894</sup>:

- 1) To acquire goods from exclusive manufacturers or sellers, provided that no suitable substitutes exist;
- 2) Purchases or tenancy which must be executed abroad;
- 3) In case of significant shortage of the elements to acquire;
- 4) To acquire, execute, conserve or restore artistic, scientific or technical works or to decorate movable or immovable property which can only be entrusted to professionals, artists or specialists, and
- 5) The acquisition of medicines, laboratory reagents and drugs for pharmaceutical use, equipment and/or fresh food for the hospitals.

### National and International Tenders

National and international tenders are not expressly defined. Foreign bidders with no branch office or no permanent representation in Argentina are required to subscribe to the Provincial Suppliers Register (*Registro de Proveedores de la Provincia*)<sup>895</sup>.

### Contract Execution Modalities

Contract Execution Modalities are not expressly established. Therefore, the Bidding Terms and Conditions have to be consulted in each specific case.

### Requirements for Bidders in General and for Foreign Bidders in Particular

Similar requirements as those established by the National General Regime also apply for Santiago del Estero. Prospective bidders must have sufficient legal capacity and be registered at the Provincial Suppliers Register (*Registro de Proveedores de la Provincia*) which is managed by the General

888 Article 25 of Law No. 3,742.

889 Article 10 of Law No. 6,655.

890 The exact values in euros will vary depending on the applicable exchange rate.

891 Article 10 of Law No. 6,655 (AR\$ 250.000)

892 Article 10 of Law No. 6,655 (AR\$ 100.000)

893 Article 10 of Law No. 6,655 (AR\$ 20.000)

894 Article 26 of Law No. 3,742.

895 Article 2 sub-paragraph h) of Decree No. 84/78.

Directorate of Purchases and Supplies (*Dirección General de Compras y Suministros*). Foreign bidders are required to subscribe, too<sup>896</sup>.

The following persons are disqualified to subscribe:

- 1) Those sanctioned for contractual breaches in previous procurements;
- 2) Those cancelled from the register and not yet fulfilling the ten-year waiting period for re-registration;
- 3) Sanctioned companies (the sanction also applies to members and bodies of the company that shape the company's will);
- 4) Spouses, children and siblings of the sanctioned persons;
- 5) Non-merchants;
- 6) State agents;
- 7) Incapacitated companies and companies in the process of reorganization, bankruptcy or liquidation;
- 8) Those that are being prosecuted for offenses against the State;
- 9) Defaulting tax debtors, and
- 10) Those convicted of crimes.

Foreign bidders are required to subscribe to the Provincial Suppliers Register (*Registro de Proveedores de la Provincia*)<sup>897</sup>.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 21.3](#)).

#### *Award Criteria*

The same criteria as to the National General Regime apply<sup>898</sup>. The most suitable is the one with the lowest price, having the same quality standard the competing bids<sup>899</sup>.

#### *Complaints Mechanism*

Like in the National General Regime, the pre-awarding ruling may be appealed<sup>900</sup>.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Santiago del Estero (*Ley de Procedimientos Administrativos de la Provincia de Santiago del Estero*). Furthermore, it is possible to subsequently request judicial revision.

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896 Article 4 of Decree No. 83/78.

897 Article 2 sub-paragraph h) of Decree No. 84/78.

898 Article 4 point 8.10 of Decree-Agreement Series "B" No. 83.

899 Article 4 point 8.10 of Decree-Agreement Series "B" No. 83.

900 Article 4 point 8.15 of Decree-Agreement Series "B" No. 83.

## 22.2 The Most Important Contracts with Particular Regulations

### 22.2.1 Public Works Contract

#### *Scope and Coverage*

Through the administrative public works contract, the Provincial Administration of Santiago del Estero assigns a contractor for the implementation of a "public work" – defined as every work carried out by the Administration with the purpose of common utility or public services, either made, guaranteed or subsidized with its own resources or resources from a third party<sup>901</sup> – through a price payment.

#### *Procurement Selection Procedure*<sup>902</sup>:

The procurement selection procedure in public works procurements is made, by general rule, by public tender, except for cases where the contracting amount allows for private tender or direct awarding in the following cases:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>903</sup>:</b>
1) Public Tender	Less than € 24,200 <sup>904</sup>
2) Private Tender	Less than € 9,700 <sup>905</sup>
3) Direct Awarding	Less than € 1,900 <sup>906</sup>

#### *Contract Execution Modalities*<sup>907</sup>

- 1) Units of measurement;
- 2) Lump sum (global Price);
- 3) Cost plus fee;
- 4) A mix of these systems;
- 5) Concession (Public Work Concession Contract), and
- 6) Other established contract execution modalities that may be used in exceptional circumstances.

#### *Requirements for Bidders*

Bidders must register at the Permanent Register of Bidders<sup>908</sup>.

Bids have to be secured with a sum equivalent to 1% of the official bid - through a deposit in an authorized bank (in cash, securities, bonds, certificates admitted by the regulation, bank security or security of an authorized institution, surety insurance issued by companies authorized by the Insurance Superintendency, or by receivables owed by the Administration to the bidder)<sup>909</sup>.

901 Including the acquisition, provision, location, or reparation of machines, equipment, devices, installations, materials, tools and other items needed to the development of the public work.

902 Article 7 of Law No. 2,092.

903 The exact amounts in euros will vary depending on the applicable exchange rate.

904 Article 11 of Law No. 6,655 (AR\$ 500.000)

905 Article 11 of Law No. 6,655 (AR\$ 200.000)

906 Article 11 of Law No. 6,655 (AR\$ 40.000)

907 Article 7 of Law No. 2,092. For the description of these Contract Execution Modalities, please refer to [Chapter III 1.2.1.](#)

908 Article 8 of Law No. 2,092.

909 Article 17 of Law No. 2,092.

The Bidding Terms and Conditions establish in each case whether a foreign bidder without branch office may participate.

#### *Award Criteria*

The award will be issued in favour of the most suitable bid.<sup>910</sup>

#### *Complaints Mechanism*

There are no specific regulations on the subject. Thus, the pre-award ruling may not be appealed. Since the Procurement Regime of Santiago del Estero does not expressly provide for the possibility to appeal the act of awarding, the administrative remedies provided by the Law on General Administrative Procedures of Province of Santiago del Estero (*Ley de Procedimientos Administrativos de la Provincia de Santiago del Estero*) have to be used for such purpose. Furthermore, it is possible to subsequently request judicial revision.

### **22.2.2 Provincial Regime on Industrial Promotion and Development**

Through the Provincial Regime on Industrial Promotion and Development (*Régimen Provincial de Promoción y Desarrollo Industrial*) the Province of Santiago del Estero seeks to favor certain activities, in particular those that:

- 1) Use raw material, half-finished products and natural resources with provincial origin;
- 2) Enable production that contributes to the substitution of imports or the facilitation of exports for the Province;
- 3) Have a big impact on the provincial economy by achieving higher levels of employment or take place in provincial areas with high unemployment, emigration rates or low gross zonal product, or are deemed suitable either for security reasons or geopolitical considerations;
- 4) Are intended to permanent industrial facilities, advanced technology or the development of applied research that leads to products meeting international quality standards;
- 5) Boost the consolidation of the existing industry or promote and develop new industrial activities by integrating agro-industrial processes and thus maximizing the use of existing resources;
- 6) Effectively integrate productive processes within the Province, and
- 7) Develop touristic infrastructure.<sup>911</sup>

The following benefits are granted to bidders that adhere to the Regime:

- 1) Refund of up to 30% of newly made or increased investments;
- 2) Reimbursement of up to 50% or fiscal credit on future taxes for investments in roads, electricity networks, water supply, sewage and other infrastructure works that lead to an increase of the common good and have been approved by the Province;
- 3) Exemption from current or future provincial taxes for up to ten years, in total or staggered form;
- 4) Facilities for purchases, rents or loans with purchase options for movable and immovable properties of the Provincial State within a term of 5 years;
- 5) Technical assistance and counseling by the State bodies in administrative, technological and financial matters;
- 6) State support and participation in the management of exemptions and reductions of taxes and tariffs as well as promotional or protection measures and other deductibles at national or municipal level;
- 7) Subsidies of up to 50% on the credit line interest rate, and
- 8) Granting of investment development loans.<sup>912</sup>

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910 Article 23 of Law No. 2,092.

911 Article 3 of Law No. 6,750.

Beneficiaries of the regime may be:

- 1) Natural persons domiciled in Argentina, with legal domicile in the Province;
- 2) Public, private or provincial legal entities constituted or authorized to operate in Argentina, and
- 3) Foreign investors with legal domicile in the Province<sup>913</sup>.

Potential beneficiaries are required to constitute legal domicile in the Province of Santiago del Estero and present themselves to the Ordinary Courts of the Province as well as to renounce to any other competence or jurisdiction, including the federal jurisdiction that may correspond<sup>914</sup>.

### 22.3 Local Preference Regime

The preference regime of Santiago del Estero grants preferential treatment to bidders domiciled in Santiago del Estero (local preference). There is, however, no national preference.

The Local Preference Regime applies to all procurements to professionals, industrial companies, suppliers of goods, works and services of provincial origin that are domiciled within the Province, carried out by the Centralized and Decentralized Public Administration as well as the Municipalities<sup>915</sup>.

Provincial companies are those that:

- 1) Have had legal and real domicile within the Province for at least two years;
- 2) Have operated for at least two years in the corresponding sector;
- 3) Use preferentially raw materials and inputs of provincial origin;
- 4) 50% of the company's workforce resides within the Province;
- 5) Comply with all technical, quality-related, hygiene-related and environmental provisions;
- 6) Are registered with the registration or control bodies; and
- 7) Have no tax debts.<sup>916</sup>

Joint ventures (*Uniones Transitorias de Empresas*) are considered local if the entirety of the persons they consist of meet the abovementioned requirements. Such companies have the possibility to either improve or match the price of the best non-provincial offer if their offer did not exceed it by more than 7%. Provided that the offers are equal in terms of quality, the award is issued in favor of the provincial offer<sup>917</sup>.

Furthermore, there is a preference in favor of procurements of products and inputs of provincial origin<sup>918</sup>.

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912 Article 5 of Law No. 6,750.

913 Article 7 of Law No. 6,750.

914 Article 7 of Decree No. 1,133/05.

915 Article 1 of Law No. 6,705.

916 Article 6 of Law No. 6,705.

917 Article 8 of Law No. 6,705.

918 Article 3 of Law No. 6,705.

## 23. Province of Tierra del Fuego

**Annex XIV** contains a table with general information on the laws applicable in the Province of Tierra del Fuego with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### Tierra del Fuego General Regime

The General Public Procurement Regime of the Province of Tierra del Fuego (hereinafter "*Tierra del Fuego General Regime*") is regulated by the Administration of the Province of Tierra del Fuego's Procurement Framework<sup>919</sup> and its Implementing Regulations<sup>920</sup>.

#### *Entities Regulated by the Tierra del Fuego General Regime*

Unlike the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralized Public Administration – including public companies –, Legislative Branch, Judicial Branch and agencies created by the Provincial Constitution<sup>921</sup>.

#### *Contracts Regulated by the Tierra del Fuego General Regime*

The Tierra del Fuego General Regime applies to the following contracts, which are concluded by the institutions mentioned in the chapter "*Entities Regulated by the Tierra del Fuego General Regime*" above<sup>922</sup>:

- 1) Purchase contract;
- 2) Supplies contract;
- 3) Service contract;
- 4) Rental contract with options to purchase;
- 5) Barter contracts;
- 6) Governmental or private concessions contracts, and
- 7) All contracts that are not expressly exempt (see below).

The following contracts are expressly exempt from Tierra del Fuego General Procurement Regime:

- 1) Public employment contract;
- 2) Those settled with foreign States, public international entities, or multilateral credit institutions, and those that are partially or totally financed by previous mentioned organisms, and
- 3) Those including public credit operations<sup>923</sup>.

#### *Competent Administrative Authority*

Similar to the National General Regime, Tierra del Fuego's General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management.

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919 Law No. 1,015.

920 Decree No. 79/15 and 415/1.

921 Article 1 of Law No. 1,015.

922 Article 5 of Law No. 1,015.

923 Article 6 of Law No. 1,015.

The Competent Authority of the Tierra del Fuego General Regime is the Provincial Procurement Office (*Oficina Provincial de Contrataciones* (OPC)) under the authority of the Ministry of Economy, who establishes the general procurement policies and the general rules of interpretation<sup>924</sup>.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Tierra del Fuego General Regime*" has their own administrative body, in charge of executing their own public procurements<sup>925</sup>.

### *Selection procedures*

The different procurement selection procedures provided by the Tierra del Fuego General Regime are:

- 1) Public tender;
- 2) Public auction<sup>926</sup>;
- 3) Private tender<sup>927</sup>, and
- 4) Direct awarding<sup>928</sup>.

By general rule, the selection of contracts included in this regime, is carried out by public tender<sup>929</sup>. However, it is allowed to use private tender or direct awarding in the following cases (when the contracting amount does not exceed a threshold set out by the regulations):

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>930</sup>:</b>
1) Public Tender	Higher than € 31,000
2) Private Tender	Lower than € 31,000 <sup>931</sup>
3) Direct Awarding	Lower than € 10,000 <sup>932</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>933</sup>:

- 1) To acquire goods or services from exclusive manufacturers or sellers, provided that no suitable substitutes exist;
- 2) Procurements which must be executed abroad, provided that it is not possible or suitable to execute a tender;
- 3) In case of significant shortage of the elements to acquire, and
- 4) By means of private initiative.

### *Other Selection Procedures Using Public Tender<sup>934</sup>*

Like the National General Regime, the Tierra del Fuego General Regime provides the same alternative selection procedures that use public tender: Private initiative and framework agreement.

924 Article 9 of Law No. 1,015.

925 Article 10 of Law No. 1,015.

926 Articles 16, 17 and 19 of Law No. 1,015.

927 Article 17 of Law No. 1,015.

928 Article 18 of Law No. 1,015.

929 Article 15 of Law No. 1,015.

930 The exact values in euros will vary depending on the applicable exchange rate.

931 Decree No. 415/15.

932 Decree No. 415/15.

933 Article 18 of Law No. 1,015.

934 Article 17 of Law No. 1,015.



### *National and International Tenders*

National and international tenders are not expressly defined.

### *Procedural Stages*

Like in the National General Regime, the procedural stages may be either single or multiple.

### *Contract Execution Modalities*

Contract execution modalities are not expressly defined but are part of the respective Specific Bidding Terms and Conditions.

### *Requirements for Bidders in General and Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Tierra del Fuego. Bidders must have sufficient legal capacity and be registered at the Provincial Suppliers Register.

The following persons and legal entities are disqualified from participating in the procurement process<sup>935</sup>:

- 1) Natural persons (and their partners), legal entities (and their members, members of the board of directors, of the administration council or managers depending on the case) who have been sanctioned with a suspension or disqualification to contract with the administration;
- 2) Successor companies of sanctioned companies, if there are clear indications that the new companies have only been set up to circumvent those sanctions;
- 3) Insolvent companies and companies whose assets are frozen;
- 4) Natural persons or legal entities that are bankrupt or in the process of liquidation. Companies that still are in the course of bankruptcy proceedings may still contract provided they have their goods administered by judicial authorization. Companies that are in the course of reorganization proceedings may still place bids unless a judicial decision prevents it, and
- 5) Natural persons or companies sentenced for committing crimes related to procurements with the Provincial State.

Foreign bidders are allowed to participate in the procurements if they have subscribed to the Provincial Register. The registration requirements cannot be met by a foreign bidder without branch office or permanent representation in Argentina. Consequently, except for cases in which the Bidding Terms and Conditions expressly exempt foreign bidders from the registration requirement, foreign bidders are required to subscribe to the Register.

### *Award Criteria*

The same criteria as to the National General Regime apply.

However, it is expressly defined that in case of procurement of a standardized good or service, the bid with the lowest price will be considered the most suitable bid<sup>936</sup>.

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935 Article 25 and 26 of Law No. 1,015.

936 Article 12 of Law No. 1,015.

### *Complaints Mechanism*

Unlike the National General Regime, the pre-award ruling may not be appealed.

Actually, only the awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Tierra del Fuego (*Ley de Procedimientos Administrativos de la Provincia de Tierra del Fuego*). Furthermore, it is possible to subsequently request judicial revision.

## **The Most Important Contracts with Particular Regimes**

### **23.1.1 Public Works Contract**

Tierra del Fuego applies the provisions of the National Public Works Law (please refer to [Chapter III 1.2.1](#))<sup>937</sup>.

### **23.1.2 Public Works Concession Contract**

Tierra del Fuego applies the provisions of the National Public Works Concession Law (please refer to [Chapter III 1.2.2](#))<sup>938</sup>.

### **23.1.3 Public-Private Partnership**

Tierra del Fuego adheres to the National Public-Private Partnership Regime<sup>939</sup> (please refer to [Chapter III 1.2.3](#)).

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937 This Province was established in 1990 by means of Law No. 23,775. Before that, the territory of the Province was under the authority of the National State. Article 14 of Law 23,775 sets forth that the national regulations remain valid unless they are modified. Up until the date of this report, the Province has not yet adopted its own public works regulations. Thus, the National Public Works Law does still apply.

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939 Law No. 1,161.

## 24. Province of Tucumán

**Annex XIV** contains a table with general information on the laws applicable in the Province of Tucumán with regard to the General Regime, the most important contracts with particular regimes and the local preference, together with a short summary of their content, the competent authority and other data.

### 24.1 Tucumán General Regime

The General Public Procurement Regime of the Province of Tucumán (hereinafter "*Tucumán General Regime*") is regulated by the Administration of Tucumán's Procurement Framework<sup>940</sup> and its Implementing Regulation<sup>941</sup>.

There is also a Handbook of Procedures for the procurements<sup>942</sup>.

#### *Entities Regulated by the Tucumán General Regime*

Unlike the National General Regime, the regulations of this regime apply to the institutions of the Centralized and Decentralised Public Administration – including public companies –, Legislative Branch, Judicial Branch and agencies created by the Provincial Constitution<sup>943</sup>.

#### *Contracts Regulated by the Tucumán General Regime*

The Tucumán General Regime applies to the following contracts, which are entered into by the institutions mentioned in chapter "*Entities Regulated by the Tucumán General Regime*" above<sup>944</sup>:

- 1) Purchase contracts;
- 2) Service contracts;
- 3) Rental contracts;
- 4) Works contracts, and
- 5) Supply contracts.

#### *Competent Administrative Authority*

Similar to the National General Regime, Tucumán General Regime is based on the idea of centralization of policies and regulation, but decentralization of the operational management. However, the primary exceptions to this principle are framework agreements – which are discussed later – as they are entered into by the Competent Authority (see below).

The Competent Authority of the Tucumán General Regime is the local Purchases and Procurements Directorate (*Dirección de Compras y Contrataciones*), who establishes the general procurement policies and the general rules of interpretation.

At the same time, each of the entities mentioned in the chapter "*Entities Regulated by the Tucumán General Regime*" has their own administrative body in charge of executing its own public procurements.

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940 Law No. 6,970.

941 Decree No. 22.1 – 2009.

942 Decree No. 190/03.

943 Article 7 of Law No. 6,970.

944 Article 55 of Law No. 6,970.

### *Selection Procedures*

Public tenders, public auction, private tenders, price bidding or direct awarding are allowed depending on the amount of the contract<sup>945</sup>.

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>946</sup>:

- 1) The acquisition or tenancy of goods and services from exclusive manufacturers or sellers, or owned by a specific person or entity, provided that no suitable substitutes exist;
- 2) Whenever the market shows a significant scarcity of supply, provided that such situation is duly certified (all such acquisitions to the strict minimum required), and
- 3) Purchases or tenancy which must be executed abroad.

### *Other Selection Procedures that Use Public Tender*

Like the National General Regime, the Tucumán General Regime allows framework agreements<sup>947</sup>.

### *National and International Tenders*

National and international tenders are not expressly defined.

In general, in order to be able to participate in the tender procedures, foreign bidders need to subscribe to the Suppliers Register, which requires them to have a branch office or permanent representation in Argentina.

Consequently, foreign bidders without a branch office or permanent representation in Argentina may not participate in the tender procedures unless the Bidding Terms and Conditions exempt them from the registration requirement.

### *Contract Execution Modalities*

In addition to the modalities provided by the National General Regime, the following modalities may be used<sup>948</sup>:

- 1) Deferred purchase;
- 2) Unified purchase, and
- 3) Inverse auction.

### *Requirement for Bidders in General and for Foreign Bidders in Particular*

Similar requirements as those established by the National General Regime also apply for Tucumán. Bidders are furthermore required to subscribe to the Provincial Suppliers Register.

The following persons are disqualified from participating in the procurement processes<sup>949</sup>:

- 1) Suspended or disqualified natural persons and legal entities;
- 2) Agents and officers of the National, Provincial or Municipal State as well as companies in which they have sufficient participation to form the corporate will;
- 3) Those who are bankrupt, have an injunction or are in the process of reorganization;
- 4) Those convicted for malicious offenses;

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945 Articles 55 and 59 of Law No. 6,970.

946 Article 59 of Law No. 6,970.

947 For the description of this type of process, please refer to Chapter I.3.4.

948 Article 92 of Regulatory Decree No. 22-2009. For the description of these Contract Execution Modalities, please refer to Chapter III.1.2.1.

949 Article 108 of Regulatory Decree No. 22-2009.

- 5) Those that have a pending trial for offenses against property, the Public Administration, public faith or crimes included in the Inter-American Convention Against Corruption (Law No. 24,759), and
- 6) Defaulting debtors of the Province.

In general, in order to be able to participate in the tender procedures, foreign bidders need to subscribe to the Suppliers Register, which requires them to have a branch office or permanent representation in Argentina.

Consequently, foreign bidders without a branch office or permanent representation in Argentina may not participate unless the Bidding Terms and Conditions exempt them from the registration requirement.

#### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter 23.3](#)).

#### *Award Criteria*

The same criteria as to the National General Regime apply.<sup>950</sup>

In case of equality of the most suitable bids, preference is granted to small and medium-sized companies as well as cooperatives. Should equality persist, then the corresponding bidders are informed properly and invited to present an improved bid by closed envelope within three business days<sup>951</sup>.

#### *Complaints Mechanism*

The pre-awarding ruling may not be appealed.

The awarding act may be appealed using the administrative remedies provided by the Law on General Administrative Procedures of the Province of Tucumán (*Ley de Procedimientos Administrativos de la Provincia de Tucumán*). Furthermore, it is possible to subsequently request judicial revision.

## **24.2 The Most Important Contracts with Particular Regimes**

### **24.2.1 System for Promotion of Investments<sup>952</sup>**

The System for Promotion of Investment in Projects with a social impact in healthcare, education and technology has the following objectives<sup>953</sup>:

- 1) To promote the installation of new ventures with a social impact in healthcare, education and technology and expand investments in already existing ventures in the Province;
- 2) To promote the rational use of provincial resources for sustainable developments, and
- 3) To encourage activities in healthcare, education and technology with a social impact in specific zones in accordance with the policies established by the Executive Branch.

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950 Article 47 of Regulatory Decree No. 22-2009.

951 Article 48 of Regulatory Decree No. 22-2009.

952 Law No. 8,984.

953 Article 2 of Law No. 8,984.

The enforcement authority of the System is the provincial Ministry of Economy<sup>954</sup>.

The System has the following requirements<sup>955</sup>:

- 1) Establishment in an area of interest endorsed by the Executive Branch;
- 2) Minimum investment amounts;
- 3) Generation of direct full-time employment for more than 200 persons;
- 4) Increase of the cultural, technical and medical level as well as other benefits for its employees and workers provided that such benefits do not stem from benefits granted by this law;
- 5) Effective integration of productive processes and services within the province or the region;
- 6) In all cases the project requires an environmental certificate and needs to promote sustainable development in order to protect the environment and comply with hygiene and security regulations;
- 7) Application of the Suppliers Development Program, and
- 8) Incorporation of advanced technologies processes of applied research.

The System grants the following benefits<sup>956</sup>:

- 1) Financial stability: Exemption from provincial tax increases for 15 years;
- 2) Reimbursement of up to 30% of newly made investments or of increases of existing investments. The reimbursements are made annually but at most within 5 years of the issuance of the investment certificate - and are not lower than 20%. To that end, the technical bodies control the realized investments annually, and issue investment certificates. The fees for services are expressly excluded as investments. These reimbursements cover historic investments, excluding VAT, as verified by the enforcement authority;
- 3) The reimbursements are made through transferable and recordable Fiscal Credit Certificates. They are delivered for 100% of the amount that the beneficiary is entitled to according to the law;
- 4) Exemption from current or future provincial taxes for a period of up to 15 years according to the following scale:
  - a) From year 1 to 10 the exemption is 100%.
  - b) In year 11 the exemption is 90%.
  - c) In year 12 the exemption is 80%.
  - d) In year 13 the exemption is 60%.
  - e) In year 14 the exemption is 40%.
  - f) In year 15 the exemption is 20%.
  - g) From year 16 onwards, there is no longer an exemption.
- 5) Assistance and technical counseling in any type of project;
- 6) Preferential treatment in tenders of the Provincial State in case of equality of bids, and
- 7) Subsidies of up to 50% on interest rates of credit lines granted pursuant to agreements signed by financial entities approved by the Ministry of Economy of the Province of Tucumán. Preferential treatment is granted to State financial entities for the signature of these agreements. The Executive Branch may agree with the Credit Union of the Province of Tucumán to grant other identical credit lines.

The beneficiaries of the Regime are national or foreign natural persons or legal entities that<sup>957</sup>:

- 1) Are constituted and authorized to operate in Argentina according to the current legislation;
- 2) Constitute legal domicile in the Province of Tucumán;
- 3) Have project warrant investments in ventures located (or to be located) in the Province of Tucumán, and
- 4) Comply with the law.

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954 Article 4 of Law No. 8,984.

955 Article 6 of Law No. 8,984.

956 Article 8 of Law No. 8,984.

957 Article 9 of Law No. 8,984.

The following persons cannot be beneficiaries<sup>958</sup>:

- 1) Natural persons sentenced for any type of malicious offence;
- 2) Legal entities whose representatives or directors have been convicted for offences while executing their representative functions;
- 3) Natural persons or legal entities who have tax debts or debts with other provincial bodies, payable at the moment of presentation;
- 4) Natural persons or legal entities who have not complied with previous promotional regimes, and
- 5) Natural persons or legal entities that benefit from or have benefitted from previous promotional regimes for the same activity.

### **24.2.2 Public Works Contract**

#### *Scope and Coverage*

Under this regime, public works are defined as studies, projects, preservation works, installation works and general tasks related to public works that the Province of Tucumán carries out in the public interest, through its institutions of the Centralized and Decentralized Public Administration – including public companies – regardless the source of the invested funds<sup>959</sup>.

#### *Selection Procedure*

By general rule, selections are carried out by public tender or public auction. However, it is allowed to use private tender or direct award in certain cases, which to a great extent are the same as in the Tucumán General Regime<sup>960</sup>.

#### *Contract Execution Modalities<sup>961</sup>*

- 1) Units of measurement;
- 2) Lump sum;
- 3) Cost plus fee;
- 4) Combinations of the abovementioned modalities, and
- 5) By concession (Public Work Concession Contract).

#### *Requirement for Bidders in General and for Foreign Bidders in Particular*

The persons and companies wishing to participate in public works tenders need to subscribe to the General Register of Public Works Constructors (*Registro General de Constructores de Obras Públicas*). In order to subscribe, they need to show sufficient technical, economical, financial and operational capacity.<sup>962</sup>

This Regime has not established specific regulations for foreign bidders. Without prejudice to this, the Bidding Terms and Conditions have to be consulted in order to determine the specific requirements.

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958 Article 10 of Law No. 8,984.

959 Article 1 of Law No. 5,854.

960 Article 12 of Law No. 5,854.

961 Article 13 of Law No. 5,854. For the description of these Contract Execution Modalities, please refer to Chapter III.1.2.1.

962 Article 19 of Law No. 5,854.

### *Local Preference Regime*

The Local Preference Regime applies within the General Regime and within the Special Regimes as well as to contracts with particular regulations (this is described in [Chapter IV 23.3](#) ).

### *Award Criteria*

The contract is awarded in favor of the most suitable bid. The lowest price is not the exclusively determining factor. The fact that only one bid has been presented does not impede the award, if the bid is deemed suitable<sup>963</sup>.

### *Complaints Mechanism*<sup>964</sup>

Before the opening of the envelopes, bidders may appeal the procedure and the act of tendering. In this case, the appeal has to be decided in the same act.

Bidders may appeal the act of awarding within five business days.

## **24.3 Local Preference Regime**<sup>965</sup>

The Tucumán Preference Regime grants preferential treatment to bidders domiciled in the Province of Tucumán (local preference). There is, however, no national preference.

It requires institutions of the Centralized and Decentralized Public Administration to<sup>966</sup>:

- 1) In case of equal offers, acquire products, materials and other goods of provincial origin, if available, as well as contract works, and services of companies located in the Province;
- 2) Grant service or public works concessions to companies located in the Province;
- 3) Contract or designate persons with residence in the Province, as professionals or workforce, and
- 4) In case of equal offers in goods procurements, grant micro, small and medium enterprises that are located in areas of the Province with high unemployment and poverty rates a preferential quota of 5%, allowing them to equal the best offer.

In turn, in case of equal offers, preferential treatment is established as follows<sup>967</sup>:

- 1) For works or services procurements as well as purchases of products, materials, ware and other goods from natural persons and legal entities with a known track record and solvency, located in the Province for at least 3 years.
- 2) Companies that provide products of 100% provincial origin are exempt from the seniority requirement of 3 years.
- 3) To provincial companies and enterprises that incorporate other provincial companies by way of association, work assignments etc.
- 4) In all tenders or any other means of procurement, to whomever offers to acquire – entirely or partially – the elements necessary for compliance with the contract from local industry.

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963 Article 29 of Law No. 5,854.

964 Articles 23 and 33 of Law No. 5,854.

965 Law 6,697.

966 Article 1 of Law No. 6,697.

967 Article 2 of Law No. 6,697.



- 5) In cases of contracts to be executed in the Province's inland, to companies located in such areas. If for reasons of technical capacity, they are unable to compete, preferential treatment will be granted to provincial companies that incorporate local companies as well as local workforce.
- 6) First to local consultants, and only then to either national or foreign consultants that employ a great number of professionals and/or technicians with residence in the Province.

## V. Municipalities

**Annex XIII** provides information on the Public Works and Suppliers Registers of each Municipality.

### 1. Municipalities of the Province of Buenos Aires<sup>968</sup>

The Province of Buenos Aires is divided into 135 districts, each of whom is under the authority of a Municipality<sup>969</sup>. Each municipality has a one-person executive power, and a deliberative body that receives their respective powers from the Legislature of the Province of Buenos Aires<sup>970</sup>.

#### 1.1 General Public Procurement Regime

The Municipalities of the Province of Buenos Aires are regulated by the Organic Law of the Municipalities of the Province of Buenos Aires (*Ley Orgánica de Municipalidades de la Provincia de Buenos Aires*, hereinafter "LOM")<sup>971</sup>. This is an old law from 1958 which contains the organizational regulations for the Municipalities and their respective agencies.

In 2000, Decree No. 2,980/00 approved the Municipalities Financial Administration Reform (*Reforma de la Administración Financiera en el Ámbito Municipal*, hereinafter "RAFAM" for its initial letters in Spanish) which established the accounting, finance and budgetary regulations that have an impact on public procurement. Within RAFAM, regulations on the LOM that contain more detailed procurement procedure provisions (hereinafter "*LOM Implementing Regulations*") have been included<sup>972</sup>.

In 2008, the application of RAFAM provisions became mandatory for all municipalities<sup>973</sup>.

Consequently, all Municipalities apply the LOM, the LOM Implementing Regulations and RAFAM, as well as a few additional regulations that some of the Municipalities have adopted for their procurements.

It is worth mentioning that even though Law No. 13,981 of the Province of Buenos Aires established principles and systems of contractor selection and invited Municipalities to adhere to such systems and principles<sup>974</sup>, they have preferred to maintain the abovementioned regulatory system.

Previously, within the framework of RAFAM, further regulatory norms applicable to Municipalities have been adopted (e.g. different Handbooks).

The following graphic shows the procurement regulatory framework in which the Municipalities operate:

968 Selected Municipalities in Greater Buenos Aires area: Almirante Brown, Avellaneda, Berazategui, Esteban Echeverría, Florencio Varela, General San Martín, La Matanza, Lanús, Lomas de Zamora, Malvinas Argentinas, Merlo, Moreno, Morón, Quilmes, Tigre and Tres de Febrero.

Selected Municipalities in the Province of Buenos Aires: Bahía Blanca, Mar del Plata / General Pueyrredón, La Plata, Pilar.

969 See the complete list of Municipalities and their official web pages at <https://www.gba.gob.ar/municipios>.

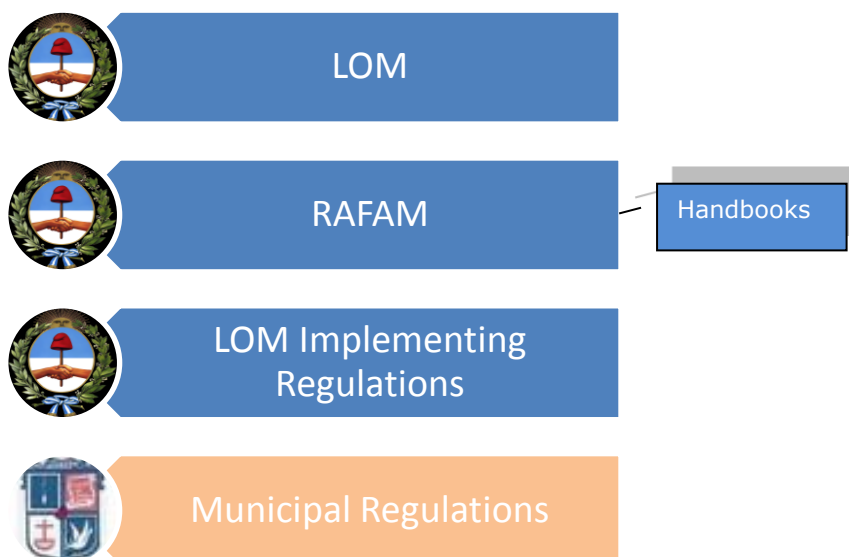
970 Article 190 et seq. of the Constitution of the Province of Buenos Aires.

971 Adopted by Decree of the Province of Buenos Aires No. 6,769/58.

972 Adopted by Decree of the Province of Buenos Aires No. 2,980/00.

973 Decree No. 3,396/04.

974 Article 34 of Law No. 13,981.



The Province of Buenos Aires recently adopted the Unique System of Municipal Assistance (*Sistema Único de Asistencia Municipal (SUAM)*), an online platform by which municipal officers may consult with provincial bodies. One of SUAM's aims is to offer legal transparency on municipal public works procurements.

The authors were informed by provincial officers that the control of municipal public works proceedings is exercised according to ISO 9001/2015 standards, obtained in 2017.

Besides that, the Constitution of the Province of Buenos Aires provides Municipalities with the possibility to form consortia between themselves<sup>975</sup>, a right which has been regulated in Law 13,580. This law further stipulates that Municipalities may form so-called Consortia of Management and Development (*Consortios de Gestión y Desarrollo*) not only between themselves but also with other public and private entities pursuing a variety of objectives, like: establishment of SMEs in their territories; improvement of competitiveness; harmonious growth, and promotion of productive and industrial operations.

In order to constitute a consortium, Municipalities are required to adopt a charter that establishes an Administrative Council for its governance and administration, an Advising Council and an Oversight and Control Body.

In order to comply with their objectives, consortia may take credits from public or private organizations, as well as from provincial, national or international bodies. They may also participate in private undertakings and carry out purchases in general.

Provinces, the National State and other national or international bodies may give funds from development and job creating programs channeled by Consortia of Management and Development according to the priorities established by the Consortia's governing body.

An example would be the consortium "Municipalities of Region Part II"<sup>976</sup>, consisting of the following Municipalities: Pilar, Malvinas Argentinas, Escobar, Tigre and Campana. Its objective involves the drawing up of policies and initiatives to improve the quality of living of the Municipalities' inhabitants. To develop such policies, these Municipalities plan to increase the volume of purchases in the areas that have to be improved (health and sports, among others)<sup>977</sup>.

975 Article 192 paragraph 8 of the Constitution of the Province of Buenos Aires.

976 Adopted by Law No. 14,900.

977 For more information see: <http://www.tigre.gov.ar/noticias/se-creo-formalmente-el-consorcio-de-municipios-region-norte-ii/>.

In meetings held with the Municipalities of Pilar and Tigre, their officers have stated their belief that the consortium "Municipalities of Region Part II" may carry sizeable procurements forward, in which foreign bidders may participate.

## 1.2 LOM and its Implementing Regulations

First, the described procurement regime (consisting of LOM and the LOM Implementing Regulations applicable to all Municipalities of the Province of Buenos Aires) will be analyzed. After that analysis, the Municipalities shall be described individually, in order to highlight the particularities of each of them.

This regime includes descriptions of: (i) acquisitions of goods and procurements of services; and (ii) public works. For this reason, regulations that are the same for both types of procurements will be described first, and the differences between the two will be discussed in a second step.

### 1.2.1 Regulations that Are Applicable to both Acquisitions of Goods and Procurements of Services and Public Works

#### *Entities Regulated*

The LOM Implementing Regulations establish that the procurement regime consisting of LOM and the LOM Implementing Regulations applies to the Centralized and Decentralized public administration of each Municipality<sup>978</sup>.

#### *Contracts Regulated*

The LOM Implementing Regulations establish that the procurement regime consisting of LOM and the LOM Implementing Regulations applies to every procurement of goods, services, works, concessions of works and services, consultancies, rents and licensing agreements that are carried out by the entities of the Centralized and Decentralized public administration of each Municipality<sup>979</sup>.

#### *Competent Authority*

Each Municipality is required to establish a Municipal Procurement Office (*Oficina Municipal de Contrataciones*) with the following competences: establishing regulations and specific procedures on the purchase of goods and services, elaborating the annual budget of expenses of goods and services as well as administrating the Suppliers Register, among others<sup>980</sup>.

Although most Municipalities have not adopted complementary regulations which determine the subjects with whom they contract, they have maintained the practice to not contract bidders that have been sentenced for fraud of the Public Administration.

#### *Award Criteria*

The contract will be awarded to the offer with the lowest price<sup>981</sup>. However, in exceptional circumstances it is possible to award the contract to an offer other than the one with the lowest price (due to the quality of the offer – within the minimal characteristics and conditions of the procurements objective) provided that the better quality fundamentally compensates the higher price.

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978 Article 98 of Decree No. 2,980/00.

979 Article 98 of Decree No. 2,980/00.

980 Article 103 of Decree No. 2,980/00.

981 Article 116 of Decree No. 2,980/00.

### Local Preference Regime

Another important provision of the LOM is the principle of procurement in favor of natural persons or legal entities with domicile and/or business premises within the Municipality, by awarding them the contract in case of equal bids (in terms of quality and price, in relation to bidders that do not meet abovementioned conditions)<sup>982</sup>. General percentages or preference amounts are not established. They are instead set out in the respective Bidding Terms and Conditions for each procurement.

In the following section, specific provisions on the procurement of goods and services as well as public works are analyzed:

#### 1.2.2 Specific Regulations of Goods and Service Procurements

Public tenders, private tenders, price biddings or direct awards are allowed depending on the amount of the contract:

Selection procedure	If the estimated amount of the contract is <sup>983</sup>
1) Public tender	Higher than € 61,000 <sup>984</sup>
2) Private tender	Higher than € 20,300 and lower than € 61,000 <sup>985</sup>
3) Price collection	Higher than € 4,000 and lower than € 20,300 <sup>986</sup>
4) Direct award	Lower than € 4,000 <sup>987</sup>

Each Municipality is required to keep a Suppliers Register (*Registro de Proveedores*)<sup>988</sup>.

#### 1.2.3 Specific Public Works Regulations

Public tenders, private tenders or direct awards are allowed depending on the amount of the contract:

Selection procedure	If the estimated amount of the contract is <sup>989</sup>
1) Public tender	Higher than € 61,000 <sup>990</sup>
2) Private tender	Higher than € 20,300 and lower than € 61,000 <sup>991</sup>
3) Direct award	Lower than € 20,300 <sup>992</sup>

982 Article 156 bis of LOM.

983 Article 151 of LOM and Resolution No. 436/17.

984 Article 161 of LOM and Resolution No. 436/17. Higher than AR\$ 1,255,218 (the exact figure in € varies depending on the exchange rate).

985 Article 161 of LOM and Resolution No. 436/17. Higher than AR\$ 418,409 and lower than \$ 1,255,218 (the exact figure in € varies depending on the exchange rate).

986 Article 161 of LOM and Resolution No. 436/17. Higher than AR\$ 83,676 and lower than \$ 418,409 (the exact figure in € varies depending on the exchange rate).

987 Article 161 of LOM and Resolution No. 436/17. Lower than AR\$ 83,676 (the exact figure in € varies depending on the exchange rate).

988 Article 102 of Decree No. 2,980/00. Subsequently, the Register of each Municipality and corresponding information is indicated.

989 Article 133 of LOM and Resolution No. 436/17.

990 Article 161 of LOM and Resolution No. 436/17. Higher than AR\$ 1,255,218 (the exact figure in € varies depending on the exchange rate).

991 Article 161 of LOM and Resolution No. 436/17. Higher than AR\$ 418,409 and lower than AR\$ 1,255,218 (the exact figure in € varies depending on the exchange rate).

992 Article 161 of LOM and Resolution No. 436/17. Less than \$ 418,409 (the exact figure in € varies depending on the exchange rate).

Each Municipality is required to keep a Public Works Bidders Register (*Registro de Licitadores de Obra Pública*)<sup>993</sup>.

The LOM establishes a particular type of public works called "administration work" by which the bodies of the Municipality carry out the execution and the management of the work.

Moreover, all the provincial laws on public procurement for public works and paving apply subsidiarily in order to solve any issue in both fields that is not expressly dealt with by the LOM<sup>994</sup>.

### 1.3 RAFAM

RAFAM's objective is to promote integration between the Province and Municipalities, by coordinating actions aiming at a permanent improvement of municipal financial management. To this end, it provides the *normative, procedural and technological instruments* that should allow an agile, efficient and transparent administration of financial and real municipal resources, as well as for better access to information and for the implementation of municipal work patterns with the objective of improving the life quality of citizens.

The system has several modules: Budget, procurements, accounting, treasury, public credit, physical goods and public investment, which comprise the core of administrative accounting.

The implementing strategy of RAFAM involved the development and rollout of a RAFAM IT-System as of 2007, whose principal objective is that the Municipalities of the Province of Buenos Aires incur expenses in a more efficient way and track them through the different stages.

In the framework of RAFAM, the Province of Buenos Aires has adopted different conceptual handbooks containing provisions that clarify and expand the content of the procurement provisions of both the LOM and its Implementing Regulations.

From the numerous provisions of The Handbook on Procurements, it can be remarked that it expressly sets forth that international tenders are allowed<sup>995</sup>.

Based on this, all Municipalities may carry out international tenders, even though it is – not yet – a common practice.

### 1.4 Practical Aspects in Municipalities: International Tenders in Practice

The majority of the Municipalities informed the authors that there are no registered cases where foreign bidders without branch office or permanent representation in Argentina have been awarded with a contract.

Moreover, Municipalities stated that foreign bidders without branch office or permanent representation in Argentina cannot participate in the procurement procedures, because bidders are required to subscribe to the respective Municipal Suppliers Register - which is only possible for bidders that are registered in certain official bodies (like the tax authority AFIP, among others) in Argentina.

However, these Municipalities ignore the fact that the LOM Handbook on Procurements expressly provides for international tenders.

The Municipality of La Plata is the only case where it is expressly established that a foreign company may register as a municipal supplier.

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993 Article 140 of LOM and Article 123 of Decree No. 2,980/00. Subsequently, the Register of each Municipality and corresponding information is indicated.

994 Article 149 of LOM.

995 Article 2.7 of the LOM Handbook on Procurements.

## 1.5 Data on the Public Works Suppliers and Bidders Register of each Municipality

**Annex XIII** provides information on the Public Works and Suppliers Registers of each Municipality.

## 1.6 Statistical Data and Information Obtained in Meetings with the Municipalities

**As a result of the contacts established with Municipalities for this report, the most relevant information is summarized as follows:**

### *Municipality of Tigre:*

In August 2017 the authors held a meeting with officials of the Municipality of Tigre.

That Municipality does not carry out international tenders and does not have foreign suppliers without branch office or permanent representative in Argentina.

However, since they are currently developing policies with a "smart cities" approach<sup>996</sup>, it was stated in the meeting that it is possible to call for foreign bidders, bearing in mind that certain technologies needed for smart cities are not provided by national suppliers.

Regarding the public funds that are being used in the Municipality's purchases, 60% of them are from provincial or national sources.

The Municipality of Tigre established, together with other municipalities<sup>997</sup>, the consortium "Municipalities of Region Part II", which has been discussed above.

The authors were also told that the current municipal management system (RAFAM) needs to be replaced by a new software system. Foreign participation in this project is possible.

As to the areas of improvement, large investments are planned in the areas of health care and entertainment.

### *Municipality of San Martín:*

The Municipality of San Martín informed the authors that in 2018 the following road infrastructure projects are being carried out:

- Repaving of Avenues (San Martín, Rodríguez Peña) and feeder road to *General Paz* highway;
- Cleaning and clearance of sinks and rain water pipes as well as complementary works in the area of San Martín Avenue;
- Enhancement of San Martín Avenue, and
- Widening of part of Rodríguez Peña Avenue.

Furthermore, the Provincial Secretariat of Works and Public Services spent around € 75 million for public works in 2017<sup>998</sup>. Public works counted for 36.4% of the total municipal expenditures<sup>999</sup>.

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996 This relates to policies that promote sustainable urban development by using information and communication technologies for the provision of public services.

997 The Municipalities that are part of this consortium are: Pilar, Malvinas Argentinas, Escobar, Tigre and Campana.

998 <http://www.sanmartin.gov.ar/transparencia/presupuestos/>.

999 <http://www.sanmartin.gov.ar/transparencia/dando-cuenta/>.

#### *Municipality of Bahía Blanca:*

In February 2018, the Municipality of Bahía Blanca published on its website that it issued purchase orders that amounted to around € 5 million<sup>1000</sup>.

#### *Municipality of Pilar:*

In September 2017 the authors held a meeting with officials of the Municipality of Pilar. The authors were informed that there are no impediments to a participation of foreign bidders in international tenders. They are only required to establish an address for service within the jurisdiction of the Municipality.

It is also possible that foreign bidders are required to constitute a joint venture (*Unión Temporaria de Empresas*), depending on the scale of the procurement project.

However, the Municipality of Pilar did not have foreign bidders during the past ten years.

### **1.7 Case of Mayor Municipal Regulation: Municipality of Tigre**

In general, the analyzed Municipalities have not adopted procurement regulations. The Municipality of Tigre is, however, an exception in this regard.

The Procurement Regime of the Municipality of Tigre is regulated by the General Procurement Framework of Tigre (*Régimen General de Contrataciones de Tigre*, hereinafter "*Tigre General Procurement Framework*") and the Procurement Rules of Tigre (*Reglamento de Compras de Tigre*) which apply whenever the LOM does not provide for a regulation.

Even though the Tigre General Framework mentions the Financial Administration System of the Public Sector of the Province of Buenos Aires (which incorporates the Procurement Subsystem of the Provincial State) the Municipality of Tigre does not adhere to the Provincial Procurement Regime provided in Provincial Law No. 13,981.

#### *Scope and Coverage*

The provisions of this Regime apply to all goods and services acquired by the Municipality via rental, sales, public works and supplies contracts.

#### *Competent Administrative Authority*

The Executive Branch is in charge of the execution of municipal public works. The Municipality has an Office of Purchases (*Oficina de Compras*) which is in charge of centralizing the management and control of procurement processes. This Office is in charge of supplies carried out according to the norms of direct procurement, of price bidding and of public and private tenders.

Furthermore, the Office is responsible for: operating purchases or sales on behalf of the Municipality; organizing and updating suppliers and contractors' registers, controlling compliance with conditions agreed with suppliers, verifying and certifying effective reception of purchased items and refusing items that do not meet contractual requirements; registering contracts that have been entered into; etc.

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1000 <http://www.bahia.gob.ar/compra/>.



### *Selection Procedures*

The selection procedures provided by the Tigre Procurement Framework are the same as provided by LOM: public tender, private tender, price bidding and direct award.

### *Requirements for Bidders*

In order to contract with the Municipality of Tigre, a prospective bidder has to be capable of entering into contracts and be registered in the Suppliers Register (*Registro de Proveedores*) and/or the Contractors Register (*Registro de Contratistas*) and/or the Municipal Public Works Bidders Register (*Registro de Licitadores de Obras Publicas Municipales*)<sup>1001</sup>.

So as to subscribe to the register, a branch office or a permanent representative in Argentina is required.

Without prejudice of this, if it is not possible to make a call for tender exclusively to registered suppliers (because of a lack of registered suppliers specialized in the field that is tendered) the call may be extended to other non-registered prospective bidders.

The Directorate of Purchases is in charge of both the Suppliers Register and the Contractors Register.

If the prospective bidder is registered in the State Suppliers Register under the authority of the ONC, it is required to submit the certificate of registration, as well as proof that it has domicile in the Province of Buenos Aires and that it is registered for provincial profit tax (or in the multilateral convention)<sup>1002</sup>.

In order to subscribe to the Register of Contractors, the following requirements have to be met:

- 1) Company name and identification details of the managers;
- 2) Copy of the articles of association, certified by a notary public;
- 3) Latest balance sheet certified by a public accountant;
- 4) Public works track record with the names of the national, provincial and/or municipal unit that acted as contracting entity;
- 5) List of equipment and machines;
- 6) Technical-financial capability certificate issued by the Ministry of Public Works of the Province of Buenos Aires (*Ministerio de Obras Públicas de la Provincia de Buenos Aires*);
- 7) Registration number of the Argentinean Chamber of Construction Chamber (*Cámara Argentina de la Construcción*);
- 8) Registration number for: federal profit tax; VAT, provincial profit tax and social security fund;
- 9) Debt-free certificate regarding retirement contributions (sworn declaration of the company that the contributions are up-to-date), and
- 10) Name and address of the technical representative who has to be registered at the Municipality of Tigre, as well as a copy of their diploma.

The requirements in 3), 6) and 9) have to be renewed annually.

The Municipal Public Works Bidders Register ranks bidders according to their specialist capabilities and is governed by the LOM. There are no specific registration requirements.

### *Foreign Bidders*

There are no specific rules for foreign bidders.

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1001 Art. 7 Municipal Decree No. 2,508/90.

1002 The multilateral convention is an agreement between the Provinces (incl. CABA) with the aim of avoiding double taxation.

### *Award Criteria*

In general, the award is issued in favor of the most suitable bid with respect to the Bidding Terms and Conditions. In case of bids of equal quality, price is the deciding factor<sup>1003</sup>.

Nevertheless, in exceptional circumstances, the award may be issued in favor of a bid solely based on its quality, provided that the difference in quality compensates the higher price<sup>1004</sup>.

In case of bids with equal price, quality and further conditions, the Municipality invites the bidders to improve their offers. If the tie persists, the award is issued by way of draw<sup>1005</sup>.

### *Particular Regimes*

The Municipality of Tigre has regulated the acquisition of software, hardware and consumables, including installation and maintenance works<sup>1006</sup>.

The acquisition, repair or installation of IT-elements procured by the Municipality or its units is evaluated by the IT-Sub-secretariat within a timeframe of 48 hours before the procurement is carried out, in line with the Procurement Rules of Tigre.

#### *Municipal Preference Regime*

The Municipality of Tigre applies the Local Preference Regime set out in the LOM<sup>1007</sup>.

Furthermore, it adopted provisions by which it specified the preference regime. It establishes that the principle of preference for suppliers with domicile in Tigre – natural persons or legal entities – applies in all procurements, provided that the products and/or services offered are of similar quality and have a similar price as non-local offers.

The regulation does not establish any specific percentages. These are defined by the Specific Bidding Terms and Conditions.

Local suppliers have to be registered at the Suppliers Register.

In private tenders, natural persons and legal entities with their principal seat of business in Tigre are invited preferentially, as long as the nature of the procurement and the available bidders allow it.

Apart from the preferential invitation of local contractors, there are no barriers for non-local contractors, provided that they are registered in the Contractors Register and meet the requirements set out in the Bidding Terms and Conditions.

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1003 Art. 32 Municipal Decree No. 2,508/90.

1004 Art. 33 Municipal Decree No. 2,508/90.

1005 Art. 27 Municipal Decree No. 2,508/90.

1006 Municipal Resolution No. 707/01.

1007 Municipal Decree No. 390/17.

## 2. Municipality of Resistencia

### 2.1 General Procurement Regime

The General Public Procurement Regime of the Municipality of Resistencia (Province of Chaco) is regulated by the:

- 1) Charter of the Municipality of Resistencia (Carta Orgánica de la Municipalidad de Resistencia);
- 2) Municipal Procurements Regime<sup>1008</sup>.

#### *Entities Regulated by the Procurement Regime of the Municipality of Resistencia*

The regime applies to procurements carried out by the Centralized and Decentralized public municipal administration.

#### *Contracts Regulated by the Resistencia General Regime*

This Regime applies to all procurements of goods, articles or items, supplies of works or services, carried out by the Municipality of Resistencia<sup>1009</sup>.

#### *Competent Administrative Authority*

The Directorate of Purchases of the Municipality of Resistencia (*Dirección de Compras de la Municipalidad de Resistencia*) is in charge of the bidding process.

#### *Selection Procedures*

Public tenders, private tender and direct awarding are allowed depending on the amount of the contract:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is</b>
1) Public tender	Higher than € 19,400 <sup>1010</sup>
2) Private tender	Higher than € 12,100 and lower than € 19,400 <sup>1011</sup>
3) Direct awarding	Lower than € 12,100 <sup>1012</sup>

1008 Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285).

1009 Article 1 of Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285).

1010 Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285); approximate number, the exact figure in € varies depending on the exchange rate.

1011 Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285); approximate number, the exact figure in € varies depending on the exchange rate.

1012 Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285) approximate number, the exact figure in € varies depending on the exchange rate.

### *Requirements for Bidders in General and for Foreign Bidders in Particular*<sup>1013</sup>

Once the award has been issued, the awardees need to be subscribed to the Suppliers Register (*Registro de Proveedores*)<sup>1014</sup>. The registration is not required to present the bid.

The following persons are not allowed as bidders:

- 1) Employees, officers and their relatives if they are owners, managers, partners, directors or equivalent at the company in question;
- 2) Representatives, intermediaries or attorneys of employees and officers of the Municipality;
- 3) Those lacking the capacity to enter into contracts;
- 4) Those that are not licensed to operate in the Public Commercial Register (*Registro Público de Comercio*);
- 5) Companies whose members of either the board of directors or the administrative body are sanctioned by the Municipality;
- 6) Companies filing for debt consolidation, bankruptcy or liquidation, and
- 7) Merchants or companies who are not registered or have pending tax obligations.

Bearing in mind that there are no special provisions for foreign bidders and that all bidders are required to subscribe to the Suppliers Register (which requires the presentation of documentation that can only be obtained by companies registered in Argentina, such as CUIT, registration in the commercial registry, etc.) it can be inferred that a company without branch office or permanent representation in Argentina cannot participate in the procurement process<sup>1015</sup>.

However, the respective Bidding Terms and Conditions have to be consulted in each case to determine the concrete situation of foreign bidders.

### *Local Preference Regime*

The Local Preference Law of the Province of Chaco, analyzed in [Chapter IV 4.3](#), invites the Municipalities to adhere to its provisions<sup>1016</sup>.

### *Award Criteria*<sup>1017</sup>

The contract is awarded to the most suitable bid, taking into account price, supplier track record and any other factor deemed suitable.

### *Complaint Mechanism*<sup>1018</sup>

There is a Commission that issues the pre-award. Such pre-award can be appealed within a short deadline. The final award, however, cannot be appealed.

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1013 Article 4 of Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285).

1014 Article 4 of Municipal Ordinance No. 2,873 (modified by Ordinance No. 11,285). To access the online system, a user name and password are required.

1015 [http://www.mr.gov.ar/v2/documentos/provedores/requerimientos\\_provedores.pdf](http://www.mr.gov.ar/v2/documentos/provedores/requerimientos_provedores.pdf)

1016 There are no records on whether the Municipality of Resistencia has adhered to such norm.

1017 Article 10 of Municipal Ordinance No. 2873.

1018 Article 10 of Municipal Ordinance No. 2873.

## 2.2 Public Works

The Charter of the Municipality of Resistencia considers as public works all constructions, conservations and installations in general that are carried out by the Municipality through its centralized or decentralized divisions, autonomous or autarkic, private or mixed divisions<sup>1019</sup>.

There are, however, no specific provisions concerning public works.

### **Additional information**

According to municipal authorities, the Municipality of Resistencia is paving many of its streets.

On December 31, 2017, the Municipality authorized the paving and repaving of streets around 133 city blocks. At the beginning of 2018, the paving of 129 city blocks has been tendered and/or already awarded.

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1019 Article 99 et seq. of the Charter.

### 3. Municipality of Córdoba

#### 3.1 General Procurement Regime

The General Procurement Regime of the Municipality of Córdoba is regulated by the following regulations:

- 1) Charter of the Municipality of the City of Córdoba of 1995 (*Carta Orgánica de la Ciudad de Córdoba del año 1995*);
- 2) Municipal Ordinance of Administration and Accounting (*Ordenanza de Administración y Contabilidad Municipal*)<sup>1020</sup>;
- 3) Regulation of the Municipal Ordinance of Administration and Accounting (*Reglamentación de la Ordenanza de Administración y Contabilidad Municipal*)<sup>1021</sup>, and
- 4) General Bidding Terms and Conditions.

##### *Entities Regulated by the Procurement Regime of the Municipality of Córdoba*

The regime applies to procurements carried out by the centralized and decentralized public municipal administration<sup>1022</sup>.

For the entities of commercial or industrial nature, this regime is of supplementary application, provided that its respective rules of creation do not expressly provide otherwise<sup>1023</sup>.

##### *Contracts Regulated by the Procurement Regime of the Municipality of Córdoba*

The Regime applies to the majority of contracts entered into by the entities mentioned in the chapter "*Entities Regulated by the Procurement Regime of the Municipality of Córdoba*"<sup>1024</sup>.

##### *Competent Administrative Authority*

The Municipality of Córdoba has a Directorate General of Purchases and Supplies (*Dirección General de Compras y Suministros*).

##### *Selection Procedures*

The different procurement selection procedures regulated by the General Procurement Regime are:

- 1) Public tender;
- 2) Private tender, and
- 3) Direct award.

By general rule, the selections of contracts included in this Regime are made by public tender<sup>1025</sup>. The amounts permitting private tender and direct award are not available<sup>1026</sup>.

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1020 Ordinance No. 5,727/70.

1021 Decree No. 942/10.

1022 Article 1, 29 et seq. Of Ordinance No. 5,727/70.

1023 Article 1 of Ordinance No. 5,727/70.

1024 Article 1, 29 et seq. of Ordinance No. 5,727/70.

National and international tenders are not expressly defined. However, bearing in mind that it is expressly established that foreign bidders without branch office or representation in Argentina are not required to register at the Suppliers Register, it can be inferred that international tenders do exist.

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

National or foreign natural persons and legal entities that have legal capacity can contract with the Municipal Administration, with the exception of the following<sup>1027</sup>:

- 1) Those who have been convicted of deceit, fraud or of crimes against property, irrespective of the type of sanction;
- 2) Those who have been declared bankrupt and are not in the process of rehabilitation or reorganization, unless they have judicial authorization to contract;
- 3) Those who are suspended or deleted from the Suppliers and Contractors Register (*Registro de Proveedores y Contratistas*);
- 4) Those who are deprived of the free disposition of their assets, for whatever reason;
- 5) Employees or officials of the Municipality;
- 6) Those that have outstanding debts with the Municipality, stemming from previous procurements, and
- 7) Those who have not complied satisfactorily with previous contracts with the Municipality.

The suppliers are required to register in the Suppliers Register<sup>1028</sup>. However, foreign bidders without branch office or representation in Argentina are exempted from this requirement<sup>1029</sup>.

Foreign bidders are required to either associate or constitute a joint venture with a local company. In this case, they, too, are required to register at the Suppliers register<sup>1030</sup>.

#### *Local Preference Regime*

There is no specific local preference system, but the Municipal Executive Department has to incorporate and implement selection criteria giving priority or preference to the procurement of local production, work and services<sup>1031</sup>.

#### *Award Criteria*

The contract will be awarded to the most suitable offer, meaning the offer meeting all procurement conditions with the lowest price<sup>1032</sup>.

#### *Complaint Mechanism*

Bidders may appeal the pre-award within a short deadline<sup>1033</sup>. However, the final award cannot be appealed.

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1025 Article 48 of the Municipal Charter and Article 29 of Municipal Ordinance of Administration and Accounting No. 5,727.

1026 The amounts have been requested in due time from the municipal authorities.

1027 Article 1.2. of Decree No. 942/10.

1028 Registration requirements: <https://www.cordoba.gob.ar/tramites/proveedores-y-contratistas>.

1029 Article 1.3.2. of Decree No. 942/10.

1030 Article 1.3.5. sub-paragraph c) 4 of Decree No. 942/10. Registration requirements:

[https://www.cordoba.gob.ar/wp-content/uploads/2018/01/inscripcion\\_personas\\_juridicas.pdf](https://www.cordoba.gob.ar/wp-content/uploads/2018/01/inscripcion_personas_juridicas.pdf).

1031 Article 33 of Municipal Ordinance of Administration and Accounting No. 5,727

1032 Article 2.8.2 of Decree No. 942/10.

1033 Article 2.7.9 of Decree No. 942/10.

### 3.2 Public Works

The public works regime is regulated by the General Public Works Regulations (*Normas Generales de Obra Pública*)<sup>1034</sup> and their implementing regulations<sup>1035</sup>.

#### *Scope and Coverage*

"Public works" will be every construction carried out by an administrative body under the authority of the Municipality or at its request and that becomes part of the Municipality's public or private domain<sup>1036</sup>.

#### *Competent Administrative Authority*

Public Works Secretariat (*Secretaría de Obras Públicas*).

#### *Contract Execution Modalities*<sup>1037</sup>

- 1) Units of measurement;
- 2) Lump sum, or
- 3) Combination of 1) and 2).

Also, the public work may be carried out<sup>1038</sup>:

- 1) By concession: The concession holder is in charge of the public work and of re-collecting its cost directly from the end-users.
- 2) By procurement: The public work is constructed and paid by the Municipality.

Suppliers are required to register in the Contractor Register (*Registro de Contratista*) of the Public Works Secretariat<sup>1039</sup>.

#### **Additional information**

According to the budget of the year 2017, the principal areas of municipal expenditures are the following:

- 1) Health care: around € 125 million;
- 2) Special urban services: around € 230 million;
- 3) Culture and education: around € 70 million;
- 4) Economical development: around € 180 million, and
- 5) Social welfare: around € 105 million.

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1034 Ordinance No. 244/57.

1035 Decree No. 1,665/D/57.

1036 Article 1 of Ordinance No. 244/57.

1037 Article 14 of Ordinance No. 244/57.

1038 Article 4 of Ordinance No. 244/57.

1039 Article 13 of Ordinance No. 244/57.



## 4. Municipality of Corrientes (Province of Corrientes)

### 4.1 General Procurement Regime

Municipal authorities informed the authors that the Provincial Procurement Regime applies (please refer to [Chapter IV 7.1](#)).

In any case, it is necessary that bidders subscribe to the Municipal Contractors Register (*Registro de Contratistas de la Municipalidad*)<sup>1040</sup>.

### 4.2 Public Works Contract

#### *Scope and Coverage*

A municipal public work is every construction or work destined to serve a public interest, carried out by the Municipality itself or by third parties; the public work is part of the public or private domain of the Municipal State<sup>1041</sup>.

Public works need to be executed on municipal terrains unless another location is determined by way of a special disposition<sup>1042</sup>.

#### *Selection Procedures*

The standard procurement selection procedure for public works contracts is public tender, except for cases where private tender, price bidding or direct awarding are allowed<sup>1043</sup>.

#### *Contract Modalities*

Procurement of public works is made by:<sup>1044</sup>

- 1) Units of measurement;
- 2) Lump sum;
- 3) Combination of 1) and 2), or
- 4) Any other contract modality that meets the suitability criteria of the Executive Department.

#### *Requirements for Bidders*

Bidders are required to subscribe to the Public Works Constructors Register (*Registro de Constructores de Obra Pública*) as a specialist in the corresponding field of the public work in question<sup>1045</sup>.

The Specific Bidding Terms and Conditions may authorize bidders that are subscribed to other provincial register or in the national register<sup>1046</sup>.

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1040 <https://ciudaddecorrientes.gov.ar/organigrama/51/123/direcci-n-general-de-compras-y-suministros>.

1041 Article 1 of Municipal Ordinance.

1042 Article 2 of Municipal Ordinance.

1043 Article 7 of Municipal Ordinance.

1044 Article 17 of Municipal Ordinance.

1045 Article 26 of Municipal Ordinance.

1046 Article 26 of Municipal Ordinance.

Bids from default debtors of the Municipality and bidders that have not complied with contractual obligations from previous contracts with the Municipality are not admitted.

Likewise, contractors or concessionaries who are employees of the Municipality as well as officers of other administrative branches are not allowed as bidders.

#### *Award Criteria*<sup>1047</sup>

The award is issued to the most lucrative bid according to the Executive Department's opinion.

To determine the best bid, the following elements are taken into account: price, track record of compliance of the bidder, particular aspects of the bid (like terrain, project, financing) and other criteria deemed relevant by the Bidding Terms and Conditions.

#### *Complaint Mechanism*<sup>1048</sup>

Resolutions may be appealed during the tender process. A guarantee equivalent to 1.5% of the bid has to be deposited.

In case the appeal is justified, such guarantee will be reimbursed upon request once the the case is decided by the competent authority.

#### **Additional information**

The information provided in this chapter was obtained through contacts with Municipality officials.

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1047 Article 31 of Municipal Ordinance.  
1048 Article 75 of Municipal Ordinance

## 5. Municipality of Paraná (Province of Entre Ríos)

### 5.1 General Procurement Regime

The General Procurement Regime of the Municipality of Paraná is regulated by the:

- 1) Organic Law of the Municipalities of the Province of Entre Ríos (*Ley Orgánica de Municipalidades de la Provincia de Entre Ríos*, hereinafter "LOM")<sup>1049</sup>;
- 2) Accounting Ordinance<sup>1050</sup>, and
- 3) General Bidding Terms and Conditions for the call (for public or private tender)<sup>1051</sup>.

#### *Entities Regulated by the Paraná General Regime*

The regime applies to procurements carried out by the centralized and decentralized public municipal administration.

#### *Contracts Regulated by the Paraná General Regime*

This Regime applies to the majority of procurement contracts entered into by the Municipality of Paraná.

#### *Competent Administrative Authority*

The Directorate of Supplies of the Municipality of Paraná (*Dirección de Suministros de la Municipalidad de Paraná*) is in charge of the bidding process.

#### *Selection Procedures*

Public tenders, private tender and direct awarding are allowed depending on the amount of the contract<sup>1052</sup>:

<b>Selection procedures</b>	<b>If the estimated amount of the contracting is<sup>1053</sup></b>
1) Public tender	Higher than € 960 <sup>1054</sup>
2) Private tender	Lower than € 960 <sup>1055</sup>
3) Direct awarding	Lower than € 190 <sup>1056</sup>

1049 Law No. 10,027.

1050 Ordinance No. 6,173.

1051 Ordinance No. 710/88.

1052 Article 23 of Ordinance No. 6,173.

1053 Article 23 of Ordinance No. 6,173. The value of procedures is linked to the base salaries of municipal employees. The current base salary is AR\$ 4,060.43 / € 197.21 (according to Decree No. 425/17), modified in July 2017.

1054 Article 23 of Ordinance No. 6,173 establishes that the contract has to be less than 100 base salaries (the exact figure in € varies depending on the exchange rate).

1055 Article 23 of Ordinance No. 6,173 establishes that the contract has to be less than 100 base salaries (the exact figure in € varies depending on the exchange rate).

1056 Article 23 of Ordinance No. 6,173 establishes that the contract has to be less than 20 base salaries (the exact figure in € varies depending on the exchange rate).

### *Requirements for Bidders in General and for Foreign Bidders in Particular*

For the procurement of supplies and services, bidders are required to register at the Municipal Suppliers Register (*Registro de Proveedores Municipal*)<sup>1057</sup>. However, in certain cases where it is suitable, non-registered bidders (including foreign bidders) are allowed to participate in the procurement process.

The following bidders are not allowed to contract with the Municipality: those who have outstanding liabilities with the Municipality, who have not complied satisfactorily with previous Municipal contracts or bidders' employees of the Municipality<sup>1058</sup>.

### *Local Preference Regime*

For the procurement of supplies and services, it is set forth that an offer from a bidder with legal domicile in the Municipality may be up to 2.5% higher in price than an offer from a bidder without domicile in the Municipality, provided that both offers are equal with regard to the technical conditions of the procurement<sup>1059</sup>.

In order to be considered local, bidders need to have a legal domicile to produce goods or provide services and/or carry out their usual business within the jurisdiction of the Municipality and have a municipal certificate of address.

### *Award Criteria*<sup>1060</sup>

In all procurements, the award is issued in favor of the most suitable bid, taking into account price, quality, payment conditions, technical characteristics, delivery conditions, guarantees, advisory services and other factors determined by the Municipality.

### *Complaint Mechanism*<sup>1061</sup>

The award can be appealed within a short deadline.

## **5.2 Public Works**

### *Scope and Coverage*

Public works are all studies, projects, constructions, maintenances, installations and general works realized by the Municipality<sup>1062</sup>.

The acquisition, supply, rent, adaptation and repair of machines, apparatuses, devices, installations and work items carried out by the Public Administration for the works it is constructing will also be considered public works.

To matters that are not addressed the LOM of Entre Rios applies<sup>1063</sup>.

Public works concessions are also allowed<sup>1064</sup>.

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1057 Article 3 of Decree No. 710/88. Requirements: <http://parana1.com.ar/tramites/inscripcion-en-el-registro-de-proveedores.htm>.

1058 Article 161 of Law No. 10,027.

1059 Article 25 of Decree No. 710/88.

1060 Article 26 of Decree No. 710/88.

1061 Article 38 of Decree No. 710/88.

1062 Article 1 of Ordinance No. 6,416.

1063 Article 3 of Ordinance No. 6,416.

### *Selection Procedures*

The standard procurement selection procedure for public works contracts is public tender. However, depending on the amounts set in the General Procurement Regime, private tender and direct award are also possible<sup>1065</sup>.

### *Contract Execution Modalities*

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

### *Requirements for Bidders*

Bidders are required to subscribe to the Constructors Register (*Registro de Constructores*)<sup>1066</sup>.

### *Award Criteria*

The award will be issued in favor of the most suitable bid. Price is not the exclusively determining factor<sup>1067</sup>.

### **Additional information**

Municipal Authorities inform the authors that they didn't have any experience with international tenders or international bidders.

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1064 Seciton 8 of Ordinance No. 6,416.

1065 Article 10 of Ordinance No. 6,416.

1066 Article 9 of Ordinance No. 6,416.

1067 Article 15 of Ordinance No. 6,416.

## 6. Municipality of San Salvador de Jujuy (Province of Jujuy)

### 6.1 General Procurement Regime

The Provincial Regime does also apply to the municipalities (please refer to [Chapter IV 10.1](#)).

### 6.2 Public Works

The Municipality applies the provincial regulations in the context of public works (please refer to [Chapter IV 10.2](#)).

Bidders are not required to have domicile in the Municipality. However, an address for service within the Municipality is

required to participate in the bidding process<sup>1068</sup>.

The Municipality does not have its own Constructors Register.

#### **Additional information**

According to information provided to the authors by the municipal authorities and in line with the analysis of the Bidding Terms and Conditions relating to pavement works that has been carried out, foreign bidders are not allowed to participate if they are not subscribed to the commercial registry in Argentina.

The authors were additionally informed that bidders are required to subscribe to the National Constructors Register or the Permanent Public Works Bidders Register of the Province of Jujuy.

Last year, the Municipality carried out paving works by means of public work contracts. It is expected that in 2018 these works continue.

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<sup>1068</sup> An address for service is an address necessary to receive documents in court proceedings (can be a law firm or some other representative).

## 7. Municipality of Mendoza (Province of Mendoza)

According to what the authors were informed about by the municipal authorities and to the information of its official website, the Municipality of Mendoza adheres to the provincial provisions (please refer to [Chapter IV 12.1](#)).

There is a Suppliers Register (*Registro de Proveedores*) where bidders are free to register, and awardees are required to register<sup>1069</sup>.

Since it is a requirement for registration in the Suppliers Register to have a CUIL/CUIT (i.e., Tax ID) number and being registered as a local taxpayer, foreign bidders without a branch office or representation in Argentina cannot register<sup>1070</sup>. However, the authors were informed by municipal authorities that the Register is designed for national bidders and, thus, in exceptional cases the registration of foreign bidders not meeting the registration requirements may be granted if it is in line with the procurement objective.

### Additional Information

According to municipal authorities, generally each Municipality in the Province of Mendoza has its own Procurement Register. However, those Municipalities without their own Register use the Provincial Register.

Although counting with little experience in international procurements, officers see a potential for such in the future. They point out that the payment modalities would have to be settled with the Municipal Treasury.

All procurements are published online ([ciudademendoza.gov.ar](http://ciudademendoza.gov.ar)).

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<sup>1069</sup><https://www.ciudademendoza.gov.ar/sistemas/consultas/apex/produccion/f?p=104:10002:34201753134860::NO:10002>.

<sup>1070</sup> <https://www.ciudademendoza.gov.ar/tramite/?id=81>.

## 8. Municipality of Guaymallen (Province of Mendoza)<sup>1071</sup>

According to the information obtained by the authors from the municipal authorities and from its official website, the Municipality of Guaymallén adheres to the provincial provisions (please refer to [Chapter IV 12.1](#)).

## 9. Municipality of Godoy Cruz

According to what the authors were informed about by the municipal authorities and to the information of its official website, the Municipality of Godoy Cruz adheres to the provincial provisions (please refer to [Chapter IV 12.1](#)).

There is a Suppliers Register (*Registro de Proveedores*)<sup>1072</sup>. Bidders without a branch office or representation in Argentina cannot register.

Since it is a requirement for registration in the Suppliers Register to have a CUIL/CUIT number (i.e. Tax ID) and being registered as a local taxpayer, foreign bidders without a branch office or representation in Argentina cannot register. However, the authors were informed by municipal authorities that the Register is designed for national bidders and, thus, in exceptional cases, registration of foreign bidders not meeting the registration requirements may be granted if it is in line with the procurement objective.

## 10. Municipality of Posadas (Province of Misiones)

The Charter of the Municipality establishes the application of the provincial regulations regarding procurements, until the corresponding Ordinance is adopted.

Consequently, please refer to [Chapter IV 13.1](#).

With regard to public works, the authors were informed by the Municipality that the Provincial Law on Public Works is applied (please refer to [Chapter IV 13.2.1](#)).

### Additional information

Municipal Authorities informed the authors that at the present they do not have a Public Works Secretary, hence the Treasury Department is taking care of several issues out of their competence, like Public Work Procurements.

They have a Municipal Suppliers Register for Public Works, and another for General Tender processes. Foreign bidders must have a local branch office or permanent representation before subscribing to the respective register. They must also pay taxes in Posadas at the time of participating at a tender process.

The Municipality of Posadas has experience with foreign bidders registered in Argentina, mostly in Public Works constructions, particularly on imports of Brazilian machinery (mostly distributed by Argentine companies). They are also in permanent contact with Brazil for future tender processes.

Furthermore, the authors were told that the Municipality is interested in all business related to environmental management

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1071 [http://www.guaymallen.gob.ar/?page\\_id=237](http://www.guaymallen.gob.ar/?page_id=237).

1072 <https://www.godoycruz.gob.ar/sitio2/?p=37421>.



## 11. Municipality of Neuquén

### 11.1 General Procurement Regime

The General Procurement Regime of the Municipality of Neuquén (Province of Neuquén) is regulated by the:

- 1) Organic Law of the Municipalities of the Province of Neuquén (*Ley Orgánica de las Municipalidades de la Provincia de Neuquén*);
- 2) General Procurement Framework<sup>1073</sup>, and
- 3) Procurement Regulation<sup>1074</sup>.

#### *Entities Regulated this General Regime*

The regime applies to procurements carried out by the centralized and decentralized public municipal administration.

#### *Contracts Regulated by this General Regime*

The provisions of this Regime apply to all procurements carried out by the Municipality of Neuquén, except for public works, in which case the provisions of this Regime apply subsidiarily<sup>1075</sup>.

#### *Selection Procedures*

Public tenders, private tender and direct awarding are allowed depending on the amount of the contract:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1076</sup></b>
1) Public tender	Higher than € 9,700
2) Private tender	Lower than € 9,700 and higher than € 1,950
3) Direct award	Lower than € 1,950

#### *Requirements for Bidders in General and for Foreign Bidders in Particular*

It is established that the following bidders cannot contract with the municipality<sup>1077</sup>:

- 1) Agents and officials of the State, and companies where they are Director, Managing Partner, Authorized Signatory or Manager;
- 2) Natural persons or legal entities in the process of bankruptcy or liquidation. Those that are in the process of reorganization are allowed to participate in the procurement process, unless a judicial decision states otherwise;
- 3) Those that have debts with the municipal tax authority;

1073 Municipal Ordinance No. 7,838.

1074 Decree No. 425/14.

1075 Art. 101 of Decree No. 425/14.

1076 Art. 2 of Decree No. 425/14 remits to the provincial amounts set out in Decree No. 2,758/95 (the exact figure in € varies depending on the exchange rate).

1077 Article 84 of Decree No. 425/14.

- 4) Companies and their members and/or directors if they are included in the Register of Sanctioned Persons (*Registro de Sancionados*), either individually or because they are members or directors of sanctioned companies;
- 5) Companies in which persons or entities mentioned above in item 4) have a participation that allows them to form the social will, provided the sanctions are for malicious acts;
- 6) Spouses of sanctioned persons and companies in whom they have participation according to items 4) and 5), and
- 7) Natural persons or legal entities that are part of an ongoing litigation in the administrative and/or legal seat against the Municipality of Neuquén in its character as defendant, joint debtor, joint responsible and/or any other character of defendant except in case of a formal waiver of the latter.

There is a Suppliers Register (*Registro de Proveedores*) where all-natural persons and legal entities that contract with the Municipality of Neuquén are required to register<sup>1078</sup>.

The requirements for registration in the Suppliers Register can only be met by companies that have a branch office or legal representation in Argentina<sup>1079</sup>.

#### *Local Preference Regime*

The Local Preference Regime Applies to the procurement of goods, works and services.

A clause has to be included in the Specific Bidding Terms and Conditions obliging bidders to consider inputs or workforces of municipal origin that are necessary for the execution of the work, for the provision of either services or goods<sup>1080</sup>.

The beneficiaries of the preference are "local municipal suppliers", defined as<sup>1081</sup>:

- 1) Those natural persons or legal entities with more than two years of operations as a company who have legal and fiscal domicile, as well as their principal seat of business and the registration of their fleet of vehicles, in the Municipality of Neuquén;
- 2) Natural persons or legal entities with more than two years of operations as a company who have the legal and fiscal domicile as well as their principal seat of business in the Municipality of Neuquén, and
- 3) Joint ventures and other entrepreneurial collaboration associations whose member companies comply with one of the requirements mentioned in 1) and 2).

If the bidders have domicile in another Municipality of the Province, they are called "local provincial suppliers".

Both types of bidders receive the following preferential treatment<sup>1082</sup>:

- 1) The "local municipal supplier" whose offer does not exceed the lower priced offer of a non-local bidder by more than 8% may improve its offer to equalize the non-local offer, giving them the right of being awarded with the contract;
- 2) The "local provincial supplier" whose offer does not exceed the lower priced offer of a non-local bidder by more than 4% may improve its offer to equalize the non-local offer, giving them the right of being awarded with the contract, and
- 3) In case of equal offers of a "local municipal supplier" and a "local provincial supplier", the first one receives preferential treatment. In case of equal offers of two "local municipal suppliers", a call for improved offers will be made.

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1078 Article 82 of Decree No. 425/14.

1079 Article 83 of Decree No. 425/14.

1080 Article 3 of Municipal Ordinance No. 11,810.

1081 Article 4 of Municipal Ordinance No. 11,810.

1082 Article 7 of Municipal Ordinance No. 11,810.

*Award Criteria*<sup>1083</sup>

In all procurements, the award is issued in favor of the most suitable bid, taking into account price and quality of the bid.

*Complaint Mechanism*<sup>1084</sup>

Bidders may challenge other bids if they deposit a guarantee in line with the amount established in the Bidding Terms and Conditions for each procurement.

## 11.2 Public Works

Public works procurements are regulated by the Provincial Public Works Law<sup>1085</sup> and subsidiary by the Municipal Procurement Regulation<sup>1086</sup>.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is</b> <sup>1087</sup>
1) Public tender	Higher than € 825,000
2) Private tender	Lower than € 825,000 and higher than € 205,000
3) Direct award	Lower than around € 205,000

*Public Work and Public Service Concession*<sup>1088</sup>

Public work and public service concessions may be carried out with natural persons, private or public legal entities and/or joint ventures for the construction, repair, expansion, maintenance, operation, management or administration of new or existent public works and services granting the concession holder the faculty to charge fees, tolls or other forms of compensation<sup>1089</sup>.

The concession may be<sup>1090</sup>:

- 1) Against payment: imposing a pre-determined cash contribution on the concession holder, or a municipal participation in the concessions profits;
- 2) Free of charge, or
- 3) Subsidized, granting the concession holder a subsidy during the construction or the launch of the public work or service.

Concessions are awarded by public tender or direct award<sup>1091</sup>.

In order to evaluate the most suitable bid, not only the economic factor but also the following criteria are taken into account: continuity of jobs, participation of Neuquén-based small and medium-sized

1083 Decree No. 425/14.

1084 Article 46 of Decree No. 425/14.

1085 Provincial Law No. 687.

1086 Art. 101 of Decree No. 425/14.

1087 Decree No. 2,473-2015 (the exact figure in € varies depending on the exchange rate).

1088 Regulated by Article 9 et seq. of Municipal Ordinance No. 7,838.

1089 Article 9 of Municipal Ordinance No. 7,838.

1090 Article 10 of Municipal Ordinance No. 7,838.

1091 Article 12 of Municipal Ordinance No. 7,838.

enterprises or cooperatives, improvement of the quality or coverage of the service, work or activity offered by the Municipality<sup>1092</sup>.

### **Additional information**

According to municipal authorities:

- Only bidders with a branch office or permanent representation in Argentina may subscribe to the Register;
- Large infrastructure projects are planned, among them: MetroBus and the construction of a bridge between the Province of Neuquén and the Province of Río Negro;
- The main areas of public work procurements are the following:
  - 1) Municipal Architecture;
  - 2) Paving and repaving works;
  - 3) Rainwater works;
  - 4) Parks, and
  - 5) Kerbs.

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1092 Article 13 of Municipal Ordinance No. 7,838.

## 12. Municipality of General Roca

### 12.1 General Procurement Regime

The General Procurement Regime of the Municipality of General Roca (Province of Río Negro) is regulated by the:

- 1) Organic Charter of the Municipality<sup>1093</sup>;
- 2) Procurement Framework<sup>1094</sup>, and
- 3) Suppliers Register (*Registro de Proveedores*)<sup>1095</sup>.

#### *Entities Regulated by the General Roca General Regime*

The regime applies to procurements carried out by the centralized and decentralized public municipal administration.

#### *Contracts Regulated by the General Roca General Regime*

The provisions of this Regime apply to the procurement of goods, services and works at the expense of the Municipality of General Roca<sup>1096</sup>. This Regime specifically applies to the following contracts: supplies, services, consultancy, sales, works, leasing and barter contracts, as well as concession contracts for the use of public or private goods granted by the Municipality and all contracts which are not regulated by special regimes<sup>1097</sup>.

The Provincial Law applies subsidiarily to public works procurements<sup>1098</sup>.

#### *Competent Administrative Authority*

The Directorate of Procurements is the competent administrative authority.

#### *Main Selection Procedures*

The different procurement selection procedures regulated by the General Procurement Regime are:

- 1) Public tender;
- 2) Private tender, and
- 3) Direct award.

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1093 The Organic Charter of the Municipality establishes in Article 79 that it has to be enshrined in procurements that public tender is applied.

1094 Municipal Ordinance No. 4,706.

1095 Ordinance No. 1,023/1989.

1096 Article 1 of Ordinance No. 4,706.

1097 Article 4 of Municipal Ordinance No. 4,706.

1098 Article 69 of Ordinance No. 4,706.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1099</sup></b>
1) Public tender	Higher than € 24,500
2) Private tender	Lower than € 24,500 and higher than € 12,000
3) Direct awarding	Lower than € 12,000

Unique or multi-stage tenders are allowed.

It is expressly established that the processes may be national or international, but there are no specific regulations on this matter<sup>1100</sup>.

*Other Selection Procedures that Use Public Tender<sup>1101</sup>*

Private initiative is expressly set forth.

*Contract execution modalities:*

*Who executes the contract:*

Comprehensive project bids are expressly set forth.

*How are the contracts executed:*

Blanket ordering is expressly set forth.

*Requirements for Bidders in General and for Foreign Bidders in Particular*

Legal entities and natural persons are required to have sufficient legal capacity and must not fall under one of the following categories<sup>1102</sup>:

- 1) Having been firmly convicted of any crime against property, of fraud or deceit;
- 2) Being tried for abovementioned crimes. The incapacity to contract ends at the moment of definitive acquittal;
- 3) Being suspended or eliminated from the Suppliers Register;
- 4) Being deprived of the free disposition of their assets;
- 5) Being otherwise disqualified for reasons established by Particular Ordinances;
- 6) Having been declared bankrupt or being in the process of forced recovery as fiscal or provisional debtor of the Municipality, and
- 7) Having direct participation in the procurement procedure carried out by the Municipality due to their position or function.

Bidders are furthermore required to register in the Suppliers Register<sup>1103</sup>. However, bearing in mind that the possibility of international tenders is expressly established and that subscription to the register requires documentation that can only be presented by bidders that are domiciled in Argentina<sup>1104</sup> it can

1099 Resolution unnumbered of 2016 which updates the amounts (the exact figure in € varies depending on the exchange rate).

1100 Article 23 of Ordinance No. 4,706.

1101 Article 23 of Ordinance No 4,706.

1102 Article 5 of Municipal Ordinance No. 4,706.

1103 Decreto 1,023/1989.

1104 <https://www.generalroca.gov.ar/direccion-de-contrataciones/>.

be concluded that international bidders without domicile in Argentina are exempted from mentioned requirements.

#### *Local Preference Regime*

In case of equal bids in terms of quality, price and conditions, local bids are treated preferentially as long as their price does not exceed non-local bids by more than 5%<sup>1105</sup>.

Local suppliers are all suppliers of consumables, goods and/or services who have their principal seat of business or at least a branch office in General Roca<sup>1106</sup>.

Organizations and civil associations without commercial objectives who are domiciled in General Roca receive preferential treatment as long as the price of their offer does not exceed non-local bids by more than 10%<sup>1107</sup>.

#### *Award Criteria*<sup>1108</sup>

In all procurements the award is issued in favor of the most suitable bid. That will be the bid with the lowest price meeting all the conditions of the procurement and being of the same quality as competing bids.

#### *Complaint Mechanism*<sup>1109</sup>

The bidders may appeal the procedure at any stage, including the evaluation ruling of the bids made by the Evaluation Commission.

## **12.2 Public Work and Public Service Concession**<sup>1110</sup>

The Legislative Power of the Municipality has to establish in each case the public works and/or services upon which concession is granted, as well as the concession period<sup>1111</sup>.

It may be established that<sup>1112</sup>:

- 1) The concession is granted against cash payment, in-kind contributions, profit participation or other forms of payment in favor of the Municipality;
- 2) The concession is granted free of charge in well-founded cases, or
- 3) The concession holders may exercise the rights granted under the concession by charging fees or royalties<sup>1113</sup>.

Private individuals may take initiative to propose the execution of a public work or service within the present regime, by taking their proposal to the Municipal Executive Branch<sup>1114</sup>.

In case the initiative is deemed interesting and if no better offers are made, or if in the Executive Branch's opinion competing offers do not improve substantially in comparison to the initiative, the

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1105 Article 55 of Ordinance No. 4,706 and Article 3 of of Ordinance No. 4,530.

1106 Article 2 of Ordinance No. 4,530.

1107 Article 6 of Ordinance No. 4,530.

1108 Article 55 of Ordinance No 4,706.

1109 Article 57 and 58 Municipal Ordinance No. 4,706.

1110 Ordinance No. 1,536.

1111 Article 1 of Ordinance No. 1,536.

1112 Article 2 of Ordinance No. 1,536.

1113 Article 3 of Ordinance No. 1,536.

1114 Article 9 of Ordinance No 1.536.

award may be issued in favor of the author of the initiative<sup>1115</sup>. If there are better offers, the author of the initiative has the possibility to equal them.

### **Additional information**

Currently, large paving works are being carried out (principally on *La Plata*, *Ayala* and *América* streets).

Furthermore, there is one Industrial Park currently functioning in the city (*Parque Industrial I*) with approximately 50 industries. But the Municipal Industrial Parks Directorate (*Dirección de Parques Industriales*) is currently developing a new Industrial Park Roca II (*Parque Industrial Roca II*) which is expected to develop into a locally relevant hub for economic development and has a large supply of energy and gas.

The Municipality's economic operations are mostly related to the agricultural sector and its linked activities (packaging companies, fruit and vegetable traders, juice extractors, transport, etc.).

In the last couple of years, the construction and service sectors have become more and more prominent in the Municipality.

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1115 Article 11 of Ordinance No. 1.536.



### 13. Municipality of Salta (Province of Salta)

According to the Provincial norms analyzed in [Chapter IV 16.1](#), they are also applicable to Municipalities (please refer to this chapter).

According to information provided to the authors by the municipal authorities, the Municipality of Salta does not adhere to the provincial Local Preference Regime.

**Additional information:**

Municipal Authorities informed the authors that the Municipality of Salta is carrying out projects related to tourist promenades. The Faith Promenade (*Paseo de la Fe*) is currently the biggest public work project. It will probably be remodeled (a tender might be opened) through a project executed with national funds.

No information was provided regarding future projects.

The Municipality applies the Provincial Procurement Law. However, the Specific Bidding Terms and Conditions may establish different provisions depending on the relevant circumstances.

## 14. Municipality of Santa Fe (Province of Santa Fe)

It was not possible to access the municipal regulations on procurements. The Municipality informed the authors that there is a municipal ordinance from 1970. However, a copy of such ordinance could not be obtained.

The amounts are set out in Decree 1351/16. However, access to that decree has not been granted.

The authors were informed by officials of the Municipality of Santa Fe that it adheres to the Provincial Public Works Law.

### **Additional information**

According to municipal authorities, the Municipality is currently developing the Santa Fe 2020 Development Plan (*Plan de Desarrollo Santa Fe 2020*) which mainly concerns the expansion of the municipal sewage network.

For year 2018, the municipal budget approved expenditures amounting to AR\$ 4.7 Bn<sup>1116</sup>. Approximately 30% of these expenditures is destined for public works. The main areas of planned public works are sewage, paving and road maintenance, as well as the general improvement of public spaces.

Around 60% of the funds foreseen in the budget for public works are municipal, while 34% are from national and 5% from provincial sources.

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1116 Ordinance No. 12.456.

## 15. Municipality of Rosario (Province of Santa Fe)<sup>1117</sup>

### 15.1 General Procurement Regime

The General Procurement Regime of the Municipality of Rosario (Province of Santa Fe) is regulated by the:

- 1) Organic Law of the Municipalities of the Province of Santa Fe (*Ley Orgánica de las Municipalidades de la Provincia de Santa Fe*)<sup>1118</sup>;
- 2) Municipal Accounting Ordinance<sup>1119</sup>, and
- 3) Regulation of Purchases and Smaller Outlays which includes General Bidding Terms and Conditions<sup>1120</sup>.

#### *Scope and Coverage*

The provisions of this Regime apply to procurements of municipal works but also to sales, purchases, projects in general, installations, reconstructions and general contracts entered into by the Municipality.

#### *Entities regulated*

The regime applies to procurements carried out by the Centralized and Decentralized public municipal administration.

#### *Competent Administrative Authority*

Public tenders are carried out by the contracting entities themselves.

However, there is a General Directorate of Purchases and Supplies, which intervenes in private tenders.

#### *Selection Procedures*

The different procurement selection procedures regulated by the General Procurement Regime are<sup>1121</sup>:

- 1) Public tender;
- 2) Private tender, and
- 3) Direct award.

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1117 The authors have not yet received a response to the request for additional information directed at municipal authorities.

1118 Law No. 2,756.

1119 Ordinance No. 19,975/1957.

1120 Decree No. 438/1998.

1121 Article 67 of Ordinance No. 19,975/1957.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1122</sup></b>
1) Public tender	Higher than € 39,000 <sup>1123</sup>
2) Private tender	Between 2% and 7% of € 39,000
3) Direct awarding	Up to 2% of € 38,000

#### *Requirements for Bidders*

There is a Suppliers Register (*Registro de Proveedores*)<sup>1124</sup>.

Moreover, Municipalities informed the authors that foreign bidders without branch office or permanent representation in Argentina cannot participate in the procurement procedures because bidders are required to subscribe to the respective Municipal Suppliers Register which is only possible for bidders registered in certain official bodies in Argentina (like the Tax Authority AFIP, among others)<sup>1125</sup>.

#### *Local Preference Regime*

A local preference regime is not expressly established.

#### *Award Criteria*

The award will be issued in favor of the most suitable bid<sup>1126</sup>.

#### *Complaint Mechanism*

A complaint mechanism is not expressly established.

## **15.2 Public Works**

It is established that procurement selection procedures are to be carried out by means of public tender unless the amount of the contract does not exceed:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1127</sup></b>
1) Public tender	Higher than € 39,000 <sup>1128</sup>
2) Private tender	Between 2% and 7% of € 39,000
3) Direct awarding	Up to 2% of € 39,000

1122 The exact figures in € vary depending on the applicable exchange rate.

1123 Article 67 of Municipal Decree – Ordinance No. 19,975/1957.

1124 Article 76 of Ordinance No. 19,975/1957.

1125 <https://pac.rosario.gov.ar/pac/faq.htm>.

1126 Article 73 of Ordinance No. 19,975/1957.

1127 The exact figures in € vary depending on the applicable exchange rate.

1128 Article 67 of Municipal Decree – Ordinance No. 19,975/1957.

## 16. Municipality of San Miguel de Tucuman (Province of Tucuman)

The General Procurement Regime of the Municipality of San Miguel de Tucumán (hereinafter, *Tucumán General Regime*) is regulated by the Accounting Ordinance<sup>1129</sup> and its Regulatory Decree<sup>1130</sup>.

### *Regulated Entities*

The Tucumán General Regime applies to procurements carried out by the Centralized and Decentralized Public Municipal Administration.

### *Contracts Regulated*

The provisions of this Regime apply to the majority of purchases and procurements of works or supplies of sorts, tenancy, leases and services; work investments with neighborhood collaboration, sales and concessions carried out at the expense of the Province of Tucumán<sup>1131</sup>.

### *Competent Administrative Authority*

The General Accounting Office of the Municipality is the competent authority and keeps a Suppliers Register<sup>1132</sup>.

### *Selection Procedures*

The main selection procedure is public tender<sup>1133</sup>.

### *Requirement for Bidders*

In case of companies with domicile abroad, the representative is required to certify its status through a certificate issued by the Embassy or the Consulate of the respective State in Argentina in order for the company to subscribe to the Suppliers Register<sup>1134</sup>.

The following persons are barred from registering<sup>1135</sup>:

- 1) Companies and their individual members and/or board member as well as their spouses who have been previously disqualified from contracting with the Municipality;
- 2) Companies that are bankrupt or in the process of liquidation;
- 3) Natural persons or legal entities whose assets are frozen;
- 4) Persons that are convicted of a crime, as well as municipal tax debtors; or
- 5) Municipal agents.

### *Award Criteria*

The most suitable bid will be awarded with the contract<sup>1136</sup>.

### *Complaint Mechanism*

During the act of bid opening, bidders may object other bids<sup>1137</sup>.  
The pre-awarding ruling may be appealed in a short deadline.

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1129 Ordinance No. 570/80.

1130 Decree No. 669/80.

1131 Article 64 of Ordinance No. 570/80 and Decree No. 669/80.

1132 Article 18 subparagraph 2 of Decree No. 669/80.

1133 Article 64 Ordinance No. 570/80.

1134 Article 18 subparagraph 2 of Decree No. 669/80.

1135 Article 18 subparagraph 5 of Decree No. 669/80.

1136 Article 45 subparagraph 5 of Decree No. 669/80.

1137 Article 31 of Decree No. 669/80.

## VI. Special Regimes Selected For This Report

**Annex XV** contains a table with general information on laws applicable to the selected Public companies and autarkic entities, together with general information.

### 1. Autoridad de Cuenca Matanza Riachuelo (ACUMAR) – Matanza-Riachuelo Basin Authority

The following table contains general information on the AUTORIDAD DE CUENCA MATANZA RIACHUELO (Matanza Riachuelo Basin Authority, hereinafter "ACUMAR" for its initial letters in Spanish).

<b>Creating regulation:</b>	Law No. 26,168 created ACUMAR as an entity of inter-jurisdictional public law (it has competence in the area of the Matanza Riachuelo Basin, located in the Province of Buenos Aires and CABA) <sup>1138</sup> . It is an autonomous autarkic entity working together with the governments that have competence in the territory of the basin: the National State, the Province of Buenos Aires and CABA.
<b>Under the authority of:</b>	Ministry of Environment <sup>1139</sup> .
<b>Business objective:</b>	ACUMAR articulates common policies and coordinated the inter-institutional efforts for the implementation of the Comprehensive Environmental Cleanliness Plan ( <i>Plan Integral de Saneamiento Ambiental (PISA)</i> ) which has the following objectives: <ol style="list-style-type: none"> <li>1) Improvement of quality of life for the inhabitants of the basin;</li> <li>2) Environmental rebuilding of the basin in all its components (water, air and soil), and</li> <li>3) Prevention of environmental damages reaching a reasonable level of prediction.</li> </ol>
<b>National preference:</b>	ACUMAR applies the National Preference Regime (please refer to <a href="#">Chapter III 1.4</a> ) <sup>1140</sup> .
<b>Procurement regulations:</b>	ACUMAR applies the National Public Procurement Regime (please refer to <a href="#">Chapter III 1.1</a> ) <sup>1141</sup> Likewise, it also has adopted: <ol style="list-style-type: none"> <li>1) Procedural Regulation for the Procurement of Goods, Works and Services<sup>1142</sup>, and</li> <li>2) Unique General Bidding Terms and Conditions.</li> </ol> In consequence, for all matters not expressly covered by abovementioned regulations the National General Regime applies.

1138 Article 1 Chapter 1 of Law No. 26,168.

1139 Decree No. 232/2015.

1140 Article 100 of Resolution No. 402-E/2017, Annex I.

1141 Article 10 of Law No. 26,168 and Article 5 of Resolution No. 402-E/2017, Annex I.

1142 Resolution No. 402-E/2017, Annex I.

## 1.1 ACUMAR's Procedural Regulation for the Procurement of Goods, Works and Services

### *Contracts Regulated*

The Procedural Regulation for the procurement of goods, works and services applies to: purchase and sale contracts, supply contracts, real estate rental contracts with or without option to purchase and all contracts that are not expressly exempted or part of a special regime<sup>1143</sup>.

### *Exempted Contracts*

The contracts expressly exempted are: public employee contracts, petty cash purchases and procurements within public credit operations<sup>1144</sup>.

### *Selection Procedures*

Public Tenders, private tenders or direct awards are allowed depending on the amount of the contract<sup>1145</sup>:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1146</sup>:</b>
<b>1) Public tender</b>	No limits
<b>2) Private tender</b>	Higher than € 63,100 and lower than € 292,000 <sup>1147</sup>
<b>3) Direct award</b>	Lower than € 63,100 <sup>1148</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>1149</sup>:

- 1) Acquisition of scientific, technical or artistic works whose execution needs to be entrusted to companies, artists or specialists that are the only ones able to perform it, and
- 2) Procurement of goods or services whose sale is exclusive to those who have a privilege to do so (exclusive sellers) or owned by a specific natural person or legal entity, provided that no suitable substitutes exist.

The public tender may be either single stage or multi-stage<sup>1150</sup>.

ACUMAR uses the electronic procurement system of the National General Regime (Compr.ar)<sup>1151</sup>.

1143 Article 2 of Resolution No. 402-E/2017.

1144 Article 3 of Resolution No. 402-E/2017.

1145 Article 30 and 31 of Resolution No. 402-E/2017.

1146 The amounts are estimated; the exact figures will vary depending on the exchange rate.

1147 It is established that the value has to be higher than 1,300 Modules (around € 63,100/ AR\$1,300,000) and lower than 6,000 Modules (around € 292,000 / AR\$ 6,000,000). The value of a Module is around € 48 (AR\$ 1,000) according to Article 61 of Resolution No. 402-E/2017.

1148 Lower than 1,300 Modules (around € 63,100/ AR\$1,300,000).

1149 Article 42 of Resolution No. 402-E/2017.

1150 Resolution No. 402-E/2017.

1151 Article 14 of Resolution No. 402-E/2017. Please refer to [Chapter III.1.1](#).

### *Other Selection Procedures that Use Public Tender*

The Procedural Regulation for the Procurement of Goods, Works and Services allows for framework agreements<sup>1152</sup>.

### *National and International Tenders*

Tenders can be subdivided into national and international tenders<sup>1153</sup>.

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

### *Contract Execution Modalities*<sup>1154</sup>

#### *Who executes the contract:*

Comprehensive project bids<sup>1155</sup> are expressly mentioned as contract modality. However, the Specific Bidding Terms and Conditions may establish other contract modalities.

#### *How is the contract executed*<sup>1156</sup>:

- 1) Turnkey;
- 2) Blanket ordering, and
- 3) Guaranteed maximum price.

### *Requirements for Bidders*

The National General Regime does apply (please refer to [Chapter III 1.1](#)).

In addition, bidders who have offered money or any other gift with the following intentions are dismissed:

- 1) That officials refrain from performing an action related to their functions;
- 2) That officials use their power to make another official or agent perform an action or refrain from an action related to their functions, or
- 3) That any person uses their influence to make an official or agent perform an action or refrain from an action related to their functions<sup>1157</sup>.

Prospective bidders are required to register in SIPRO (please refer to [Chapter III 1.1](#))<sup>1158</sup>.

### *Foreign bidders*

- 1) Bids have to be presented in Spanish<sup>1159</sup>;
- 2) Foreign bidders have to establish domicile in CABA<sup>1160</sup>;

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1152 For the description of this type of process, please refer to [Chapter I.3.4](#).

1153 Article 22 of Resolution No. 402-E/2017.

1154 Article 50 of Resolution No. 402-E/2017, Annex I.

1155 For the description of this type of process, please refer to [Chapter I.3.4](#).

1156 For the description of this type of processes, please refer to [Chapter I.3.4](#).

1157 Article 8 of Resolution No. 402-E/2017, Annex I.

1158 Article 22 of Resolution No. 402-E/2017, Annex I.

1159 Article 83 of Resolution No. 402-E/2017, Annex I.

1160 Article 83 of Resolution No. 402-E/2017, Annex I.



- 3) Foreign bidders and awardees are exempted from inscription to SIPRO.<sup>1161</sup> However, with regard to procurement processes carried out via Compr.ar, the ONC established that bidders exempted from SIPRO may pre-register at Compr.ar<sup>1162</sup>, and are given a username in order to participate in the selection procedure<sup>1163</sup>, and
- 4) Foreign bidders are required to present the equivalent documentation that is required from national bidders (e.g. the equivalent corporate documentation from their country of origin)<sup>1164</sup>.

Furthermore, the following documentation is required from foreign bidders<sup>1165</sup>:

*Natural persons:*

- a) Faithful copy of the passport (or other ID document if no passport is available), and
- b) Faithful copy of the registration form issued by the country of origin's tax authority or equivalent proof.

*Legal entities:*

- a) Documentation that certifies the establishment of the legal entity according the country of origin's law;
- b) Documentation that certifies the legal entities' legal representatives (mandate, general assembly resolution that designates them, etc.), and
- c) Faithful copy of the registration form issued by the country of origin's tax authority or equivalent proof.

*Award Criteria*

The contract will be awarded to the most suitable bid taking into account quality, price, time frames and sustainability criteria or according to a scoring system if it has been established as evaluation methodology in the respective Bidding Terms and Conditions<sup>1166</sup>.

Contracts may be awarded even though only one bid has been presented.

*Complaints Mechanism*

The ruling on the evaluation of the bids may be appealed by the bidders within a short deadline<sup>1167</sup>. The appeals will be resolved in the act of contract awarding<sup>1168</sup>.

**Additional Information**

In February 2018, ACUMAR's procurement coordination confirmed to the authors that as of December 2017, ACUMAR is using the electronic procurement system Compr.ar.

They also indicated that ACUMAR does not have wide experience with international tenders.

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1161 Article 25 of Disposition No. 62 E/2016.

1162 <https://comprar.gov.ar/Inscripcion.aspx>.

1163 Adopted by Disposition No. 64 E/2016 and Communication No. 59/17.

1164 Article 83 of Resolution No. 402-E/2017, Annex I.

1165 Article 83 of Resolution No. 402-E/2017, Annex I.

1166 Article 106 of Resolution No. 402-E/2017, Annex I.

1167 Article 104 of Resolution No. 402-E/2017, Annex I.

1168 Article 106 of Resolution No. 402-E/2017, Annex I.

The authors were able to participate in a courtesy visit to ACUMAR, in order to get to know about the status of the sewerage works conducted by them. On that occasion, it could be observed that the works are in a well-advanced stage of completion. Likewise, there are significant works of re-urbanization and improvement of the coastal infrastructure.

The following project is scheduled for 2018 and onwards:

**Construction of the Industrial Tanner Park (Parque Industrial Curtidor ACUBA)** and the Industrial Effluents Treatment Plant (*Planta de Tratamiento de Efluentes Industriales PTELI*) with the objective of relocating the sectorial industries (or parts of their production processes) within the park.

## 2. Administración de Infraestructuras Ferroviarias Sociedad del Estado (ADIF S.E.) - Railway Infrastructure Administration

The following table contains general information on the ADMINISTRACIÓN INFRAESTRUCTURAS FERROVIARIAS SOCIEDAD DEL ESTADO (Railway Infrastructure Administration, hereinafter "ADIF S.E." for its initial letters in Spanish)<sup>1169</sup>.

<b>Creating regulation:</b>	Law No. 26,352 which expressly exempts the application of the National General Regime and the Public Works Contract <sup>1170</sup> to ADIF S.E.'s procurements. Its majority shareholder is the National State. <sup>1171</sup>
<b>Under the authority of:</b>	Ministry of Transport <sup>1172</sup> .
<b>Business objective:</b>	Administration and management of railway infrastructure.
<b>National preference:</b>	ADIF S.E. applies the National Preference Regime established at <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	ADIF S.E. has its own Purchase and Procurement Regulation, which covers the contracting of goods, works and services <sup>1173</sup> . Furthermore, it has three General Bidding Terms and Conditions: 1) For tenders, procurements and works execution; 2) For the procurement and execution of supplies, services, and concessions for use, and 3) For consultancy services.

### 2.1 ADIF SE's Purchase and Procurement Regulation<sup>1174</sup>

#### Selection Procedures

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1175</sup></b>
<b>1) Public Tender</b>	Higher than € 190,000 (and € 315,000 in case of public works).
<b>2) Private Tender</b>	Higher than € 6,500 and less than € 190,000. In case of public works, the contracting amount may be up to € 315,000.
<b>3) Direct Awarding</b>	Contracting amount from € 315 up to € 950.

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>1176</sup>:

- 1) Acquisition of scientific, technical or artistic works or the provisions of works or services whose execution needs to be entrusted to companies, artists or specialists, in case of an established

1169 <https://www.argentina.gob.ar/adifse>.

1170 Article 6 of Law No. 20,705.

1171 Law No. 26,352 and 20,705.

1172 Article 10 of Law No. 26,352.

1173 The authors have been informed in a meeting with ADIF S.E. that this Regulation is currently being updated. The update is, however, not final on the date this report has been completed. For more information on the new regulation please refer to chapter "Additional Information" below.

1174 <https://www.adifse.com.ar/documentos/1.pdf>.

1175 Article 4.4. of the Purchase and Procurement Regulation. The figures in euros are approximate; the exact values depend on the applicable exchange rate.

1176 Article 4.5. of the Purchase and Procurement Regulation.

necessity to specifically request the services from the respective natural persons or legal entities and the inexistence of suitable substitutes;

- 2) In case of goods from exclusive producers or dealers, upon presentation of documentation giving proof of such exclusivity, and
- 3) In case of business collaboration agreements with public or private legal entities, motivated by special strategic reasons that justify the application of this type of procurements instead of other procedures. In this case, a duly reasoned resolution of the Board of Directors is required<sup>1177</sup>.

#### *Award Criteria*

The award is issued in favor of the most suitable bid, taking into account price, quality, bidder's adequacy and the remaining conditions of the bid. Subject to justified reasons, ADIF S.E. can cancel the process without any obligation to the bidders, including the already incurred expenses.

In the case of tenders, the specific terms and conditions may include the criteria of awarding, with regard to technical capacity, specific records and proposals or projects for evaluation.

#### *Complaints Mechanism*

The specific terms and conditions determine the deadlines, amounts and appeal mechanisms.

#### **Additional Information**

In November 2017, the authors discussed various relevant issues regarding public procurement proceedings with ADIF S.E.'s Procurement and Logistics Office.

The first question that was clarified concerned the applicable norms for ADIF S.E.'s procurement. As mentioned, while at the moment the above-mentioned Purchase and Procurement Regulation is still in force, it was ADIF S.E.'s intention to adopt a new regulation. However, the new regulation has not yet been adopted as of the date of the completion of this report. The principal changes in the new regulation are expected to focus on the transparency of the system of procurements, and on the selection procedures.

After the adoption of such new regulations, all the announcements will be published on ADIF S.E.'s web site, and the tendering phase will be exclusively public, leading to a more open, participative and transparent procurement process.

Another change envisaged by ADIF S.E. is the Register for Interested Parties on the web site. Today, the registration is done by completing a simple form online. The reform's objective is to require all documentation regarding the legal, economical and technical capacity at the time of registration, so that all this information does not have to be presented at every single call for tender.

Regarding the participation of foreign bidders in the tender process, in principle it was confirmed that, in line with the requirements of the National Preference Law No. 25,551 (*Ley de Compre Trabajo Argentino/Buy Argentina*) prospective foreign bidders interested in participating in ADIF S.E.'s procurement proceedings have to form a joint venture. This implies that they have to register at the Superintendence of Companies (*Inspección General de Justicia*) either as a branch office or as a subsidiary company<sup>1178</sup>. Consequently, this registry entry and the registration at the Federal Tax

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<sup>1177</sup> This faculty was used with a French company some years ago for the restoration of a workshop to manufacture specific railways elements, through a Joint Venture.

<sup>1178</sup> Article XV of Law No. 19,550.

Bureau (*Administración Federal de Ingresos Públicos*) are fundamental requirements to participate in ADIF S.E.'s procurement proceedings.

Another limitation for the participation of foreign bidders is the Preference Regime (see [Chapter III 1.4](#)) which contains specific exemptions for foreign bidders with regard to consultancy contracts. It is a fact that during a procurement process the Argentinean Chamber of Engineering Consultants (*Cámara Argentina de Consultoras de Ingeniería*) contested the participation of a foreign bidder, which ADIF S.E. subsequently rejected. With regard to consultancy contracts, there is a strong pressure to impede foreign participation.

Nevertheless, it has been noted that it is ADIF S.E.'s intention to obtain participation of foreign companies in their bids, particularly because of the experience they can provide to the planned projects. Unfortunately, ADIF S.E. has not been very successful in obtaining such participation so far, but they are still interested in receiving offers from foreign bidders.

In fact, ADIF S.E. already has awarded projects to foreign companies and plans on keeping doing so, if they provide the required experience and technical capacity.

Furthermore, the online procurement platform has been updated and it is possible to get there fairly detailed information about the dates and conditions of works and projects planned for the coming years.

### 3. Aerolíneas Argentinas Sociedad Anónima - Argentine Airlines Stock Company

The following table contains general information on the AEROLÍNEAS ARGENTINAS SOCIEDAD ANÓNIMA (Argentine Airlines Stock Company).

<b>Creating regulation:</b>	Law No. 26,466 (2008). Aerolíneas Argentinas S.A. is regulated by rules and principles of private law.
<b>Under the authority of:</b>	Ministry of Transport <sup>1179</sup> .
<b>Business objective:</b>	Commercial aviation and connected operations.
<b>National preference:</b>	Aerolíneas Argentinas S.A. applies the National Preference Regime establish at <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	No documents are available on the company's web site. They have to be requested for each tender.

<sup>1179</sup> Article 3 of Decree No. 8/2016.

## 4. Administración General de Puertos Sociedad del Estado (AGP S.E.) - General Ports Administration State Company

The following table contains general information on the ADMINISTRACIÓN GENERAL DE PUERTOS SOCIEDAD DEL ESTADO (General Ports Administration State Company, hereinafter "AGP S.E." for its initial letters in Spanish)<sup>1180</sup>.

<b>Creating regulation:</b>	Decree No. 4,263/1956. In 1987 AGP S.E. has been given public company character and it was established that it is exempt from the application of both the National General Regime and the Public Works Contract Regime <sup>1181</sup> . Its majority shareholder is the National State <sup>1182</sup> .
<b>Under the authority of:</b>	Ministry of Transport <sup>1183</sup> .
<b>Business objective:</b>	Management, administration and operation of commercial ports in Argentina.
<b>National preference:</b>	ADIF S.E. applies the National Preference Regime established at <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ) <sup>1184</sup> .
<b>Procurement regulations:</b>	AGP S.E. has its own Purchase and Procurement Regulation <sup>1185</sup> , which covers the procurement of goods, works and services. Furthermore, it has Unique General Bidding Terms and Conditions <sup>1186</sup> which are used for all procurements of goods, works and services.

### 4.1 Purchase and Procurement Regulation

#### Selection Procedures

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1187</sup></b>
<b>1) Public Tender</b>	Higher than € 290,000 <sup>1188</sup>
<b>2) Private Tender</b>	Less than € 290,000 <sup>1189</sup>
<b>3) Direct Awarding</b>	Less than € 7,200 <sup>1190</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>1191</sup>:

- 1) Cases of urgency or emergency;
- 2) If those receiving the mandate are the only ones able to perform it;
- 3) By reason of exclusivity, and
- 4) Procurements carried out abroad.

1180 <http://www.puertobuenosaires.gov.ar/>.

1181 Article 6 of Law No. 20,705.

1182 Law No. 20,705.

1183 Decree No. 8/2016.

1184 Law No. 25,551.

1185 <http://www.puertobuenosaires.gov.ar/reglamento-de-compras-y-contrataciones/102>.

1186 <http://www.puertobuenosaires.gov.ar/pliego-unico-bases-y-condiciones-generales-/85>.

1187 Approximate figures; the exact value in euros may vary depending on the exchange rate.

1188 It is established that the value has to be higher than 2,400 Modules. The value of a Module is around € 120 (AR\$ 2,500) according to Article 21 of the Purchase and Procurement Regulation.

1189 It is established that the value has to be less than 2,400 Modules.

1190 It is established that the value has to be less than 600 Modules.

1191 Article 27 of the Purchase and Procurement Regulation.

The public tender may be either single stage or multi-stage<sup>1192</sup>.

#### *National and International Tenders*

It is expressly stated that tenders may be either national or international<sup>1193</sup>.

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

#### *Contract Execution Modalities*

Comprehensive project bids are explicitly mentioned as a contract modality<sup>1194</sup>.

The Specific Bidding Terms and Conditions may, however, establish other contract modalities.

#### *Requirements for Bidders*

Natural persons and legal entities with the capacity to enter into contracts and that are not part of below mentioned list can contract with AGP S.E.<sup>1195</sup>.

The following persons are not allowed to contract with AGP S.E.<sup>1196</sup>:

- 1) Natural persons or legal entities that are suspended or disqualified from contracting by AGP S.E.;
- 2) Agents and officials of the National State and companies in which the State has sufficient participation to form the social will;
- 3) Natural persons or legal entities that are bankrupt, interdicted or in the process of reorganization;
- 4) Persons convicted for malicious criminal offenses;
- 5) Persons that are prosecuted for criminal offenses against property, against the National Public Administration, against public faith or offenses contained in the Inter-American Convention against Corruption;
- 6) Natural persons or legal entities that have not complied with their tax or pension obligations, and
- 7) Natural persons or legal entities that receive subsidies from the State and have not complied with their accountability.

#### *Foreign Bidders*

There are no special requirements. Therefore, the respective Bidding Terms and Conditions need to be consulted.

#### *Award Criteria*

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1192 Article 33 b) of the Purchase and Procurement Regulation.

1193 Article 33 c) of the Purchase and Procurement Regulation.

1194 Article 33 d) of the Purchase and Procurement Regulation. For the description of this type of process, please refer to [Chapter I.3.4](#).

1195 Article 149 of the Purchase and Procurement Regulation.

1196 Article 150 of the Purchase and Procurement Regulation.



The contract will be awarded to the most suitable bid taking into account price, quality and other conditions of the bid<sup>1197</sup>.

However, in case of procurements of standardized goods or services where technical characteristics can be unequivocally specified, the bid with the lowest price will be considered the most suitable bid<sup>1198</sup>.

### *Complaint Mechanism*

The evaluation ruling may be appealed<sup>1199</sup>. The award cannot be appealed.

### **Additional Information**

In October 2017, in a meeting with the authors AGP confirmed that it is using its own Purchase and Procurement Regulation, as well as its Unique General Bidding Terms and Conditions.

It has also been confirmed that AGP applies the National Preference Regime.

The following work is currently being executed:

**New Northern Railway Access** (*Nuevo Acceso Ferroviario Norte*): It allows direct Access to the Buenos Aires Port from the principal rail lines *Mitre* and *San Martín*. The desired end result is to provide for optimum railway conditions that would allow transporting more than 6,000 containers per year and, after the *Belgrano Cargas* rail line incorporates its new units, 15,000 containers per year<sup>1200</sup>.

The company provided the authors with statistical information on its procurements in 2016 and 2017:

- 1) In 2016 around € 30 million have been spent on purchases and procurements.
- 2) In 2017 around € 36 million have been spent on purchases and procurements.
- 3) In both years, the main engineering works were: Railways, dredging works and works in the port area.

The next international tender will be for the concession of the container terminals, with the current concession expiring in 2019.

In national tenders, the Specific Bidding Terms and Conditions always require bidders to have a branch office or permanent representation in Argentina, with the option to participate in a joint venture whose set-up process concludes with the contract awarding.

According to the company, mainly international companies based in CABA participate in dredging works.

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1197 Article 22 of the Purchase and Procurement Regulation and Article 20 of the Unique General Bidding Terms and Conditions.

1198 Article 22 of the Purchase and Procurement Regulation.

1199 Article 19 of the Unique General Bidding Terms and Conditions.

1200 <http://www.puertobuenosaires.gov.ar/nuevo-acceso-ferroviario/121>.

## 5. Agua y Saneamientos Argentinos Sociedad Anónima (AySA) - Argentinean Water and Sanitation State Company

The following table contains general information on the AGUA Y SANEAMIENTOS ARGENTINOS SOCIEDAD ANÓNIMA (Argentinean Water and Sanitation State Company, hereinafter "AySA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Decree No. 304/2006 which establishes that AySA is regulated by rules and principles of private law, and expressly exempts the application of the National General Regime and the Public Works Contract <sup>1201</sup> .
<b>Under the authority of:</b>	Ministry of the Interior, Public Works and Housing <sup>1202</sup> .
<b>Business objective:</b>	AySA is concessionaire for the public services of drinking water and wastewater systems for CABA and 25 suburbs.  It continually develops the provision of drinking water, wastewater and rainwater drainage projects.
<b>National preference:</b>	AySA applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	AySA has its own Procedural Handbook on the Management of Procurements of Works, Goods and Services.  To all matters not regulated by the Handbook, rules and principles of private law do apply <sup>1203</sup> .

### 5.1 Procedural Handbook on the Management of Procurements of Works, Goods and Services

#### *Regulated Contracts*

Purchases and procurements of goods, services and infrastructure works<sup>1204</sup>.

#### *Selection Procedures*

Public tenders, private tenders or direct awards are allowed depending on the amount of the contract<sup>1205</sup>:

1201 Article 1 Decree No. 304/2006.

1202 Chapter 12 Decree No. 212/2015.

1203 Article 11 Decree No. 304/2006.

1204 Article 1 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1205 Article 5.1 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1206</sup></b>
<b>1) Public tender</b>	Higher than € 970,000 for goods and services, and higher than € 1,460,000 for works <sup>1207</sup> .
<b>2) Private tender</b>	Higher than € 1,200 and lower than € 970,000 for goods and services, and lower than € 1,460,000 for works <sup>1208</sup> .
<b>3) Direct awarding</b>	Lower than € 1,200.

The public tender may be single stage or multi-stage<sup>1209</sup>.

AySA also uses the electronic procurement system of the National General Regime (Compr.ar)<sup>1210</sup>.

#### *National and International Tenders<sup>1211</sup>*

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

#### *Other Selection Procedures that Use Public Tender*

- 1) Framework agreement<sup>1212</sup>, and
- 2) Private initiative<sup>1213</sup>.

#### *Contract Execution Modalities<sup>1214</sup>*

##### *Who executes the contract:*

Comprehensive project bids<sup>1215</sup> are expressly mentioned as a contract modality. However, the Specific Bidding Terms and Conditions may establish other contract modalities.

##### *How is the contract executed (the modalities are expressly mentioned for works procurements)<sup>1216</sup>:*

- 1) Units of measurement;
- 2) Lump sum, and
- 3) Cost plus fee.

1206 The figures in euros are approximate; the exact value depends on the applicable exchange rate.

1207 Article 5.1 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services. An amount of more than AR\$ 20,000,000 is established for goods and services and an amount of more than AR\$ 30,000,000 for works.

1208 It is established that the amount for goods and services needs to be higher than AR\$ 25,000 and lower than AR\$ 20,000,000. In the case of works, the amount needs to be lower than AR\$ 30,000,000.

1209 E.g. Specific Bidding Terms and Conditions - LPI No. 39,506 2017, Article 3.3.

1210 In fact, AYSA's procurements can be found on Compr.ar ([www.argentinacompra.gov.ar](http://www.argentinacompra.gov.ar)).

1211 E.g. Specific Bidding Terms and Conditions - LPI No. 39,506 2017.

1212 Article 4 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services. For the description of this type of process, please refer to [Chapter I.3.4](#).

1213 Annex 9 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services. For the description of this type of process, please refer to [Chapter I.3.4](#).

1214 Annex 10 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1215 For the description of this type of process, please refer to [Chapter I.3.5](#).

1216 For the description of these Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

### *Requirements for Bidders*

Bidders need to be capable to enter into contracts and are required to register at the Suppliers Register (*Registro de Proveedores*)<sup>1217</sup>.

In addition, bidders will be dismissed if they:<sup>1218</sup>

- 1) Are suspended or disqualified from the register;
- 2) Have tax or pension debts owed to the National State;
- 3) Are bankrupt, have their assets frozen or are in reorganization proceedings;
- 4) Have not appeared before court in lawsuits where AySA was summoned, too;
- 5) Have not taken responsibility regarding any contractual obligation they owe AySA in judicial or administrative claims in which AySA has been convicted;
- 6) Are convicted for offenses against property, against the National State, against public faith or for offenses contained in the Inter-American Convention against Corruption, Law No. 24,759;
- 7) Are party to trials or international arbitration proceedings against AySA, and
- 8) Are civilly, commercially or criminally incapacitated, or convicted for intentional crimes.

### *Foreign Bidders*

Bids have to be submitted in Spanish<sup>1219</sup>.

Foreign bidders are required to present the equivalent documentation that is required from national bidders (the legislation does not make any distinctions)<sup>1220</sup>.

Furthermore, it is established that powers of attorney granted outside of Argentina need to be granted according to the law of the place of origin and meet the authenticity requirements of Argentine law. In case of States parties to The Hague Convention, legalization by apostille is deemed sufficient<sup>1221</sup>.

### *Award Criteria*

The award will be granted in favor of the most suitable bid taking into account price, reasonableness, quality and further conditions of the bid<sup>1222</sup>.

### *Complaints Mechanism*

The Handbook only establishes that the possibility and form of complaints are determined in the respective Specific Bidding Terms and Conditions. Upon analysis of various Specific Bidding Terms and Conditions, it is concluded that complaints may be made during different stages of the bidding procedure, within a short deadline after becoming aware of the complaint's motive and by depositing a guarantee equivalent to 1% of the bid (and never lower than € 240<sup>1223</sup>).

### **Additional Information**

The authors held a meeting with representatives of AySA in October 2017.

There the authors were informed about the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

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1217 Article 10 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1218 Annex 6 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1219 Annex 10 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1220 Annex 10 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1221 Annex 10 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1222 Article 11 of the Procedural Handbook on the Management of Procurements of Works, Goods and Services.

1223 For example, Article 5 of Specific Bidding Terms and Conditions - LPI No. 39,506 - 2017.

Furthermore, the authors have been informed that AySA participates in large PPP works that are being executed in 2018, for example the New North Subterranean River Aqueduct (*Nuevo Acueducto Río Subterráneo Norte*) in the Province of Buenos Aires (outlay of public funds of around € 3,700,000<sup>1224</sup>) and the construction of the Laferrere and Associated Networks Purification Plant (*Planta Depuradora Laferrere y Redes Asociadas*) in the Province of Buenos Aires (outlay of public funds of around € 1,600,000<sup>1225</sup>).

The following works are currently being executed:

- **Riachuelo System (*Sistema Riachuelo*):** Urban infrastructure project that will provide a comprehensive solution for the current transport capacity limitations of sewer drainage services in large parts of AySA's concession area, by improving the service quality and promoting the sewerage of the *Riachuelo* Basin concerning the contamination caused by sewer effluents. The project's cost is expected to be around € 970 million.
- **Water System South (*Sistema de Agua Sur*):** Designed to increase the capacity of drinking water provision, by expanding the *General Belgrano* Plant located in Bernal and by expanding the water's transport by means of a subterranean river of 23 km divided in two sections and equipped with two elevator stations. The project's cost is expected to be around € 8 billion.

## 6. Autoridad del Agua de la Provincia de Buenos Aires (ADA) - Water Authority of the Province of Buenos Aires

The following table contains general information on the AUTORIDAD DEL AGUA DE LA PROVINCIA DE BUENOS AIRES (Water Authority of the Province of Buenos Aires, hereinafter "ADA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Law No. 12,257 establishes ADA as an autarkic entity <sup>1226</sup> .
<b>Under the authority of:</b>	Ministry of Infrastructure and Public Services.
<b>Business objective:</b>	Planning and management of the regime of protection, conservation and operation of the water resources in the Province of Buenos Aires.
<b>Local preference:</b>	ADA applies the Local preference Regime of the Province of Buenos Aires (please refer to <a href="#">Chapter IV 2.1</a> ).
<b>Procurement regulations:</b>	ADA applies the Procurement Regime of the Province of Buenos Aires (please refer to <a href="#">Chapter IV 2.1</a> ).

### Additional Information

In February 2018, ADA confirmed to the authors that it is using the Procurement Regime of the Province of Buenos Aires and that it does not have its own procurement regulations.

1224 AR\$ 76,699,314 (Budget Law 2018)

1225 AR\$ 34,514,691 (Budget Law 2018)

1226 Article 3 of Law No. 12,257.

## 7. Autopistas Urbanas Sociedad Anónima (AUSA) - Urban Highways Stock Company

The following table contains general information on AUTOPISTAS URBANAS SOCIEDAD ANÓNIMA (Urban Highways Stock Company, hereinafter "AUSA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Law No. 3,060/2009. This law grants AUSA the concession over the Network of Highways and Interconnected Routes in the Autonomous City of Buenos Aires ( <i>Red de Autopistas y Vías Interconectadas de la Ciudad Autónoma de Buenos Aires</i> , hereinafter "the Network") <sup>1227</sup> .
<b>Under the authority of:</b>	Ministry of Urban Development and Transportation <sup>1228</sup> of the Autonomous City of Buenos Aires.
<b>Business objective:</b>	Construction and operation of highways and road works within the Network.
<b>Local preference:</b>	According to Law No. 590, AUSA has to apply the CABA preference regime explained in <a href="#">Chapter IV 1.1</a> . However, AUSA's officials have informed that the preference regime usually is not being applied.
<b>Procurement regulation:</b>	AUSA has a Procurement Regulation, which determines the principles, proceedings, rights and obligation that derive from the relation between AUSA and the bidders and/or awardees <sup>1229</sup> . In cases that are not regulated by its Procurement Regulation, the CABA General Public Procurement Regime applies (please refer to <a href="#">Chapter IV 1.1</a> ). If public works are concerned, the National Public Works Law applies. It also has General Bidding Terms and Conditions.

### 7.1 AUSA's Procurement Regulation and General Bidding Terms and Conditions

The Procurement Regulation covers the purchase and/or contracting of goods, works, supplies and/or services by AUSA. The Regulation sets out the thresholds that determine which selection procedure is chosen.

The General Bidding Terms and Conditions are applicable to the procurements carried out through public or private tender. Although they have not been published, they are available to bidders that wish to participate in the procurement process.

Both documents are similar in many of their provisions.

#### *Regulated Contracts*

Such contracts are applicable to the purchase and/or contracting of goods, works, supplies and/or services by AUSA<sup>1230</sup>.

#### *Selection Procedures*

Public Tenders, private tenders or direct awards are allowed depending on the amount of the contract<sup>1231</sup>:

1227 Namely until the year 2029.

1228 Article 7 of Law No. 3,060/2009.

1229 Article 1 and 2 of the Procurement Regulation.

1230 Article 1 of the Procurement Regulation and Article 1 of the Unique General Bidding Terms and Conditions.

1231 Article 7 of the Procurement Regulation.

<b>Selection procedure</b>	<b>If the estimated amount of the contract is<sup>1232</sup></b>
<b>1) Public Tender</b>	Higher than € 267,000.
<b>2) Private Tender</b>	Lower than € 267,000 and higher than € 10,500
<b>3) Direct Awarding</b>	Lower than € 10,500

The public tender may be either single stage or multi-stage. Multi-stage procurement is used if the contract has a high degree of complexity or specific characteristics<sup>1233</sup>.

#### *Contract Execution Modalities<sup>1234</sup>*

##### *Public Works:*

- 1) Units of measurement;
- 2) Lump sum;
- 3) Cost plus fee.

##### *Service Contracts:*

Service level agreements are explicitly mentioned as a contract modality. The Specific Bidding Terms and Conditions may, however, establish other contract modalities.

##### *Goods:*

Turnkey is explicitly mentioned as a contract modality. The Specific Bidding Terms and Conditions may, however, establish other contract modalities.

#### *Requirements for Bidders*

Natural persons and legal entities, as well as joint ventures can participate<sup>1235</sup>. They need to have legal capacity which is determined by the objective of their association<sup>1236</sup>.

#### *Foreign Bidders*

- 1) All documents have to be presented in Spanish. Documents in foreign languages have to be translated (by a registered translator and certified by the respective translators association)<sup>1237</sup>;
- 2) They must establish a domicile within the Autonomous City of Buenos Aires, merely to receive notifications<sup>1238</sup>, and
- 3) Even though the General Bidding Terms and Conditions do not address this, it is a fact that foreign bidders have to submit corporate documentation issued by the competent authorities of their country of origin.

#### *Award Criteria*

<sup>1232</sup> The figures in euros are approximate; the exact value depends on the applicable exchange rate.

<sup>1233</sup> Article 45 of the Procurement Regulation.

<sup>1234</sup> Article 45 of the Procurement Regulation. For the description of these Contract Execution Modalities, please refer to [Chapter III.1.2.1](#).

<sup>1235</sup> Article 2 of the General Bidding Terms and Conditions.

<sup>1236</sup> Article 9 of the General Bidding Terms and Conditions.

<sup>1237</sup> Article 28 of the Procurement Regulation and Article 4 of the General Bidding Terms and Conditions.

<sup>1238</sup> Article 28 of the Procurement Regulation and Article 2.5.2 of the General Bidding Terms and Conditions.

The evaluation and pre-awarding commission issues a non-binding pre-award ruling. The most suitable bid (from AUSA's technical and economical perspective) gets the award<sup>1239</sup>.

### *Complaints Mechanism*

The pre-award ruling can be appealed, but not the award itself<sup>1240</sup>.

### **Additional Information**

*(Notes from the author's meeting with AUSA)*

- 1) AUSA has carried out several works requested by the Government of the Autonomous City of Buenos Aires (*Gobierno de la Ciudad Autónoma de Buenos Aires*) and several works requested by the National Government.
- 2) On the one hand, the National Public Works Law No. 13,064 applies subsidiarily to works commissioned by AUSA.
- 3) On the other hand, for procurements that are not public works, the Regime for Procurements of the City - Law No. 2,095 applies.
- 4) Foreign bidders are allowed to participate if they have a branch office or a subsidiary in Argentina, or if they associate with a local company through a joint venture.
- 5) If works are financed by the Development Bank of Latin America (*Corporacion Andina de Fomento - Banco de Desarrollo de América Latina*) – as indicated in the introductory chapter – the special rules of that organization apply. They require international tender.
- 6) AUSA is interested in international tenders, because they improve competition among bidders.
- 7) Among current works under construction, the following can be highlighted<sup>1241</sup>:
  - a) Construction of the underpass on Nazca Avenue and tracks of the San Martín railway in Villa del Parque neighbourhood;
  - b) Extension of Chacarita Avenue, and
  - c) Mitre overpass on Tigre feeder road.
- 8) A selection of works planned for the coming years<sup>1242</sup>:
  - a) Lacarra bridge, and
  - b) Track layout of a section of the Illia express road Illia.

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1239 Article 28 et seq. Procurement Regulation and Article 11 of the General Bidding Terms and Conditions.

1240 Article 36 of the Procurement Regulation and Article 9.2. of the General Bidding Terms and Conditions.

1241 For more information see <https://www.ausa.com.ar/novedades/>.

1242 For more information see <https://www.ausa.com.ar/novedades/>.



## 8. Banco de La Nación Argentina (BNA) - Bank of the Argentine Nation

The following table contains general information on the BANCO DE LA NACIÓN ARGENTINA (Bank of the Argentine Nation, hereinafter "BNA").

<b>Creating regulation:</b>	Law No. 21,799, which established BNA as an autarkic entity <sup>1243</sup> .
<b>Under the authority of:</b>	Ministry of Finance.
<b>Business objective:</b>	BNA's primary objective is to provide financial assistance to micro, small and medium-sized companies irrespective of their field of business <sup>1244</sup> .
<b>National preference:</b>	BNA applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	BNA applies the National General Regime to all matters that are not regulated by its Bidding Terms and Conditions (please refer to <a href="#">Chapter III 1.4</a> ).

### *Contracts Regulated*

BNA has General Bidding Terms and Conditions for the procurement of goods and services and General Bidding Terms and Conditions for public works.

### *Selection Procedures*

BNA carries out procurements of goods and services by means of (national or international) public or private tenders.

### *Contract Execution Modalities*

It is expressly established that BNA uses lump sum as a contract execution modality for public work procurements.

### *Requirements for Bidders*

Regarding public works, bidders have to meet the following requirements:

- 1) Subscription to BNA's Contractors Register;
- 2) Subscription to the Contractors Register of CABA or the Provinces;
- 3) Sufficient technical and economical capacities in the specific area of the procured works;
- 4) In case of partnerships, certified copy of the partnership agreement, which has to be registered at the commercial registry, and
- 5) In case of stock companies, the articles of association and a certified copy of the act in which the administrative council has authorized the director(s) to represent the company.

### *Foreign Bidders*

Foreign bidders are exempted from registering in BNA's Suppliers Register in international tenders of goods and services procurements.

<sup>1243</sup> Article 1 Law No. 21,799.

<sup>1244</sup> Article 3 of BNA's Charter.

### *Award Criteria*

For both goods and services procurements, the elements to be taken into account are price, quality and functionality of the offered product as well as trustworthiness of the bidder<sup>1245</sup>.

In public works procurements, the suitability is the sole award criterion<sup>1246</sup>.

### *Complaints Mechanism*

In goods and services procurements, the pre-award ruling may be appealed within three days after the deadline of the pre-award notification has expired.

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1245 Article 29 of the General Bidding Terms and Conditions for Goods and Services.

1246 Article 19 of the General Bidding Terms and Conditions for Public Works.

## 9. Comisión Nacional de Energía Atómica (CNEA)

The following table contains general information on the COMISIÓN NACIONAL DE ENERGÍA ATÓMICA (National Nuclear Energy Commission, hereinafter "CNEA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Decree No. 10,936/50 <sup>1247</sup> which established CNEA as an autarkic entity.
<b>Under the authority of:</b>	National Energy and Mining Ministry <sup>1248</sup> .
<b>Business objective:</b>	Engagement, research and development of the peaceful use of nuclear energy <sup>1249</sup> .
<b>National preference:</b>	CNEA applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	In February 2018, CNEA informed the authors that it is using the National General Regime (please refer to <a href="#">Chapter III 1.4</a> ).

## 10. Compañía Administradora del Mercado Mayorista Eléctrico Sociedad Anónima (CAMMESA) - Wholesale Electricity Market Administration Stock Company

The following table contains general information on the COMPAÑÍA ADMINISTRADORA DEL MERCADO MAYORISTA ELÉCTRICO SOCIEDAD ANÓNIMA (Wholesale Electricity Market Administration Stock Company, hereinafter "CAMMESA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Decree No. 1,192/92.
<b>Under the authority of:</b>	National Energy and Mining Ministry <sup>1250</sup> .
<b>Business objective:</b>	Its main objectives are the administration of the Wholesale Electricity Market ( <i>Mercado Eléctrico Mayorista</i> (MEM)), the coordination of electricity distribution, the setting of wholesale electricity prices and the management of economical transactions that are carried out through the National Interconnected System ( <i>Sistema Interconectado Nacional</i> (SIN)).
<b>National preference:</b>	CAMMESA applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	The creating regulation excludes the application of norms of public law (National General Regime, National Public Works Regime etc.). Furthermore, it is established that the procurement procedures are regulated by rules and principles of private law <sup>1251</sup> . For each procurement, CAMMESA issues General and Specific Bidding Terms and Conditions <sup>1252</sup> .

### Additional Information:

In February 2018, CAMMESA informed the authors that it has an internal and private procedure for the procurement of goods and services.

1247 Even though Decree No. 10,936/50 has been derogated, it has been replaced by Decree No. 384/55 which now serves as legal basis for CNEA.

1248 Decree No. 231/2015.

1249 Article 2 of Decree-Law No. 22,498/56.

1250 Decree No. 231/2015.

1251 Article 8 of Decree No. 1,192/92.

1252 According to CAMMESA, the General Bidding Terms and Conditions are internal and will not be published.

## 11. Coordinación Ecológica Área Metropolitana Sociedad del Estado (CEAMSE) - Ecological Coordination of the Metropolitan Area State Company

The following table contains general information on the COORDINACIÓN ECOLÓGICA ÁREA METROPOLITANA SOCIEDAD DEL ESTADO (Ecological Coordination of the Metropolitan Area State Company, hereinafter "CEAMSE" for its initial letters in Spanish).

<b>Creating regulation:</b>	Decree-Law No. 8,782/77 and Ordinance No. 33,691. CEAMSE is an interjurisdictional public company of CABA and the Province of Buenos Aires.
<b>Under the authority of:</b>	CABA and the Province of Buenos Aires.
<b>Business objective:</b>	Safeguards the balance and ecological conservation of the metropolitan area, fights the environmental pollution and remediates aquifers and soils.
<b>National preference:</b>	CEAMSE applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	In February 2018 officials of CEAMSE informed the authors that the agency does have a Handbook on Purchases and Procurements that is not being published.  Nevertheless, the publicly available General Bidding Terms and Conditions establish the application of private law regulations (such as the Argentinean Civil and Commercial Code) and expressly exempt the application of public law rules <sup>1253</sup> .

### 11.1 General Bidding Terms and Conditions

#### *Selection Procedures*

The General Bidding Terms and Conditions apply to biddings and tenders.

#### *Requirements for Bidders*

Primarily, bidders need to comply with requirements regarding accounting, tax, pension payments, etc.

The bids must be presented in Spanish.

The bid has to be signed by a legal representative.

Bidders have to constitute domicile in CABA. In case they do not, they will have an address for service at the administrative offices of CEAMSE (Amancio Alcorta Avenue 3000, in CABA).

Companies have to attach their articles of association or their respective constitutional documentation, as well as further documentation registered with the Commercial Registry.

In case a company constitutes domicile for the sole purpose of participation in the tender process, it is sufficient to present documentation giving proof of the initiation of the constitution process.

In case the bid is presented by two or more natural persons or legal entities, they are required to form a joint venture or a stock company (*sociedad anónima*) with the sole objective of complying with the awarded contract<sup>1254</sup>.

<sup>1253</sup> Article 1.1.3 of the General Bidding Terms and Conditions.

<sup>1254</sup> Article 2.4.2 of the General Bidding Terms and Conditions.

### *Award Criteria*

The contract will be awarded in favor of the most suitable bid, at the exclusive discretion of CEAMSE's board of directors.

Entities constituted in Argentina or registered according to the General Company Law are granted preferential treatment, provided that the goods they offer are of the same level of quality, have similar delivery terms and a price that does not exceed competing bids by more than 5%. The same preferential treatment is granted for services offered by bidders domiciled in Argentina. The technical staff has to be of Argentine nationality by at least 75%.

### *Complaints Mechanism*

The award may not be appealed<sup>1255</sup>. However, it is possible to appeal the pre-selection ruling, provided that the appeal is accompanied with a guarantee whose amount is set out in the Specific Bidding Terms and Conditions.

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<sup>1255</sup> Article 6.1.1 of the General Bidding Terms and Conditions.

## 12. Correo Oficial de la República Argentina S.A. - Official Mail of the Republic of Argentina Stock Company)

The following table contains general information on the CORREO OFICIAL DE LA REPUBLICA ARGENTINA SOCIEDAD ANÓNIMA (Official Mail of the Republic of Argentina Stock Company).

<b>Creating regulation:</b>	Decree No. 721/2004 which expressly exempts the application of the National General Regime and the Public Works Contract <sup>1256</sup> . Its majority shareholder is the National State.
<b>Under the authority of:</b>	Ministry of Modernization <sup>1257</sup> .
<b>Business objective:</b>	Provision of the official mail service comprising all postal, monetary and telegraphic services.
<b>National preference:</b>	<i>Correo Oficial de la República Argentina S.A.</i> applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	There is no published information available. Although requested multiple times, no information of internal procurement regulations has been provided.

## 13. Dirección Nacional de Vialidad (DNV) - National Road Directorate

The following table contains general information on the DIRECCIÓN NACIONAL DE VIALIDAD (National Road Directorate, hereinafter "DNV" for its initial letters in Spanish).

<b>Creating regulation:</b>	Created by Law No. 11,658/32. Subsequently, DNV has been granted the status of an autarkic entity by means of Decree No. 7,943/72.
<b>Under the authority of:</b>	Ministry of Transport <sup>1258</sup> .
<b>Business objective:</b>	DNV is in charge of research, construction, conservation and improvement of the strategic system of national roads and their complementary works.
<b>National preference:</b>	DNV applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	DNV applies the National General Regime (please refer to <a href="#">Chapter III 1.4</a> ). This conclusion stems from the analysis of various Specific Bidding Terms and Conditions from DNV, which refer to the Unique Bidding Terms and Conditions. This document establishes the application of the National General Regime.

### Additional Information

DNV is one of the governmental agencies with the majority of the ongoing PPP contracts. It is estimated that a total of around € 10 billion will be invested in PPP<sup>1259</sup>.

The PPP projects foresee:

- Construction of roads;
- Maintenance of highways, and
- Road corridors.
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<sup>1256</sup> Article 13 of Decree No. 721/04.

<sup>1257</sup> Decree No. 513/2017.

<sup>1258</sup> Decree No. 8/16.

<sup>1259</sup> For more information see <http://ppp.vialidad.gob.ar/wp-content/uploads/2017/11/PROYECTO-8.pdf>

## 14. Educ.Ar Sociedad del Estado (EDUCAR) - Educ.Ar State Company

The following table contains general information on the EDUC.AR SOCIEDAD DEL ESTADO (Educ.Ar State Company, hereinafter "EDUCAR").

<b>Creating regulation:</b>	Decree No. 383/2000 which establishes EDUCAR as a State company <sup>1260</sup> .
<b>Under the authority of:</b>	Ministry of Education <sup>1261</sup> .
<b>Business objective:</b>	Promotion of the development and integration of technology in education <sup>1262</sup> .
<b>National preference:</b>	EDUCAR applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	EDUCAR has its own Acquisitions and Procurements Regulation <sup>1263</sup> . It also has Unique General Bidding Terms and Conditions for the Procurement of Goods and Services <sup>1264</sup> .

### 14.1 EDUCAR 's Acquisitions and Procurements Regulation

#### *Contracts Regulated*

The regulations apply to procurements of goods and services carried out by EDUCAR, except for petty cash purchases<sup>1265</sup>.

#### *Selection Procedures*

Public Tenders, private tenders or direct awards are allowed depending on the amount of the contract:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is</b> <sup>1266</sup>
<b>1) Public tender</b>	Higher than € 485,000
<b>2) Private tender</b>	Lower than € 485,000
<b>3) Direct awarding</b>	Lower than € 60,000

Tenders can be subdivided into national and international tenders<sup>1267</sup>.

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

<sup>1260</sup> Article 1 of Decree No. 383/2000.

<sup>1261</sup> Art. 101 of Law No. 26,206.

<sup>1262</sup> Article 1 of Decree No. 383/2000.

<sup>1263</sup> [https://sub.educ.ar/compras/reglamento\\_de\\_contrataciones.pdf](https://sub.educ.ar/compras/reglamento_de_contrataciones.pdf).

<sup>1264</sup> <https://sub.educ.ar/compras/pliegobyc.pdf>.

<sup>1265</sup> Article 1 of the Acquisitions and Procurements Regulation.

<sup>1266</sup> Article 6 of the Acquisitions and Procurements Regulation. The figures in euros are approximate; the exact value depends on the applicable exchange rate.

<sup>1267</sup> Article 4 of the Acquisitions and Procurements Regulation.

### *Other Selection Procedures that Use Public Tender*

EDUCAR's procurement regulations allow for private initiatives<sup>1268</sup>.

### *Contract Execution Modalities*<sup>1269</sup>

- 1) Turnkey<sup>1270</sup>, and
- 2) Blanket Ordering<sup>1271</sup>.

### *Requirements for Bidders*

The following persons and legal entities are not allowed to contract with EDUCAR<sup>1272</sup>:

- 1) Those that are suspended from contracting with the National Public Administration;
- 2) Those that are convicted for committing malicious crimes;
- 3) Those that are prosecuted for offences against the National Public Administration;
- 4) Those that have not complied with their tax or pension obligations or who are in a bankruptcy process - unless they produce a judicial authorization and it is established that they have the economical capacity to fulfill the contract in question, or
- 5) Employees that are registered in the Public Register of Employees with Labour Sanctions (*Registro Público de Empleadores con Sanciones Laborales (REPSAL)*).

Furthermore, bidders will be dismissed if any of the following circumstances is found<sup>1273</sup>:

- a) Any of the incompatibilities established for public officers apply to officials of EDUCAR<sup>1274</sup>;
- b) Any official and/or employee of EDUCAR has a relationship of consanguinity (up to the third degree, or matrimonial or co-habitational) with the bidder or any of its members, directors or managers, or
- c) If there are clear indications that lead to the presumption that bidders have coordinated bids in the selection procedure. Coordination is assumed, *inter alia*, if submitted by spouses or close relatives up until the first degree of consanguinity unless proven otherwise.

It is established that each bidder may only participate with one bid, whether alone or as part of a group, association or legal entity<sup>1275</sup>.

### *Foreign Bidders*

There are no specific provisions. It is only mentioned that all documents have to be presented in Spanish or translated to Spanish by a certified public translator<sup>1276</sup>.

### *Award Criteria*

The award will be issued in favor of the most suitable bid taking into account price, quality of the bid and the adequacy of the bidder<sup>1277</sup>.

The award may be issued even though a sole bid has been made<sup>1278</sup>.

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1268 Article 50 of the Acquisitions and Procurements Regulation.

1269 Article 50 of the Acquisitions and Procurements Regulation.

1270 For the description of this type of process, please refer to [Chapter I.3.5](#)

1271 For the description of this type of process, please refer to [Chapter I.3.5](#)

1272 Article 33 of the Acquisitions and Procurements Regulation.

1273 Article 32 of the Acquisitions and Procurements Regulation.

1274 These incompatibilities are established at Law No. 25,188.

1275 Article 21 of the Acquisitions and Procurements Regulation.

1276 Article 23 of the Acquisitions and Procurements Regulation.

1277 Article 30 of the Acquisitions and Procurements Regulation.

1278 Article 17 of the Acquisitions and Procurements Regulation.



### *Complaint Mechanism*

Bidders may appeal the evaluation ruling within a short deadline provided that they deposit a guarantee equivalent to 3% of the bid's price<sup>1279</sup>.

### **Additional Information**

In February 2018, the authors held a meeting with the office in charge of Purchases and Procurements of EDUCAR, in which several inquiries on EDUCAR's procurement processes could be made.

Regarding the applicable regulations, it was stated that EDUCAR does not apply the National Procurement Regime, but rather its Procurement Regulation, the General Bidding Terms and Conditions and the Particular Bidding Terms and Conditions. EDUCAR does not apply the National Preference Regime *Compre Argentina/Buy Argentina*.

Regarding the percentage of awards to foreign bidders, the authors were told that up to 90% of the procurements are granted to national bidders, while foreign procurements are mainly completed in relation to purchases of technology.

EDUCAR's procurement processes are not published on *Compr.ar*.

As to the specific requirements for foreign bidders, the authors were informed that it depends on the individual procurement. Some Specific Bidding Terms and Conditions actually do require the establishment of a branch office or a seat in Argentina, whereas others do not contain such requirements.

Finally, the Suppliers Register is not consulted if EDUCAR contracts directly with companies, or by way of private tender. However, the respective sectorial chambers are contacted in these cases.

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1279 Articles 34 and 38 of the Acquisitions and Procurements Regulation.

## 15. Empresa Argentina de Soluciones Satelitales Sociedad Anónima (ARSAT) - Argentine Satellite Solutions Stock Company

The following table contains general information on the EMPRESA ARGENTINA DE SOLUCIONES SATELITALES SOCIEDAD ANÓNIMA (Argentine Satellite Solutions Stock Company, hereinafter "ARSAT").

<b>Creating regulation:</b>	Law No. 26,092 establishes that ARSAT is regulated by rules and principles of private law <sup>1280</sup> and expressly exempts the application of the National General Regime and the Public Works Contract <sup>1281</sup> .
<b>Under the authority of:</b>	Ministry of Modernization <sup>1282</sup> .
<b>Business objective:</b>	ARSAT is the national company providing terrestrial, aerial and special telecommunication services.
<b>National preference:</b>	ARSAT applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulation:</b>	ARSAT Purchase and Procurement Regulation.

### 15.1 ARSAT Purchase and Procurement Regulation

#### *Regulated Contracts*

This regime applies to contracts for purchases, supplies, services, works, leasings, barter, trusts, partnerships, concessions and/or permissions to use of goods, and any contracts not expressly exempted.

The following ones are exempted from this regime<sup>1283</sup>:

- 1) Banking services, as well as investments from funds and financial instruments;
- 2) Contracts with foreign States, entities of public international law or multilateral credit institutions; contracts partially or totally financed by them and contracts involving public credit operations;
- 3) Contracts requested by the National State;
- 4) Technical, professional and/or scientific consulting contracts, which have to be entrusted to specialists, and
- 5) Purchases with a cost lower than approximately € 19,400<sup>1284</sup>.

#### *Selection Procedures*<sup>1285</sup>

- 1) Public Tender;
- 2) Private tender, and
- 3) Direct Awarding.

Direct awarding may be used in the following (non-exhaustive) cases<sup>1286</sup>:

1280 Article 3 of Law No. 26,092.

1281 Article 3 of Law No. 26,092.

1282 Decree No. 513/2017.

1283 Article 4 of the Purchase and Procurements Regulation.

1284 The exact value depends on the applicable exchange rate.

1285 Depending on the contract amount. The amounts are established in the Annex of the ARSAT Purchase and Procurement Regulation, which has not been published.

- 1) In case of the acquisition of scientific, technical or artistic works whose execution needs to be entrusted to companies, artists or specialists who are the only ones able to perform it or who possess a vital and significant ability or special position and/or a prestigious recognized professional track record;
- 2) Purchases and tenancy that need to be carried out in foreign countries, provided that – for proven reasons – it is not possible to carry out a public or private tender therein;
- 3) In case of a significant shortage of goods and/or services to acquire in the local market, and
- 4) Business collaboration and/or association agreements with public or private entities, provided that special strategic reasons justify them.

The public tender may be either single stage or multi-stage.

#### *Other Procedures that Use Public Tender*

ARSAT's Purchase and Procurement Regulation allows for private initiatives<sup>1287</sup>.

#### *Contract Execution Modalities*

ARSAT's Purchase and Procurement Regulation expressly establishes comprehensive project bids as a contract modality. However, the respective Specific Bidding Terms and Conditions may provide other contract modalities.

#### *Requirements for Bidders*

In principle, all documentation to be submitted has to be original<sup>1288</sup>. If copies of documents are submitted, they have to be certified by notary-public and legalized (through consular legalization or apostille).

All documents have to be presented in Spanish. Documents in foreign languages have to be translated (by a registered a translator and certified by the respective translators association)<sup>1289</sup>.

The legal representatives of the foreign bidders need to be certified through documents issued by the competent authorities of their country of origin.

#### *Awarding Criteria*

The most suitable bid will be awarded with the contract. The Bidding Terms and Conditions establish the relevant factors and parameters that determine the evaluation of bids in each procurement process<sup>1290</sup>.

#### *Complaint Mechanism*

Pre-qualification and pre-awarding rulings issued by the Evaluation Commission can be appealed. A certain amount determined in each tender document has to be deposited in order to make an appeal<sup>1291</sup>.

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1286 Article 7 of the Purchase and Procurements Regulation.

1287 For the description of this type of process, please refer to [Chapter I.3.4](#).

1288 Article 35 of the Purchase and Procurements Regulation.

1289 Article 35 of the Purchase and Procurements Regulation.

1290 Article 55 of the Purchase and Procurements Regulation.

1291 Article of the Purchase and Procurements Regulation.

## 16. Instituto Nacional de Servicios Sociales para Jubilados y Pensionados (INSSJP / PAMI) - National Institute of Social Services for Retirees and Pensioners

The following table contains general information on the INSTITUTO NACIONAL DE SERVICIOS SOCIALES PARA JUBILADOS Y PENSIONADOS (*National Institute of Social Services for Retirees and Pensioners, hereinafter "INSSJP" or "PAMI" for its initial letters in Spanish*)<sup>1292</sup>.

<b>Creating regulation:</b>	Law No. 19,032. INSSJP is a non-State legal entity of public law, with financial and administrative independence <sup>1293</sup> . It is not linked to any institution of the Centralized Administration.
<b>Objective:</b>	The purpose of INSSJP is the provision of medical and social services – by itself or by third parties – to retirees and pensioners of the National Welfare System ( <i>Régimen Nacional de Previsión</i> ) and the Integrated System of Retirements and Pensions ( <i>Sistema Integrado de Jubilaciones y Pensiones</i> ) as well as to their close relatives. <sup>1294</sup>
<b>National preference:</b>	INSSJP applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:<sup>1295</sup></b>	<p>Because of its status as a non-State legal entity of public law with financial and administrative independence, INSSJP has its own procurement regime and the National General Public Procurement Regime does not apply.</p> <p>INSSJP has a General Procurement Regime for goods, services, medical and social service providers. The provisions of this regime apply to all contracting procedures in which the INSSJP (and its units with competence to contract) are part.</p> <p>Furthermore, it has the following General Bidding Terms and Conditions<sup>1296</sup>:</p> <ol style="list-style-type: none"> <li>1) For contracts of medical assistance services;</li> <li>2) For supply purchase contracts;</li> <li>3) For supplies contracts;</li> <li>4) For service provision and works contracts;</li> <li>5) For consultancy contracts;</li> <li>6) For rental contracts with option to purchase;</li> <li>7) For barter contracts;</li> <li>8) For license contracts, and</li> <li>9) For service concessions contracts.</li> </ol>

1292 <http://www.pami.org.ar/index.php?vm=2>.

1293 Article 1 of Law No. 19,032.

1294 Article 2 of Law No. 19,032.

1295 Article 1 Annex I of Disposition No. 135/2003.

1296 Article 1 Annex I of Disposition No 218/2003.

## 16.1 INSSJP's Purchase and Procurement Regulation

### *Contracts Regulated*

This regime applies to the following contracts: provision of medical and social services, purchases, supplies, services, works, consulting, leasing, barter, licensing and concessions of services and any other contract not expressly exempted<sup>1297</sup>.

The following contracts are exempted from this regime<sup>1298</sup>:

- 1) Employment contracts;
- 2) Petty cash purchases;
- 3) Contracts with foreign States, entities of public international law or multilateral credit institutions;
- 4) Contracts partially or totally financed by previously mentioned institutions, unless it is agreed by the parties in the respective contract. The regime is also applicable to solve matters not expressly provided for, and
- 5) Contracts including public credit operations.

### *Selection Procedures*<sup>1299</sup>

In order to provide coverage and assistance to the beneficiaries through hospital and home care mechanisms, for the selection of the contractor INSSJP may resort to any of the following procedures (or combinations between them) regardless of the contract amount<sup>1300</sup>:

- 1) **Public Tender:** The call is made to an undetermined number of possible bidders. The public tender may be either single stage or multi-stage<sup>1301</sup>.
- 2) **Public Auction:** May apply in the following cases:
  - a) Purchase of personal property and real estate in Argentina or abroad, or
  - b) Sale of property owned by INSSJP.
- 3) **Private Tender:** At least three bidders are invited, but bids from others not expressly invited will also be considered.
- 4) **Simplified Procedure:** For contract with a maximum value of € 4,800<sup>1302</sup>.
- 5) **Electronic Contracting:** This procedure is used for the management of contracts in digital format, through a computer-based system that allows the publication of information and notifications, as well as the submission of offers on an online platform. It is used for the procurement of goods and services of common use and could be gradually expanded to contract medical care services in the future.

### *Other Procedures that Use Public Tender*

INSSJP's Purchase and Procurement Regulation allows for private initiatives<sup>1303</sup>.

### *Contract execution modalities*<sup>1304</sup>

*Who executes the contract:*

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1297 Article 3 Annex I of Disposition No. 135/2003.  
 1298 Article 4 Annex I of Disposition No. 135/2003.  
 1299 Article 19 Annex I of Disposition No. 135/2003.  
 1300 Article 18 Annex I of Disposition No. 135/2003.  
 1301 Article 25, Annex I of Disposition No. 135/2003.  
 1302 Article 1 of Disposition No. 497/2014.  
 1303 Article 1 of Disposition No. 673/2007.  
 1304 Article 25, Annex I of Disposition No. 135/2003.

INSSJP's Purchase and Procurement Regulation allows for consolidated procurements<sup>1305</sup>.

*How the contracts are executed:*

- 1) Blanket ordering<sup>1306</sup>;
- 2) Price cap or reference price: in the case of price cap, the call for tender indicates the maximum price that will be paid for the procurement; the reference price which is indicated in the call for tender cannot be exceeded by more than 5%<sup>1307</sup>, and
- 3) Bidders pre-qualification: in case of large procurements, INSSJP may pre-qualify bidders<sup>1308</sup>.

*Requirements for Bidders*

Bidders need to have sufficient legal capacity<sup>1309</sup>. The following persons are not qualified to contract with the INSSJP<sup>1310</sup>:

- 1) Legal entities and natural persons whose contracts have been terminated by the Institute;
- 2) Agents and officials of the national public sector, and companies in which they have participation, in line with the Public Ethics Law No. 25,188;
- 3) The INSSJP's employees and management, their relatives up to the fourth degree of consanguinity and the second degree of affinity, as well as companies in which they have participation, in accordance with the current regulations on incompatibilities and anti-corruption;
- 4) Persons convicted of felony crimes. They are disqualified for a period double the time of their sentence;
- 5) Persons prosecuted for crimes against property, against the National Public Administration, against the public faith or for crimes included in the Inter-American Convention against Corruption;
- 6) Defaulting debtors or evaders of tax, customs or social security obligations.

*Award Criteria*

The award must be made in favor of the most suitable bid for the INSSJP, taking into account the price, quality, adequacy of the bidder and other conditions of the bid.

In case of procuring goods, standardized services or services of common use whose technical characteristics can be unequivocally specified, price is the determining factor<sup>1311</sup>.

In case of equal prices and quality, the respective bidders are asked to make an improved offer. If the improved offers are still equal in price and quality, a public lottery determines the awarding<sup>1312</sup>.

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1305 For the description of this type of process, please refer to [Chapter I.3.5](#).

1306 For the description of this type of process, please refer to [Chapter I.3.5](#).

1307 Article 28 Annex I of Disposition No. 135/2003.

1308 Article 30 Annex I of Disposition No. 135/2003.

1309 Article 21 Annex I of Disposition No. 135/2003.

1310 Article 22 Annex I of Disposition No. 135/2003.

1311 Article 56, Annex I of Disposition No. 135/2003.

1312 Article 62, Annex I of Disposition No. 135/2003.

## 17. Instituto Nacional de Tecnología Agropecuaria (INTA) - National Institute of Agricultural Technology

The following table contains general information on the INSTITUTO NACIONAL DE TECNOLOGÍA AGROPECUARIA (National Institute of Agricultural Technology, hereinafter "INTA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Decree-Law No. 21,680/56 which establishes INTA as an autarkic entity <sup>1313</sup> .
<b>Under the authority of:</b>	Ministry of Agroindustry <sup>1314</sup> .
<b>Business objective:</b>	Promotion, stimulation and coordination of the development of agricultural research and expansion as well as acceleration of the technologization and improvement of agri-business and rural life <sup>1315</sup> .
<b>National preference:</b>	INTA applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	INTA has its own Handbook on Institutional Proceedings of Goods and Services Procurements <sup>1316</sup> . It also has Unique Bidding Terms and Conditions <sup>1317</sup> .

### 17.1 INTA 's Handbook on Institutional Proceedings of Goods and Services Procurements

#### *Scope and Coverage*

The Handbook applies to all purchase and sale, supplies, service, concession, rental with option to purchase and barter contracts as well as to all contracts that are not expressly exempted, or regulated by a special regime. The National General Regime applies subsidiarily<sup>1318</sup>.

Public works are regulated by the National Public Works Law and complementarily by the Handbook<sup>1319</sup>.

#### *Selection Procedures*

Public Tenders, private tenders or direct awards are allowed depending on the amount of the contract<sup>1320</sup>:

<b>Selection procedures</b>	<b>If the estimated amount of the contract is</b>
<b>1) Public tender</b>	No limit
<b>2) Private tender</b>	Lower than € 290,000
<b>3) Direct awarding</b>	Lower than € 60,000

1313 Articles 1 and 15 of Decree No. 21,680/56.

1314 Article 1 of Decree-Law No. 21,680/56 and Decree No. 32/2016.

1315 Article 1 of Decree No. 21,680/56.

1316 <https://inta.gob.ar/documentos/manual-de-contrataciones-de-bienes-y-servicios-1>.

1317 <https://inta.gob.ar/documentos/pliego-unico-de-bases-y-condiciones-generales>.

1318 Article 2 of the Handbook.

1319 Article 133 of the Handbook.

1320 Resolution of the Governing Board No. 648/16, Annex I. The figures in euros are approximate; the exact value depends on the applicable exchange rate.

### *National and International Tenders*

It is expressly established that the tender may be national or international<sup>1321</sup>.

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

### *Contract Modalities*<sup>1322</sup>

- 1) Turnkey<sup>1323</sup>, and
- 2) Blanket ordering<sup>1324</sup>.

### *Requirements for Bidders*

All-natural persons and legal entities that are capable to enter into contracts and do not meet any of the following criteria are allowed to contract with INTA<sup>1325</sup>:

- 1) Agents, officials, interns and/or contractors of the National, Provincial or Municipal State and companies where abovementioned persons have a participation that allows them to form the corporate will, or persons that are contracted by any of the institutions that are part of the INTA group;
- 2) Natural persons or legal entities who have not complied with their tax and/or pension obligations;
- 3) Natural persons or legal entities that are bankrupt, have their assets frozen or are in the process of reorganization;
- 4) Persons convicted for malicious crimes;
- 5) Persons that are prosecuted for crimes against property or crimes against the Public Administration;
- 6) Natural persons or legal entities that have placed legal claims against INTA, and
- 7) Legal entities that are in reorganization proceedings.

Furthermore, bidders have to be registered at the Providers Register System (*Sistema de Registro de Proveedores* (PROVINTA))<sup>1326</sup>. The registration is made electronically on the website of PROVINTA.

### *Foreign Bidders*

Foreign bidders are not required to provide a guarantee.<sup>1327</sup>

### *Award Criteria*

The award will be granted to the most suitable bid and can be granted even if there has been only one bid<sup>1328</sup>.

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1321 Articles 20 and 21 of the Handbook.

1322 Articles 22, 23 and 24 of the Handbook.

1323 For the description of this type of process, please refer to [Chapter I.3.5](#).

1324 Article 22 of the Handbook. For the description of this type of process, please refer to [Chapter I.3.5](#).

1325 Article 52 and 53 of the Handbook.

1326 <http://online.inta.gov.ar/desamercosoft/provinta/online/>.

1327 Article 50 subparagraph f) of the Handbook.

1328 Article 77 of the Handbook.



### *Complaint Mechanism*

The bid evaluation ruling may be appealed within a short deadline. The appeals are resolved in the award procedure<sup>1329</sup>.

### **Additional Information**

The authors held a meeting with the Purchases and Foreign Trade Management of INTA in February 2018, in which various relevant topics on its procurement proceedings could be discussed.

The first clarified question was on the applicable rules in INTA's procurements which are regulated by the following documents: Handbook on Procurement Procedures of Goods and Services ("*Handbook*"), Jurisdictional Framework of the Body's Procurements, Unique General Bidding Terms and Conditions, Particular Bidding Terms and Conditions and, in general, all the regulations that are detailed in the sheet for each new procurement process.

Albeit, if the resources for the procurement are provided by third parties their regulations do apply and INTA's regulation apply only subsidiarily.

The Management also informed the authors that INTA plans to update its normative framework in 2018, specifically its Handbook. The intention is to assimilate its procurement system to the National Procurement Regime, even though at the present time the essential parts of the procurement process are already similar.

Regarding the percentage of award to foreign bidders, the authors were told that a large part of INTA's procurements are carried out by way of direct award, because of the specialty and level of technological development its laboratory equipment requires. The majority of these direct awards are issued to foreign companies.

For that purpose, INTA relies on the recommendations of its technical professionals. Therefore, INTA does not use the Suppliers Register but rather contracts directly with foreign companies that have been recommended by its staff.

Additionally, imported products benefit from the Regime of Imports for Inputs Destined for Scientific-Technological Research (*Régimen de Importaciones para Insumos Destinados a Investigaciones Científico-Tecnológicas*). This system has a register which allows organisms and entities of the science and technology sector to subscribe and benefit from import tax exemptions, concerning goods that are exclusively destined for research projects - incentivizing purchases from foreign companies.

Regarding specific requirements for foreign bidders the authors were assured that there are not more requirements than for local bidders. Particularly, foreign bidders are neither required to establish a branch office or seat in Argentina nor constitute a joint venture. Foreign bidders are also not required to constitute a guarantee for the offer unless they have a permanent representative in Argentina.

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1329 Article 76 and 77 of the Handbook.

## 18. Instituto Nacional del Agua (INA) - National Water Institute

The following table contains general information on the INSTITUTO NACIONAL DEL AGUA (National Water Institute, hereinafter "INA" for its initial letters in Spanish).

<b>Creating regulation:</b>	In 1973, Law No. 20,126 established the National Institute of Hydro Science and Technology ( <i>Instituto Nacional de Ciencia y Tecnología Hídrica</i> ). Decree No. 148/2001 changed the Institute's name to INA <sup>1330</sup> . INA is a decentralized body within the Public Administration.
<b>Under the authority of:</b>	Ministry of the Interior, Public Works and Housing <sup>1331</sup>
<b>Business objective:</b>	Analysis, investigation, technological development and provision of services in the field of knowledge, use, management and preservation of water in order to implement and develop the national water policy.
<b>National preference:</b>	INA applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ) <sup>1332</sup> .
<b>Procurement regulations:</b>	INA applies the National General Regime (please refer to <a href="#">Chapter III 1.4</a> ) <sup>1333</sup> .

## 19. Investigación Aplicada Sociedad del Estado (INVAP S.E.) - Applied Research State Company<sup>1334</sup>

The following table contains general information on the INVESTIGACIÓN APLICADA SOCIEDAD DEL ESTADO (Applied Research State Company, hereinafter "INVAP S.E." for its initial letters in Spanish).

<b>Creating regulation:</b>	Created in 1976 by a convention between the National Nuclear Energy Commission ( <i>Comisión Nacional de Energía Atómica de Argentina</i> (CNEA)) and the Government of the Province of Río Negro.
<b>Business objective:</b>	Development of advanced technology in different areas of industry, science and applied research by creating "technological bundles" of high aggregated value to both satisfy national needs and be exported to foreign markets.
<b>National preference:</b>	INVAP applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> )
<b>Procurement regulations:</b>	INVAP has its own Purchase and Procurement Regulation <sup>1335</sup>

In March 2018, the authors met with officials from INVAP S.E. and obtained information on tenders and the possibility for foreign bidders to participate therein.

INVAP has its own Purchase and Procurement Regulation and carries out its procurements using the price bidding selection procedure where price, quality and other conditions of the bid are taken into account depending on each specific case.

1330 Article 1 of Decree No. 148/2001.

1331 Decree No. 212/2015.

1332 Article 5 of Specific Bidding Terms and Conditions.

1333 Even though no information could be obtained from INA, it can be inferred from the analysis of the Bidding Terms and Conditions that INA does apply the National General Regime.

1334 <http://www.invap.com.ar/es/>

1335 Officials informed the authors that a copy cannot be provided.

INVAP has no special requirements for foreign bidders and - depending on the inaccessibility or the lack of specific resources in Argentina - certain of INVAP's procurements may require the mandatory inclusion and consideration of foreign bidders.

INVAP has four divisions operating in the different sectors of research and development which may overlap to a certain extent. Those are:

- 1) Nuclear sector: Research and development of nuclear reactors. In a recent tender, Argentina has been awarded, through INVAP, with a contract for the development of a nuclear reactor for research and production of radioisotopes for medicinal use in the Netherlands.
- 2) Space sector: Research and development of research and communications satellites.
- 3) Alternative energies sector: Research and development of renewable energies.
- 4) Technological services project: Research and development of technologies applied to the medical sector. Recently, a contract has been signed for the equipment of three nuclear medicine centers in Bolivia.

Finally, by virtue of being a State Company, INVAP is mandated with specific projects which it executes by carrying out its own procurements, through price bidding selection procedure under its private regulation - which varies depending on the particularities and circumstances of each case.

## 20. Operadora Ferroviaria Sociedad del Estado (SOF S.E.) - Railway Operator State Company

The following table contains general information on the OPERADORA FERROVIARIA SOCIEDAD DEL ESTADO (Railway Operator State Company, hereinafter "SOF S.E." for its initial letters in Spanish)<sup>1336</sup>.

<b>Creating regulation:</b>	Law No. 26,352. SOF S.E. has been given State company character and is exempt from the National General Regime and the Public Works Contract Regime <sup>1337</sup> . Its majority shareholder is the National State. <sup>1338</sup>
<b>Under the authority of:</b>	Ministry of Transport <sup>1339</sup> .
<b>Business objective:</b>	SOF S.E. offers services related to railway charges, passenger transportation and maintenance.
<b>National preference:</b>	SOF S.E. applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ) <sup>1340</sup> .
<b>Procurement regulations:</b>	SOF S.E. has its own Purchase and Procurement Regulation <sup>1341</sup> .

### 20.1 Purchase and Procurement Regulation

#### *Contracts Regulated*

The Purchase and Procurement Regulation applies to sales, supplies, services, works, licensing, consulting, rental, and barter contracts as well as to concessions, acquisitions of capital and consumer assets and to contracts not expressly exempted<sup>1342</sup>.

#### *Exempted Contracts*

The contracts expressly exempted are<sup>1343</sup>:

- 1) Petty cash purchases;
- 2) Public employment contracts;
- 3) Contracts with foreign States, public international entities or multilateral credit institutions;
- 4) Contracts partially or wholly financed by such institutions, and
- 5) Use permits.

1336 <https://www.argentina.gob.ar/trenes-argentinos>.

1337 Article 6 of Law No. 20,705.

1338 Law No. 20,705.

1339 Decree No. 8/2016.

1340 Law No. 25,551 and Article 5 of the Purchase and Procurement Regulation.

1341 <https://www.sofse.gob.ar/contrataciones/pdf/lic-reglamento.pdf>.

1342 Article 2 of the Purchase and Procurement Regulation.

1343 Article 3 of the Purchase and Procurement Regulation.

*Selection Procedures*<sup>1344</sup>:

<b>Selection Procedure</b>	<b>Estimated contract amount</b> <sup>1345</sup>
<b>1) Public Tender</b>	Higher than € 1,460,000 <sup>1346</sup>
<b>2) Private tender</b>	Between € 730,000 and € 1,460,000 <sup>1347</sup>
<b>3) Direct award</b>	Up to € 730,000 <sup>1348</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>1349</sup>:

- 1) Procurements which require an artistic, technical or scientific capacity, a skill or ability or the particular experience of a specific natural person or legal entity;
- 2) Procurements of goods and services from exclusive sellers or which are owned by a certain natural person or legal entity, provided that no suitable substitutes exist;
- 3) Procurements of strategic supplies that are essential for the provision of public railway passenger transport services and that can neither be purchased nor contracted by means of another procedure, and
- 4) If SOF S.E. - for special strategic reasons - considers it necessary to enter into business collaboration contracts with legal entities.

The public tender may be either single stage or multi-stage<sup>1350</sup>.

*Other Selection Procedures that Use Public Tender*

- 1) Private initiative<sup>1351</sup>, and
- 2) Framework agreements<sup>1352</sup>.

*National and International Tenders*

It is expressly established that the tenders may be national or international<sup>1353</sup>.

On the one hand, national tenders target interested bidders located within Argentina (minimum requirement: registered branch in the country).

On the other hand, international tenders are reserved for situations in which the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

1344 Article 66 of the Purchase and Procurement Regulation.

1345 Article 66 of the Purchase and Procurement Regulation. Approximate figures; the exact values in euros may vary depending on the exchange rate.

1346 Higher than 30,000 Modules. Currently, each Module has a value of AR\$ 1,000 (Article 26 of the Purchase and Procurement Regulation).

1347 Between 15,000 and 30,000 Modules.

1348 Up to 15,000 Modules.

1349 Article 51, 52, 56 and 58 of the Purchase and Procurement Regulation.

1350 Article 42 a) of the Purchase and Procurement Regulation.

1351 Article 69 f) the Purchase and Procurement Regulation.

1352 Article 69 e) the Purchase and Procurement Regulation.

1353 Article 42 b) of the Purchase and Procurement Regulation.

### *Contract Execution Modalities*

#### *Who executes the contract:*

Comprehensive project bids are expressly mentioned<sup>1354</sup>.

#### *How are the contracts executed:*

- 1) Turnkey<sup>1355</sup>;
- 2) Blanket ordering<sup>1356</sup>;
- 3) Closed purchase<sup>1357</sup>;
- 4) Guaranteed maximum price<sup>1358</sup>, and
- 5) Inverse auction<sup>1359</sup>.

In case of public works the following contract, execution modalities are available<sup>1360</sup>:

- 1) Unit of measurement<sup>1361</sup>, and
- 2) Lump sum<sup>1362</sup>.

### *Requirements for Bidders*

Natural persons and legal entities with the capacity to enter into contracts and that are not part of below mentioned list can contract with SOF S.E.<sup>1363</sup>.

The following persons are not allowed to contract with SOF S.E.:

- 1) Human persons and legal entities who are suspended or disqualified by SOF S.E.;
- 2) Officials and employees of SOF S.E., agents and officials of the National, Provincial or Municipal Public Administration and of the companies in which they have sufficient participation to determine the social will;
- 3) Persons convicted for malicious criminal offenses against the Administration;
- 4) Persons prosecuted for offenses against property, against the Public National Administration, against public faith or offenses contained in the Inter-American Convention against Corruption;
- 5) Natural persons or legal entities who have not complied with their tax or pension obligations;
- 6) Employers registered in the Public Register of Employers with Labour Sanctions (*Registro Público de Empleadores con Sanciones Laborales* (REPSAL));
- 7) Any person that is disqualified according to Special Regimes, and
- 8) Natural persons or legal entities who are bankrupt, have their assets frozen or are in the process of reorganization.

Prospective bidders are required to register in the Unique Register of Suppliers (*Registro Único de Proveedores*)<sup>1364</sup>.

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1354 Article 69 g) of the Purchase and Procurement Regulation.

1355 Article 69 a) of the Purchase and Procurement Regulation. For the description of this type of process, please refer to [Chapter I.3.5](#).

1356 Article 69 b) of the Purchase and Procurement Regulation. For the description of this type of process, please refer to [Chapter I.3.5](#).

1357 Article 69 c) of the Purchase and Procurement Regulation.

1358 Article 69 d) of the Purchase and Procurement Regulation. For the description of this type of process, please refer to [Chapter I.3.5](#).

1359 Article 69 h) of the Purchase and Procurement Regulation.

1360 Article 70 of the Purchase and Procurement Regulation.

1361 For the description of this Contract Execution Modality, please refer to [Chapter III.1.2.1](#).

1362 For the description of this Contract Execution Modality, please refer to [Chapter III.1.2.1](#).

1363 Article 38 of the Purchase and Procurement Regulation.

1364 Article 124 of the Purchase and Procurement Regulation.

### *Foreign Bidders*

Foreign bidders are exempt from registering in the Unique Register of Suppliers (*Registro Único de Proveedores*)<sup>1365</sup>.

### *Award Criteria*

The contract will be awarded to the most suitable bid taking into account price, quality, bidder's adequacy and other conditions of the bid<sup>1366</sup>.

However, in case of procurements of standardized goods or services where technical characteristics can be unequivocally specified, the bid with the lowest price will be considered the most suitable bid<sup>1367</sup>.

### *Complaint Mechanism*

The evaluation ruling may be appealed<sup>1368</sup>. The appeals are decided in the act of awarding<sup>1369</sup>.

The act of awarding may be appealed within a short deadline<sup>1370</sup>, subject to the presentation of a guarantee whose amount is established in the respective Specific Bidding Terms and Conditions but cannot exceed 3% of the bid's amount<sup>1371</sup>.

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1365 Article 124 of the Purchase and Procurement Regulation.

1366 Article 172 of the Purchase and Procurement Regulation.

1367 Article 172 of the Purchase and Procurement Regulation.

1368 Article 160 of the Purchase and Procurement Regulation.

1369 Article 161 of the Purchase and Procurement Regulation.

1370 Article 174 of the Purchase and Procurement Regulation.

1371 Article 174 of the Purchase and Procurement Regulation.

## 21. Organismo Regulador del Sistema Nacional de Aeropuertos (ORSNA) - Regulatory Body of the National Airports System

The following table contains general information on the ORGANISMO REGULADOR DEL SISTEMA NACIONAL DE AEROPUERTOS (Regulatory Body of the National Airports System, hereinafter "ORSNA" for its initial letters in Spanish).

<b>Creating regulation:</b>	Decree No. 375/97 establishes ORSNA as an autarkic entity <sup>1372</sup> .
<b>Under the authority of:</b>	Ministry of Transport <sup>1373</sup> .
<b>Business objective:</b>	Promotion of the development of airports in Argentina.
<b>National preference:</b>	ORSNA applies the National Preference Regime established by <i>Compre Trabajo Argentino</i> /Buy Argentina (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ).
<b>Procurement regulations:</b>	ORSNA has General Bidding Terms and Conditions for the Procurement of Goods and Services <sup>1374</sup> . For matters not specifically regulated the National General Regime applies (please refer to <a href="#">Chapter III 1.1</a> ).

The General Bidding Terms and Conditions establish that for all situations not expressly addressed the National General Regime applies (please refer to [Chapter III 1.1](#))<sup>1375</sup>.

Furthermore, the body's Specific Bidding Terms and Conditions expressly define the National General Regime's regulations as applicable<sup>1376</sup>. Nevertheless, it is worth mentioning complaint mechanism provided in the General Bidding Terms and Conditions: the pre-award may be appealed by presenting a guarantee of 50% of the offer's guarantee which is determined by the respective Specific Bidding Terms and Conditions<sup>1377</sup>. The appeals are decided before the final award.

1372 Article 14 and 16 of Decree No. 375/97.

1373 Decree No. 8/2016.

1374 Resolution 290/98.

1375 Article 5 of Resolution No. 290/98. Even though the norm mentions the application of Decree-Law No. 23,354/56, insofar Decree-Law No. 23,354/56 has been replaced by Decree No. 1,023/01, the latter's provisions are applicable to the procurements of ORSNA.

1376For example: Specific Bidding Terms and Conditions - EXP. No: EX-2017-27771220-APN-GAYP#ORSNA, available at:

<https://comprar.gob.ar/PLIEGO/VistaPreviaPliegoCiudadano.aspx?qs=BQoBkoMoEhwt5ZPnuGFA%2fcxVdLEFnvHdzs8mBUSiNN7eyDeYvclsuxUurSuLvZpJJ5WF2hRD2mn04MxyAWC9Jeqdx2a6hmpF7tv5o5nDsQDS3fjPSMFeeOe2SbnZEA239MZWgN%2fIiw%3d>.

1377 Article 21 of Resolution No. 290/98.



## 22. Subterráneos de Buenos Aires Sociedad del Estado (SBASE) - Buenos Aires Subway State Company

The following table contains general information on the SUBTERRÁNEOS DE BUENOS AIRES SOCIEDAD DEL ESTADO (Buenos Aires Subway State Company, hereinafter "SBASE" for its initial letters in Spanish).

<b>Creating regulation:</b>	In 1963, <i>Subterráneos de Buenos Aires</i> was created as a public entity to operate the subway network within the framework of the National Transport Secretariat. In 1977, the government assigned <i>Subterráneos de Buenos Aires S.E.</i> as a State Company with extensive autonomy.
<b>Under the authority of:</b>	Ministry of Urban Development and Transport of CABA ( <i>Ministerio de Desarrollo Urbano y Transporte de CABA</i> ).
<b>Business objective:</b>	SBASE is in charge of the administration of the subway network as well as of the development, expansion and control of the subway network's service operations.
<b>National preference:</b>	According to Law No. 590, SBASE has to apply the CABA preference regime explained in <a href="#">Chapter IV 2.1.1</a> .
<b>Procurement regulations:</b>	SBASE has a Purchase and Procurement Regulation <sup>1378</sup> .

### 22.1 SBASE's Purchase and Procurement Regulation

#### *Contracts Regulated*<sup>1379</sup>

The Purchase and Procurement Regulation applies to: purchase and sale, supplies, service, works, concessions or permits of use, rental with option to purchase and all contracts that are not expressly exempted or part of a Special Regime.

In case of public works, the National Public Works Law applies subsidiarily<sup>1380</sup>.

#### *Exempted Contracts*

The contracts expressly exempted are: <sup>1381</sup>

- 1) Employment contracts;
- 2) Contracts with independent professionals, and
- 3) Petty cash purchases.

#### *Selection Procedures*

Public tenders, private tenders or price biddings<sup>1382</sup> are allowed depending on the amount of the contract:

<sup>1378</sup> <https://documentosboletinoficial.buenosaires.gob.ar/publico/COM-ACT-SBASE-SBASE-458-15-ANX.pdf>.

<sup>1379</sup> Article 2 of the Purchase and Procurement Regulation.

<sup>1380</sup> Article 6 of the Purchase and Procurement Regulation.

<sup>1381</sup> Article 3 of the Purchase and Procurement Regulation.

<sup>1382</sup> In this procedure, different providers of the same sector are invited to present their offers in a closed envelope according to the specified technical and commercial conditions of the procurement project.

<b>Selection procedures</b>	<b>If the estimated amount of the contract is<sup>1383</sup></b>
1) Public Tender	Higher than € 475,000 <sup>1384</sup>
2) Private Tender	Higher than € 230,000 and less than € 475,000 <sup>1385</sup>
3) Price Bidding	Less than € 230,000 <sup>1386</sup>

Furthermore, direct awarding may be used in the following (non-exhaustive) cases<sup>1387</sup>:

- 1) In case of the realization or acquisition of scientific, technical or artistic works whose execution needs to be entrusted to companies, artists or specialists that are the only ones able to perform it;
- 2) In case of procurements of goods or services whose sale or provision may exclusively be performed by exclusive sellers or which are owned by a specific natural person or legal entity, provided that no suitable substitutes exist;
- 3) In case the shortage of the goods to acquire is public because of local market conditions, whereby the shortage needs to be publicly declared by technical reports.
- 4) Purchases and tenancy that needs to be carried out in foreign countries, provided that it is not possible to carry out a public or private tender therein;
- 5) With public divisions of the National State or of the Government of the Autonomous City of Buenos Aires; with provincial governments, with municipalities of any location in the country or with companies in which such bodies have majority participation, provided that prices are not higher than customary or current prices in the local spot. Likewise, direct awards may be issued to foreign governments, public companies with majority participation of such States and/or public bodies of foreign States or with the Latin-American Association of Metros and Subways (*Asociación Latinoamericana de Metros y Subterráneos (ALAMYS)*) and/or national and foreign non-profit organizations, and
- 6) In case of collaboration agreements with legal entities, motivated by special strategic reasons that justify the application of this type of procurements, instead of other procedures.

The public tender may be either single stage or multi-stage<sup>1388</sup>.

#### *National and International Tenders*

Tenders may be national, regional or international<sup>1389</sup>:

- 1) National: if the call for tender is directed at prospective bidders with domicile or branch office in Argentina.
- 2) Regional: if due to the procurement's characteristics or the complexity of the procurement, the call for tender is addressed at prospective bidders with domicile or branch office in MERCOSUR Member States.
- 3) International: if due to the procurement's characteristics or the complexity of the procurement, the call for tender is addressed at prospective bidders with no domicile and no branch office in Argentina.

<sup>1383</sup> Annex I of the Purchase and Procurement Regulation. The figures in euros are approximate; the exact value depends on the applicable exchange rate.

<sup>1384</sup> Higher than AR\$ 9,760,000.

<sup>1385</sup> Higher than AR\$ 4,735,300 and less than AR\$ 9,760,000.

<sup>1386</sup> Less than AR\$ 4,735,300.

<sup>1387</sup> Article 22 of the Purchase and Procurement Regulation.

<sup>1388</sup> Article 17 of the Purchase and Procurement Regulation.

<sup>1389</sup> Article 17 of the Purchase and Procurement Regulation.

### *Contract Modalities*<sup>1390</sup>

- 1) Closed purchase;
- 2) Blanket ordering;
- 3) Deferred purchase;
- 4) Price cap or reference price, and
- 5) Turnkey.

In case of public works the following modalities are available<sup>1391</sup>:

- 1) Units of measurement<sup>1392</sup>;
- 2) Lump sum<sup>1393</sup>;
- 3) Cost plus fee<sup>1394</sup>, and
- 4) A combination of the aforementioned.

### *Requirements for Bidders*

Bidders who have offered money or any other gift to achieve any of the following results are dismissed:<sup>1395</sup>:

- 1) That officers refrain from performing an action related to their functions;
- 2) That officials use their power to make another official or agent perform an action or refrain from an action related to their functions, or
- 3) That any person uses their influence to make an official or agent perform an action or refrain from an action related to their functions.

Bids have to be presented in Spanish<sup>1396</sup>.

### *Award Criteria*

The contract will be awarded to the most suitable bid taking into account price, quality, bidder's adequacy, technical capabilities, solvency and other conditions of the bid<sup>1397</sup>.

However, in case of procurements of standardized goods or services where technical characteristics can be unequivocally specified, the bid with the lowest price will be considered the most suitable bid<sup>1398</sup>. An award can be issued even though only a sole bid has been presented<sup>1399</sup>.

### *Complaint Mechanism*

Bidders may appeal the act of awarding subject to presenting a guarantee amounting to 5% of the bid's value<sup>1400</sup>.

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1390 Article 25 of the Purchase and Procurement Regulation.

1391 Article 31 of the Purchase and Procurement Regulation.

1392 For the description of this Contract Execution Modality, please refer to [Chapter III.1.2.1](#).

1393 For the description of this Contract Execution Modality, please refer to [Chapter III.1.2.1](#).

1394 For the description of this Contract Execution Modality, please refer to [Chapter III.1.2.1](#).

1395 Article 7 of the Purchase and Procurement Regulation.

1396 Article 61 of the Purchase and Procurement Regulation.

1397 Article 11 of the Purchase and Procurement Regulation.

1398 Article 11 of the Purchase and Procurement Regulation.

1399 Article 82 of the Purchase and Procurement Regulation.

1400 Article 84 of the Purchase and Procurement Regulation.

## Additional Information

The authors had a meeting with SBASE's legal affairs management and with its coordination of rulings and registers in February 2018.

The authors were informed that the SBASE's procurement is regulated by local Law No. 590/2001. The National Public Works Law applies subsidiarily. Moreover, Law No. 20,705 (State Companies Law) applies too (please note that this Law excludes the application of the National Public Works Law).

Currently, no General Bidding Terms and Conditions are in place. However, Unique General Bidding Terms and Conditions have been approved and will soon be in force. The suppliers register of SBASE is, in principle, identical with the CABA Suppliers Register (*Registro de Proveedores de CABA*).

Requirements for foreign bidders are effectively established in the Specific Bidding Terms and Conditions. For practical purposes, foreign bidders are generally required to establish a form of representation according to Article 118 of the Argentinean Company Law No. 19,550. However, for bids presented on the online procurement platform *SBASE Compras*, no domicile or branch office in Argentina is required.

The authors were furthermore informed that there has been a great number of awards to foreign bidders, especially in public tenders. SBASE does not have any updated statistics on procurements. However, it is possible to conduct an approximation by revising its procurement proceedings.

Finally, it was mentioned that an Abbreviated Re-Determination System is in place, which has been adopted by the board of directors. Further information on such system was not provided to the authors until the completion of this report.

The authors received the General Bidding Terms and Conditions for Goods and Services Procurements. They apply to sales, supplies, goods and services contracts.

In case of electronic procurements, only bidders who accredit the acquisition of the Specific Bidding Terms and Conditions on the electronic system may participate in the procurement process.

Furthermore, bidders need to subscribe to the Computerized Unique and Permanent Register of Suppliers of the Public Sector of the City (*Registro Informatizado Único y Permanente de Proveedores del Sector Público de la Ciudad (RIUPP)*) which is under the authority of the General Purchase and Procurement Directorate of CABA (*Dirección General de Compras y Contrataciones de CABA*). Bidders can register online at <https://buenosairescompras.gob.ar/Inscripcion.aspx>. Registration has to be completed before the pre-awarding ruling.

- The domicile declared in RIUPP is considered as the address for service<sup>1401</sup>.
- Consultations regarding the selection procedure can be made using *SBASE Compras*.
- The pre-awarding ruling and the act of awarding may be appealed, provided that a deposit amounting to 5% of the offer is provided.

In the context of price redetermination, the regime of Law 2,809 of CABA applies. Price redetermination may apply to supply procurements, leaving the specific criteria to the respective Bidding Terms and Conditions. Regarding works and services, simplified methodologies may apply, as stipulated by the Bidding Terms and Conditions.

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1401 An address for service is an address necessary to receive documents in court proceedings (can be a law firm or some other representative).

## 23. Belgrano Cargas y Logística Sociedad Anónima" (BCyL S.A.) - Belgrano Freight and Logistics Corporation

The following table contains general information on the BELGRANO CARGAS Y LOGÍSTICA SOCIEDAD ANÓNIMA (Belgrano Freight and Logistics Corporation, hereinafter "BCyL S.A." for its initial letters in Spanish)<sup>1402</sup>.

<b>Creating regulation:</b>	Decree No. 566/2013, which established that BCyL S.A. is regulated by rules and principles of private law <sup>1403</sup> and expressly exempted the application of the National General Public Procurement Regime and the Public Works Contract <sup>1404</sup> .
<b>Under the authority of:</b>	Ministry of Transport <sup>1405</sup> .
<b>Business objective:</b>	Commercial exploitation of services, operations, maintenance and all complementary activities in relation with the national railway network operated by General Belgrano Railway ( <i>Ferrocarril General Belgrano</i> ) and the sectors that will be assigned to it in the future <sup>1406</sup> .
<b>National preference:</b>	BCyL S.A. applies the National Preference Regime established by <i>Compre Trabajo Argentino/Buy Argentina</i> (Law No. 25,551) (please refer to <a href="#">Chapter III 1.4</a> ) <sup>1407</sup> .
<b>Procurement regulations:</b>	BCyL S.A. has its own Purchase and Procurement Regulation <sup>1408</sup> . Furthermore, it has two General Bidding Terms and Conditions: 1) For the procurement and execution of supplies, services and concessions for use. 2) For tenders, procurements and works execution.

### 23.1 BCyL S.A.'s General Bidding Terms and Conditions for Tenders, Procurements and Works Execution

#### *Regulated Contracts*

Construction or repair of railway racks structures, drive systems, signaling systems, railway control systems, security installations, installations in terminals, stations, buildings, workshops, pedestrian and vehicular crossings, as well as any complementary works to the railway infrastructure, tunnels and road or railway bridges.

#### *Contract Execution Modalities for Public Works*

- 1) Units of measurement ;
- 2) Lump sum ;
- 3) Cost plus fee;
- 4) Combination of the previously mentioned processes, and
- 5) Other processes established by the Special Regimes.

#### *Complaint Mechanism*

Once the bid envelopes are opened, the respective bidders may make observations to all other bids within a short deadline.

<sup>1402</sup> See <https://www.bcy.com.ar/>

<sup>1403</sup> Article 10 of Decree No. 566/13.

<sup>1404</sup> Article 10 of Decree No. 566/13.

<sup>1405</sup> Article 1 of Decree No. 566/2013.

<sup>1406</sup> Company bylaws.

<sup>1407</sup> Law No 25,551 and Decree No. 1,600/2002.

<sup>1408</sup> Unpublished information.

## 23.2 BCyL S.A.'s General Bidding Terms and Conditions for the Procurement and Execution of Supplies, Services and Concessions for Use

### *Regulated Contracts*

For contracts concerning purchase, supplies, service, rental, rental with option to purchase, barter and concession for use of goods.

### *Award Criteria*

The award is issued in favor of the most suitable bid, taking into account price, quality, bidder's adequacy and the remaining conditions of the bid.

### *National Preference*

In case of a tie between bids, national bids are treated with preference (without establishing a preference amount).

Furthermore, BCyL applies the National Preference Regime (please refer to [Chapter III 1.4](#)).

### *Complaint Mechanism*

After being notified of the legal opinion, the bidders have a short deadline to appeal the award.

## 24. YPF S.A. - Fiscal Oilfields Stock Company

The following table contains general information on the YPF S.A.

<b>Creating regulation:</b>	Law No. 26,741.
<b>Business objective:</b>	Vertically integrated upstream and downstream oil and gas operations.
<b>Normative frame:</b>	Ruled by private law <sup>1409</sup> . Expressly exempts the application of administrative rules <sup>1410</sup> .
<b>National preference:</b>	Even though YPF would not confirm this, the analysis of the applicable regulations showed that there is a regulation <sup>1411</sup> that sets forth that no provision that regulates the management and control of companies with state participation do apply to YPF. Thus, YPF has the option to not apply the National Preference Regime.  Furthermore, the Buy Argentina and Suppliers Development Bill (explained in Chapter III 1.4), expressly sets forth that the National Preference Regime does not apply to YPF, although it requires YPF to implement a National Suppliers Development Program with the objective of increasing the impact of local providers in the supply chain of the company for the purpose of improving productivity, competitiveness and quality <sup>1412</sup> .  YPF has already adopted such Program in the framework of an agreement with the Ministry of Production <sup>1413</sup> .
<b>Procurement regulations<sup>1414</sup>:</b>	YPF S.A. has a document on Conditions for Purchase and Procurement ( <i>Condiciones de Compras y de Contrataciones</i> ) <sup>1415</sup> which regulates the contractual relation but does not regulate the proceedings before contracting. YPF S.A. also has the following documents: <ol style="list-style-type: none"> <li>1. Ethics Code (<i>Código de Ética</i>)<sup>1416</sup>.</li> <li>2. Policy on Safety, Environmental Protection and Preservation of Health and Well-being (<i>Política de Seguridad, Protección del Medio Ambiente y Preservación de la Salud</i>)<sup>1417</sup>.</li> <li>3. Contractor Handbook<sup>1418</sup>.</li> </ol>

1409 Article 15 of Law No. 26,741.

1410 Article 15 of Law No. 26,741.

1411 Article 6 of Law No. 24,145.

1412 Article 1 and 25 of the Buy Argentina and Suppliers Development Bill which is currently in the Senators Chamber (Exp. CD No. 51/17, text and more data available at:

<http://www.senado.gov.ar/parlamentario/comisiones/verExp/51.17/CD/PL>).

1413 For more information see: <http://www.ypf.com/Proveedores/Paginas/Convenio-PRODEPRO-YPF-2030.aspx>.

1414 The documents that regulate the procurement regime are not publicly available.

1415 <http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx>.

1416 <http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx>.

1417 <http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx>.

1418 [http://www.ypf.com/Proveedores/Documents/manual\\_presentacion\\_ofertas\\_vr1013.pdf](http://www.ypf.com/Proveedores/Documents/manual_presentacion_ofertas_vr1013.pdf).

## CONCLUSIONS

As a result of the analysis carried out in the previous chapters, and essentially from the point of view of a company based in the EU interested in offering goods and/or services in the Argentine public procurement market, it is possible to synthetically extract the following conclusions about the relevant different public procurement procedures currently in force:

- 1) Regulation of public procurements is divided by governmental levels (national, provincial and municipal) and each level is further divided by governmental branches (executive, legislative and judicial).
- 2) Thus, there are multiple regulations: Nation, 23 Provinces plus CABA and approximately 2,000 Municipalities (for this report, 36 Municipalities have been selected).

Moreover, public companies have in general their own regulation respecting the general principles that apply to public procurement.

- 3) Procurement provisions are very dynamic and tend to be modified periodically in order to be up to date. Principally, the threshold amounts for the different selection procedures (public tender, private tender, price bidding and direct awarding) are updated annually.

#### 4) Common Aspects of the Procurement Regimes:

- a) In line with the international treaties against corruption to which Argentina is a party and in accordance with internal regulations as well as modernization efforts of the State, the principles of transparency, publicity and fair competition are widely incorporated into specific regulations and acts of public dissemination in this area: electronic procurement, information on official websites of the contracting bodies, etc.
- b) The majority of procurement regimes is based on the idea of centralized regulation and decentralized operations.
  - i. In many cases, a specific unit is in charge of the centralized regulation, and if there is no such unit the accounting office takes up this role.
  - ii. Framework agreements are an exception to this principle, provided for in many regulations and currently mostly used at the national level, in CABA and in the Province of Buenos Aires.
- c) The procurement of goods and services, the procurement of public works and Public-Private Partnership contracts are generally regulated independently (i.e. by different rules) and each procurement type has its own enforcement authority.
- d) At every governmental level, there is a General Regime for the procurement of goods and services that applies to the Centralized and Decentralized Public Administration including autarkic entities (only very few autarkic entities have their own procurement regime) while public companies have their own Special Regimes.
- e) In all procurement regimes, the contractor selection procedure depends on the estimated cost of the procurement, and public tender is used as the the standard selection procedure. Smaller procurements generally allow for the use of private tender and price biddings, where only a determined quantity of bidders is invited. Finally, direct awarding of contracts may only be used in specific circumstances such as small purchases, urgency, contracts between State agencies or in cases where only a sole supplier exists.
- f) Provisions regarding foreign bidders usually set forth that they may participate in national procurements provided that that they have a branch office or a permanent representation in Argentina (a requirement that is missing in international procurements). Furthermore, in



international procurements foreign bidders are not required to subscribe to the respective suppliers or contractors register. In addition, there are usually provisions that detail how and which bidding documentation has to be presented.

- g) In procurement procedures, administrative appeals are specifically provided for and/or are applicable to the act of awarding a contract, with the possibility to request subsequent judicial revision in the corresponding administrative dispute courts. Likewise, there are provisions to appeal Bidding Terms and Conditions, pre-selections and pre-awarding rulings – in most cases subject to the deposit of a guarantee.

#### 5) Main Procurement Contracts with their own Particular Regime:

- a) Procurements financed by multilateral credit institutions or procurements based on State-State agreements (particularly, cooperation agreements allowing for direct awarding between respective public companies);
- b) Public works contracts, and in many cases public works and public service concession contracts, too;
- c) Public-Private Partnership contracts which have been regulated just recently and incorporated at national and provincial (including CABA) level.

#### 6) Preference Regimes:

- a) Preference regimes for goods, services and local companies are regulated at each governmental level, generally in specific rules, and consist of different preference methods.
- b) The great majority of Provinces have their own preference regimes for provincial goods and services. Some, also, provide preference for national goods and services (using their own terms and not applying the National Preference Regime).
- c) These preference regimes have specific enforcement authorities.

#### 7) Some Interesting Aspects of the National Regime:

- a) It regulates a volume of very important procurements and has a great variety of procurement processes, with a system of double access via electronic procurement systems such as 'Compr.ar' and via each Ministry.
- b) Statistics are available until the year 2012. An imminent update is expected.
- c) It regulates a Public-Private Partnership program that is very interesting and rapidly expanding.
- d) It regulates sectors that have experience with foreign bidders.

#### 8) Some Interesting Aspects of the Provincial Regimes:

- a) Information on procurements is available online. There is, however, little statistical information available.
- b) Little experience with international procurements. Electronic procurements are being implemented, however, slowly and are generally only available in the context of framework agreements.
- c) The Federal Procurement Network (*Red Federal de Contrataciones*) is an important tool for the improvement of the public procurement scene in Argentina, since it connects national and provincial procuring entities (including CABA) through meetings that aim to concert common objectives between all jurisdictions. The network also helps to integrate, coordinate and link the different procurement processes.

#### 9) Some Interesting Aspects of the Municipal Regimes:

- a) Generally, there is a lot of interest in the global trend of Smart Cities. Various Municipalities project large investments in that area (e.g. Pilar and Tigre, among others).

- b) Thus, these Municipalities are interested in procuring from foreign companies with expertise in the field of smart technology. However, up to this day, they do not have a lot of experience with international bidders.
- c) Some Municipalities have electronic procurement portals (e.g. San Martín).
- d) The Municipalities of the Province of Buenos Aires are governed by the Charter of the Municipalities (*Ley Orgánica de Municipalidades*) which has been adopted by the Province. The Municipalities of the Province of Buenos Aires have very few own regulations:
  - i. There are associations between Municipalities with the objective to procure jointly, thereby increasing the procurement volume. It is expected that in such procurements international participation is possible.
  - ii. Large technological investments in updates and upgrades of governance software are expected.

10) Some Interesting Aspects of the Particular Regimes of Public Companies:

- a) The special procurement regulations of public companies, such as procurement rules, explanatory notes, and bidding terms and conditions, among others, are available online in many cases.
- b) However, in some cases, this information is not available and has to be specifically requested by interested parties. It is always advisable to contact the company in order to determine whether there are internal regulations that apply to the respective procurement.
- c) There is only little statistical information available on previous procurements.
- d) Generally, electronic procurement procedures have not yet been implemented.
- e) Many public companies have ample experience with foreign suppliers (e.g. INVAP, Aerolíneas Argentinas, among others).
- f) Some public companies take part in Public-Private Partnerships (e.g. AYSA, among others). The present report allowed the authors to liaise and meet with the majority of companies that have been selected for this report. As a result, the authors were provided with clarifications regarding applicable regulations, information on the respective principal projects, works and procurements in general that currently are or will be carried out, and the main sectors and areas the respective public companies procure in. In general, public companies showed the intention to increase the number of procurements with international participation in the future, especially in order to have access to technology or exclusive goods.

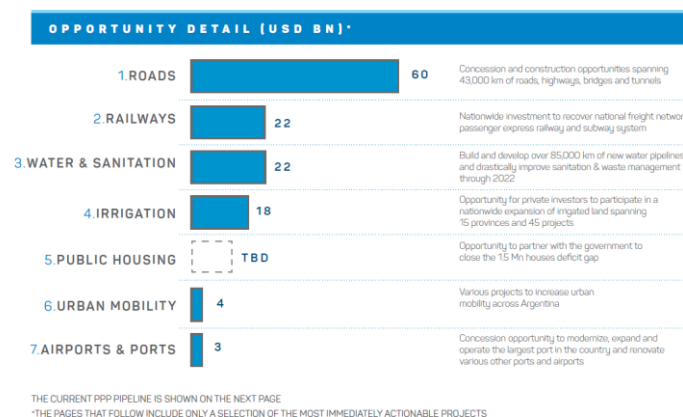
## **ANNEXES**

## Annex I - Infrastructure Projects for the Year 2018

The following provides a list of the strategic plans defined by the National Government and which include important infrastructure projects:

- 1) *National Water Plan*: multi-purpose infrastructure projects for potable water and sanitation, irrigation and production, aqueducts, restoration of canals, etc.
- 2) National Transportation Plan:
  - a) *National Roadway Plan*: construction of 2800 km of highways, 4000 km of secure routes.
  - b) Urban Public Transport Plan Infrastructure: extension of bus systems, Regional Buses Network, renovation of roads and stations, purchase of new railway wagons and engines.
  - c) Regional Express Network (*Red de Expresos Regionales (RER)*): 11 kilometers of tunnel below Avenida 9 de Julio (City of Buenos Aires), two new subway stations in *Constitución* (City of Buenos Aires) and below the *Obelisco* monument (in downtown Buenos Aires), laying of railway tracks and complementary installations and infrastructure<sup>1419</sup>.
  - d) Railway Cargo Plan: restoration of railway branches (includes the renovation of 1500 km of railways of the *Belgrano* Cargo lines).
  - e) Seaports and Sea Routes Plan: infrastructure projects, waterways, ports, etc.
  - f) National Housing and Habitat Plan: construction of social housing, private-public partnership.
- 3) *Energy*: energy supply, especially renewable energies by use of tender processes for wind energy, solar, biomass, biogas, etc. with the objective of supplying in 2018 the equivalent of 8% of the electricity consumption with renewable sources.
- 4) *Hydrocarbon resources*: there will be tendering of areas of exploitation in Austral Basin (*Cuenca Austral*), among others.
- 5) *Education*: construction of kindergarten (investment projected to amount to € 294 million<sup>1420</sup> for 2018); renovations and improvements in primary schools and secondary schools (€ 296 million) as well as development of digital environment (acquisition of technological equipment for initial education, primary and secondary schools, for € 57 million for 2018).

Similarly, the Argentinean Agency of Investments and International Commerce ("*Agencia Argentina de Inversiones y Comercio Internacional*") has selected the following main investments opportunities in infrastructure<sup>1421</sup>:



<sup>1419</sup> <https://www.argentina.gob.ar/noticias/rer-el-gobierno-nacional-convoco-un-proceso-de-consulta-transparente-para-empresas>.

<sup>1420</sup> This report uses the exchange rate of the Argentinean Central Bank (*Banco Central de la República Argentina*) on 30/10/17 (\$ARS 1 = € 20.59).

<sup>1421</sup> *Agencia Argentina de Inversiones y Comercio Internacional*, Selected Investment Opportunities, February, 2018, available at: [http://www.inversionycomercio.org.ar/docs/pdf/Selected\\_Investment\\_Opportunities\\_in\\_Argentina\\_-\\_January\\_2018.pdf](http://www.inversionycomercio.org.ar/docs/pdf/Selected_Investment_Opportunities_in_Argentina_-_January_2018.pdf).

THERE ARE 60 PUBLIC-PRIVATE PARTNERSHIPS PROJECTS IN THE PIPELINE, AMOUNTING TO A USD 26 BN INVESTMENT OPPORTUNITY

ENERGY AND MINING		TRANSPORT, COMMUNICATIONS AND TECHNOLOGY			EDUCATION, HEALTH, AND JUSTICE		
ENERGY EFFICIENCY	ELECTRICAL TRANSMISSION	ROADS AND HIGHWAYS	RAIL ROADS	BRIDGES AND LOGISTICS	PENITENTIARY FACILITIES	HOSPITALS	
DESCRIPTION	Public lighting replacement to LED lights	Construction of new high voltage transmission lines	Road design, construction, expansion, improvement, maintenance, operation, managing and financing	Improvement of existing tracks and construction of new tracks	Projects of bridges on the Paraná River and other projects of improvement in transport logistics	Construction or remodeling of penitentiaries in Buenos Aires	Construction or remodeling of hospitals in Buenos Aires and Neuquén
	National	More than 3.000 km in lines	More than 2.800 km in highways and 4.000 km in safe roads	685 km in railroads	2 bridges + other projects still undefined	Capacity expanded to house 9.500 inmates	170.000 m <sup>2</sup> in hospitals
TERM	18 months	33 months	36-60 months	48 months	24-36 months	36-48 months	24-36 months
	2018Q2	2018Q1	2017Q4	2018Q1	2018Q3	2018Q1	2018Q1

WATER, SANITATION, AND HOUSING							
WATER PIPE SYSTEMS	SEWAGE SYSTEMS	WATER TREATMENT PLANTS	WATER PURIFICATION SYSTEMS	WASTEWATER MANAGEMENT	IRRIGATION	HOUSING SOLUTIONS	
DESCRIPTION	Construction of the Rio Subteráneo Norte and Norte water pipe systems	Readjustment of the sewage system in San Miguel de Tucumán and its metropolitan area	Expansion of water-treatment plant in the City of Santa Fe	Construction of purification plants in AMBA and Gran Rosario	Power generation in wastewater treatment plants	Development program of new irrigation areas	Housing Development Program (ProDeVi)
	Benefits 6 million users	Benefits 1 million users	Benefits 520.000 users	Benefits 2 million users	Benefits 500.000 users	108.000 hectares	15.000 houses
TERM	60 months	36 months	24 months	24 months	24 months	24 months	36-48 months
	2018Q2	2018Q2	2018Q3	2018Q1	2018Q1	2018Q1	2018Q2

## ARGENTINA LAUNCHED A NATIONWIDE PLAN TO A) RENOVATE AND OPERATE EXISTING ROADS AND B) DEVELOP NEW ONES

### CONCESSION PLAN DESCRIPTION

- Includes 12 road corridors covering 15,000 km, under the umbrella of the existing concession law (17,520)
- 25 year concession (management contract)
- Income from tolls estimated at USD 57 Bn
  - Toll free right of way (in AR\$, adjustable for inflation)
  - Available toll plaza (known traffic) and new toll plaza
  - Minimum revenue guaranteed

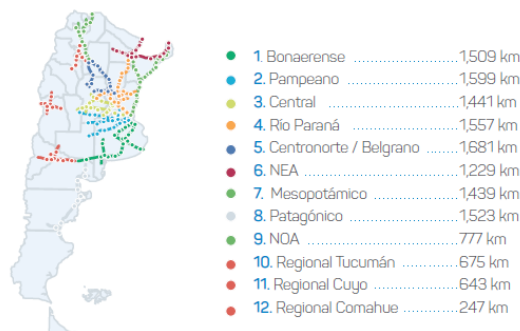
### CONCESSION PLAN BACKGROUND

- Expenses estimated at USD 15 Bn (operation, conservation and maintenance)
- Invitation to specific management background qualification necessary
- Local and international companies, including consortium bids
- Publication of calls for tender in H2
- Bidding and operation to start H1

### CONSTRUCTION PLAN DESCRIPTION

- Includes in its first stage:
  - 2,800 km motorways
  - 2,000 km safe roads
  - 2,000 km of new paved roads
  - High shoulders
- Major construction projects:
  - AU 3 (Bs. As. - Azul) - USD 912 Mn
  - Bridge Santa Fe - Entre Ríos - USD 1100 Mn
  - Bridge Chaco - Corriente - USD 750 Mn
  - AU 19 (Córdoba) - USD 521 Mn
  - AU 34 (Jujuy - Santa Fe - S. del Estero) - USD 505 Mn
  - AU 33 (Bs. As. - Santa Fe) - USD 494 Mn
  - Acceso Bahía Blanca - USD 700 Mn

### CONCESSION PLAN LOCATIONS



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## CONSTRUCTION OF BRIDGES AND TUNNELS WILL TAKE PLACE IN SEVERAL PROVINCES

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### CRISTO REDENTOR SYSTEM TUNNEL PROJECT DESCRIPTION

- Main border crossing between Argentina and Chile
- Transit of 2,100 vehicles per day, more than 4.5 million tonnes transported every year
- Public - private partnership

### BINATIONAL AGUA NEGRA TUNNEL PROJECT DESCRIPTION

### SANTA FE - PARANA BRIDGE PROJECT DESCRIPTION

- Bridge 50 m high with two lanes per direction connecting the cities of Santa Fe and Paraná
- *Vialidad Nacional* is developing a preliminary project with soil studies, hydraulics and biometric measurements
- Public - private partnership

### CHACO - CORRIENTES BRIDGE PROJECT DESCRIPTION

**A MULTI-STAGE FREIGHT RAILWAY PLAN AIMS TO TRANSPORT 80-100 MN TONS/YEAR BY RECOVERING 20,000 KM OF RAILWAYS BY 2035**




**OPPORTUNITY OVERVIEW**

- Plan in 5 stages through 2035 to expand and completely recover the country’s freight network
- Significant room for improvement of freight railway utilization and efficiency at national level
  - Only 5% of freight currently transported by train in Argentina, representing 18 Mn tons/year
  - Freight train system operating at low efficiency with average speeds of 12-15 km/h
- Various types of companies are invited to participate in the project
  - Equipment providers (supply railway and mechanized railway equipment)
  - Engineering companies (geotechnical studies, basic engineering, work support, etc.)
  - Audit companies (control of project, audit of work execution)

2016 - 2019	2017 - 2023	2024 - 2027	2028 - 2031	2032 - 2035
a. Belgrano Cargas	b. San Martín Cargas c. Urquiza Cargas d. Bahía Blanca - Añelo <i>(p. 15)</i>	Line San Martín extension  Line Roca extension	Line San Martín extension  Line Mitre extension	Line Belgrano extension



**OTHER OPPORTUNITIES IN TRANSPORTATION INCLUDE AIRPORTS, PORTS AND URBAN MOBILITY, AMOUNTING TO USD 5.6 BN**

	 <b>AIRPORT NETWORK</b>	 <b>PORTS IN ARGENTINA</b>	 <b>URBAN MOBILITY / OTHER</b>
<b>OPPORTUNITY OVERVIEW</b>	<b>Construction work: USD 1.2 Bn</b> <ul style="list-style-type: none"> <li>• Improve infrastructure in 17 airports</li> <li>• Incorporate technology</li> </ul>	<b>Construction work: USD 425 Mn</b> <ul style="list-style-type: none"> <li>• Capacity expansion</li> <li>• Re-dock &amp; repairs</li> <li>• Risk reduction</li> <li>• New terminals</li> </ul>	<b>Construction work: USD 4.0 Bn</b> <ul style="list-style-type: none"> <li>• Road repair</li> <li>• Viaducts</li> <li>• Low level crossings</li> <li>• Metrobus</li> <li>• Rail</li> </ul>
<b>LOCATION</b>	<ul style="list-style-type: none"> <li>• Buenos Aires</li> <li>• Mendoza</li> <li>• Comodoro Rivadavia</li> <li>• Tucumán</li> <li>• Iguazú</li> </ul>	<ul style="list-style-type: none"> <li>• Corrientes</li> <li>• Puerto Madryn</li> <li>• Ushuaia</li> <li>• C. Rivadavia</li> <li>• C. de Uruguay</li> </ul>	<ul style="list-style-type: none"> <li>• Santa Fe</li> <li>• Rosario</li> <li>• Córdoba</li> <li>• Neuquén</li> <li>• Corrientes</li> </ul>
<b>KEY INVESTMENT PROJECTS</b>	<ul style="list-style-type: none"> <li>• Ezeiza: USD 609 Mn</li> <li>• Aeroparque: USD 149 Mn</li> <li>• Technology: USD 120 Mn</li> <li>• Mendoza: USD 56 Mn</li> </ul>	<ul style="list-style-type: none"> <li>• P. Madryn: USD 35 Mn</li> <li>• R. la Plata: USD 20 Mn</li> <li>• Ushuaia: USD 18 Mn</li> <li>• Ita Baté: USD 18 Mn</li> </ul>	<ul style="list-style-type: none"> <li>• Metrobus: USD 335 Mn</li> <li>• Viaducts: USD 385 Mn</li> <li>• Roads: USD 335 Mn</li> <li>• LLC: USD 567 Mn</li> <li>• Other Rail: USD 2,400 Mn</li> </ul>

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## CONSTRUCTION AND EXTENSION OF AQUEDUCTS FOR DRINKING WATER WILL BE TENDERED FOR USD 184 MN NATIONWIDE

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### PROJECT DESCRIPTION

- Projects contemplate provision of drinking water to communities (Catamarca project will have a portion destined to irrigation as well)
- Public-private partnership (financing & operation)
- Looking for EPC companies
- 36 month construction period for each project

### OPPORTUNITY BACKGROUND

- **La Pampa:** USD 120 Mn plan for a 140 km aqueduct between Santa Rosa and General Pico to extend the Rio Colorado Aqueduct and provide drinking water to communities north of the city of Santa Rosa (includes secondary pipes for local communities)
- **Catamarca:** Estimated USD 64 Mn aqueduct for the communities of El Bolsón, Vallecito Frías, Quiros, San Antonio, Recreo, Esquiú and La Guardia

### LOCATION

LA PAMPA AND CATAMARCA PROVINCES



## THERE IS AN OPPORTUNITY TO INVEST ALONGSIDE THE GOVERNMENT IN HOUSING PROJECTS TO CLOSE THE DEFICIT OF 1.5MN HOMES

### PROJECT DESCRIPTION

- Each house is around 55 sqm, requiring an investment of USD 46K (excluding infrastructure and land)
- Tenders to be launched in 2017
- Regulatory framework to be defined by PPP and social housing laws (latter to include tax benefits for real estate developers)
- Land to be provided by public and private sectors

### OPPORTUNITY BACKGROUND

- Build 400K houses over the next four years (100K per year) to close a large housing deficit through public-private partnerships
  - Deficit of 1.5 Mn houses in Argentina
  - A further 3.5 Mn households (25% of total) lack sufficient space to accommodate their occupants (qualitative & quantitative deficit)
  - Opportunity is concentrated in the provinces of Buenos Aires, Santa Fe and Cordoba

### LOCATION

NATIONWIDE PLAN WITH LARGER FOCUS ON THE BUENOS AIRES, SANTA FE AND CORDOBA PROVINCES



## THE PORT OF BUENOS AIRES IS AN INVESTMENT OPPORTUNITY WHICH INCLUDES MODERNIZATION WORK AND A NEW CONCESSION FOR OPERATION

### PROJECT DESCRIPTION

- 8 year construction period
- 25 year concession (option to extend another 10 years)
- Includes the modernization of the port and its equipment to increase capacity and be able to receive the next generation of ships
- Will improve operating efficiency by expanding terminals 1 and 2 and eliminating terminals 3, 4 and 5
- **Stage 1 (H1):** New bridge, paving, close terminal 6, refilling and dredging
- **Stage 2 :** Paving, refilling, new bridge for passengers, increase capacity and dredging
- **Stage 3 :** New dock, elimination of grain storage and extension of breakwater
- **Stage 4 & 5 :** New cruise terminal, refilling of dock and new dock

### LOCATION



The above-mentioned opportunities only refer to the national level and do not include the projects of each of the 23 provinces<sup>1422</sup>, CABA and the municipalities.

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<sup>1422</sup>The Ministry of Treasury publishes the website "*Informes Productivos Provinciales*", which include information on the gross regional domestic product, land and population, exports, fiscal indicators, investment and employment indicators, socio-economic indicators, financial indicators as well as supply and demand indicators, available at: [https://www.economia.gob.ar/peconomica/dnper/fichas\\_provinciales/Buenos\\_Aires.pdf](https://www.economia.gob.ar/peconomica/dnper/fichas_provinciales/Buenos_Aires.pdf).

For example, in Buenos Aires city:

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**THE METROPOLITAN BUENOS AIRES SUBWAY SYSTEM PRESENTS  
A USD 1.4 BN OPPORTUNITY TO CONSTRUCT A NEW LINE AND MODERNIZE  
THREE EXISTING ONES**

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**PROJECT DESCRIPTION**

- USD 1.4 Bn
- 7 years of construction
- Construction of tracks, stations, signals, rolling stock, system automation and driverless system
- Public investment
- Modernization of Lines A (USD 36 Mn), C (USD 160 Mn), D (USD 324 Mn)
  - Acquisition of rolling stock to increase frequency of trains
  - Increase automation
  - Refurbish cars to ensure 100% are air conditioned (from current 38%)
  - Reduce number of passenger per wagon
- New Line F (USD 899 Mn)
  - Construction of 7 stations
  - Construction of track and signals (6 km)
  - Rolling stock acquisition
  - Incorporation of automation systems
  - Connections with lines A, B, C & D to reduce crowding
  - Ensure top-notch technology throughout

**LOCATION**

CITY OF BUENOS AIRES



**OPPORTUNITY BACKGROUND**

- Aims to improve frequency and reorganize traffic in downtown Buenos Aires area
- Will improve connectivity between subways lines
- Will improve comfort of existing cars by incorporating air conditioning

## Annex II - Work Method for the Creation of this Report

For the production of this report the following work method has been applied:

1) A normative survey of institutions at the national and provincial level as well as of 36 municipalities with over 300,000 inhabitants that have been chosen for this project<sup>1423</sup> has been carried out, with regard to the applicable regulations in the sector of public procurement. This work consisted in the formal presentation of the project to provincial and municipal authorities, which allowed the authors to get in touch with the specific areas in charge of public procurement processes and to establish a direct line of communication with officials of these areas, who have been presented with the different consultations and requests required by this project.

This modality allowed for the consolidation of all relevant information in an informative table regarding the normative frame that regulates the procurement processes and for the addition of data of great importance for parties interested in participating in the contractor selection procedures, as well as links to publications of procurement opportunities, data on administrative authorities which include the governing bodies and the application of specific procurement norms. This research modality has been used to compile the informative tables corresponding to the public procurement regime of the provinces – in which we furthermore included aspects of the national regime and the regime of the Autonomous City of Buenos Aires –, the public procurement regime of the municipalities and the public procurement regime of the selected public companies.

Furthermore, the authors had the opportunity to present the project at the XXII Meeting of the Federal Intergovernmental Public Purchases Network, which consists of the provincial public procurement bodies. By attending this meeting, the authors were able to get in touch with provinces that have had not yet responded to the request sent to them and gain largely satisfactory insights.

2) A descriptive analysis and a normative survey of the regulations applicable to the public companies selected for this project have been carried out<sup>1424</sup>. Moreover, contacted companies have been consulted not only about

the specific requirements for foreign bidders interested in contracting with these companies, but also about information regarding awarding in practice to foreign bidders and about current and future investment projects.

3) The feedback received from the aforementioned officers helped to enrich this report.

<sup>1423</sup> Municipalities in Greater Buenos Aires area: Almirante Brown (552,902), Avellaneda (342,677), Berazategui (324,244), Esteban Echeverría (300,959), Florencio Varela (426,005), General San Martín (414,196), La Matanza (1,775,816), Lanús (459,263), Lomas de Zamora (616,279), Malvinas Argentinas (322,375), Merlo (528,494), Moreno (452,505), Morón (321,109), Quilmes (582,943), Tigre (376,381) and Tres de Febrero (340,071).

Municipalities in the Province of Buenos Aires: Bahía Blanca (301,572), Mar del Plata / General Pueyrredón (618,989), La Plata (654,324), Pilar (299,077).

Municipalities in other provinces: Resistencia (Chaco) (390,874); Córdoba (Córdoba) (1,329,604); Corrientes (Corrientes) (358,223); Paraná (Entre Ríos) (339,930); San Salvador de Jujuy (Jujuy); Mendoza Capital (115,041), Guaymallén (283,803), Godoy Cruz (191,903) and Las Heras (203,666) (Mendoza); Posadas (Misiones) (324,756); Neuquén (Neuquén) (362,673); General Roca (Río Negro) (320,921); Salta (Salta) (536,113) ; Santa Fe Capital (525,093) and Rosario (1,193,605) (Santa Fe); San Miguel de Tucumán (Tucumán) (548,866).

Municipalities are explained in [Chapter V](#).

<sup>1424</sup> ADIF S.E., AGP S.E., Aerolíneas Argentinas S.A. (AASA), Agua y Saneamientos Argentinos S.A. (AYSA), Autopistas Urbanas S.A. (AUSA), Coordinación Ecológica Área Metropolitana S.E. (CEAMSE), Correo Oficial de la República Argentina S.A., Dirección Nacional de Vialidad, Empresa Argentina de Soluciones Satelitales S.A. (AR-SAT), Instituto Nacional de Servicios Sociales para Jubilados y Pensionados (PAMI), Investigación Aplicada S.E. (INVAP S.E.), Operadora Ferroviaria S.E. (SOF S.E.), Subterráneos de Buenos Aires S.E., Trenes Argentinos Cargas (ex Belgrano Cargas y Logística S.A. (BCYLSA), YPF S.A. (YPF S.A.), Instituto Nacional de Tecnología Agropecuaria (INTA), Organismo Regulador del Sistema Nacional de Aeropuertos (ORSNA), Comisión Nacional de Energía Atómica (CNEA), EDUCAR, Banco de La Nación (BNA), Compañía Administradora del Mercado Mayorista Eléctrico (CAMMESA), ACUMAR - La Autoridad de Cuenca Matanza Riachuelo, Instituto Nacional del Agua (INA) and Autoridad del Agua de la Provincia de Buenos Aires (ADA).

The normative survey, taken by the majority of authorities in the jurisdictions that have been contacted, can be found in **Annex XIV**.

After the meeting at the Red Federal, public officers highlighted to the press the participation of members of the European Union. In this sense, they underlined the following:

*"We have met with Representatives of the European Union to exchange information towards the current legislation in public purchases in different provincial jurisdictions. The purpose of sharing this kind of information is based in promoting our public market sectors for attracting companies and suppliers of the European Union"*  
(<http://www.prensa.mendoza.gov.ar/mendoza-organiza-el-encuentro-de-la-red-federal-de-contrataciones-gubernamentales/>)

## Annex III - List of Public Companies at National Level

### Public Companies<sup>1425</sup>

1. *Radio y Televisión Argentina S.E.* (Radio and Television Argentina State Company)
2. *TELAM S.E.* (National News State Company)
3. *Casa de La Moneda S.E.* (Argentinean Mint State Company)
4. *Administración General de Puertos S.E. (AGP S.E.)* (General Ports Administration State Company)
5. *Empresa Argentina de Navegación Aérea S.E.* (Argentinean Air Navigation State Company)
6. *Ferrocarriles Argentinos S.E.* (Argentinean Railways State Company)
7. *Administración de Infraestructuras Ferroviarias S.E (ADIF S.E.)* (Railway Infrastructure Administration State Company)
8. *Operadora Ferroviaria S.E. (SOF S.E.)* (Railway Operator State Company)
9. *Educ.ar S.E.* (Educ.Ar State Company)
10. *Lotería Nacional S.E.* (National Lottery State Company)

### State Companies (*Sociedades del Estado (S.E.)*)

11. *Construcción de Viviendas para la Armada (COVIARA)* (Construction of Housing for the Navy State Company)

### Mixed Companies

12. *Editorial Universitaria de Buenos Aires (EUDEBA)* (University Publishing of Buenos Aires)

### Corporations Owned by the State (*Sociedades Anónimas (S.A.) de Propiedad Estatal*)

13. *Agua y Saneamientos Argentinos S.A. (AYSA)* (Argentinean Water and Sanitation Stock Company)
14. *Talleres Navales Dársena Norte S.A.C.I. y N. (TANDANOR)* (Darsena Norte Shipyard)
15. *Fábrica Argentina de Aviones "Brig. San Martín" S.A. (FADEA)* (Argentinean Aircraft Manufacturer Stock Company)
16. *Innovaciones Tecnológicas Agropecuarias S.A. (INTEA S.A.)* (Agricultural Technologies Innovations Stock Company)
17. *INTERCARGO S.A.* (INTERCARGO Stock Company)
18. *Belgrano Cargas y Logística S.A. (Trenes Argentinos Cargas)* (Belgrano Freight and Logistics Stock Company)

<sup>1425</sup> For the purposes of this report, public companies are all companies in which the State is the sole owner or majority shareholder, in the following company types:

- State Companies (*Sociedades del Estado (S.E.)*) regulated by Law No. 20,705;
- Corporations owned by the State (*Sociedades Anónimas (S.A.) de propiedad estatal*);
- Corporations with Majority State Participation (*Sociedades Anónimas de Participación Estatal Mayoritaria (SAPEM)*), and
- Mixed Companies (*Sociedades de Economía Mixta (SEM)*).

However, the State can be a minority shareholder in private companies. But these companies are not part of the Decentralized Administration.



19. *Administradora de Recursos Humanos Ferroviarios S.A.* (Railway Human Resources Administration Stock Company)
20. *Aerolíneas Argentinas S.A.* (Argentinean Airlines Stock Company)
21. *Austral Líneas Aéreas - Cielos del Sur S.A.* (Austral Airlines Stock Company)
22. *Empresa de Cargas Aéreas del Atlántico Sud (EDCADASSA)* (South Atlantic Air Cargo Stock Company)
23. *DIOXITEK S.A.* (DIOXITEK Stock Company)
24. *Yacimientos Petrolíferos Fiscales S.A. (YPF S.A.)* (Fiscal Oilfields Stock Company)
25. *Yacimientos Petrolíferos Fiscales Gas S.A. (YPF Gas S.A.)* (Fiscal Oilfields Gas Stock Company)
26. *Compañía Administradora del Mercado Eléctrico Mayorista S.A. (CAMMESA)* (Wholesale Electricity Market Administration Stock Company)
27. *Energía Argentina S.A. (ENARSA)* (Argentinean Energy Stock Company)
28. *Nucleoeléctrica Argentina S.A.* (Argentinean Nuclear Electricity Stock Company)
29. *Emprendimientos Energéticos Binacionales S.A. (EBISA)* (Binational Energy Enterprises Stock Company)
30. *Correo Oficial de la República Argentina S.A.* (Official Post of the Republic of Argentina Stock Company)
31. *Empresa Argentina de Soluciones Satelitales S.A. (AR - SAT)* (Argentinean Satellite Solutions Stock Company)
32. *Servicio de Radio y Televisión de la Universidad Nacional de Córdoba (SRT-UNC)* (Radio and Television Service of the University of Córdoba)
33. *Radio de la Universidad Nacional del Litoral S.A. (LT10-UNTL)* (Radio of the Universidad Nacional del Litoral State Company)
34. *Polo Tecnológico Constituyentes S.A.* (Formative Technological Hub Stock Company)
35. *Vehículo Espacial de Nueva Generación S.A. (VENG S.A.)* (New Generation Space Vehicle Stock Company)

*Remaining Enterprises*

36. *Argentina Televisora Color S.A. (ATC S.A.)* (Argentinean Color Television Stock Company)
37. *TELAM SAIP*
38. *Instituto Nacional de Reaseguros (INDER)* (National Institute of Reinsurance)

*Other Corporate Public Entities*

39. *Yacimientos Carboníferos Río Turbio* (Río Turbio Coal Mines).

## Annex IV - List of Fiduciary Funds on National Level

1. *Fondo Fiduciario Federal de Infraestructura Regional* (Federal Fiduciary Fund of Regional Infrastructure)
2. *Fondo Fiduciario de Infraestructura Hídrica* (Hydro Infrastructure Fiduciary Fund)
3. *Fondo Fiduciario para el Desarrollo Provincial* (Provincial Development Fiduciary Fund)
4. *Fondo Fiduciario de Capital Social* (Social Capital Fiduciary Fund)
5. *Fondo Fiduciario para la Reconstrucción de Empresas* (Companies Reconstruction Fiduciary Fund)
6. *Fideicomiso para la Refinanciación Hipotecaria* (Mortgage Refinancing Trust Fund)
7. *Fondo Nacional de Desarrollo para la Micro, Pequeña y Mediana Empresa* (National Development Fund for Micro, Small and Medium Enterprises)
8. *Fondo Fiduciario para el Fortalecimiento Operativo Federal* (Decree No. 1,765/14), (Fiduciary Fund for the Strengthening of Federal Operations)
9. *Fondo Fiduciario para el Desarrollo Argentino* (Argentina Development Fiduciary Fund)
10. *Fondo de Garantía para la Micro, Pequeña y Mediana Empresa* (Guarantee Fund for Micro, Small and Medium Companies)
11. *Fondo Fiduciario Programa Crédito Argentino del Bicentenario para la Vivienda Única Familiar (Pro.Cre.Ar)*, (Fiduciary Fund of the Argentinean Credit Program for Family Housing)
12. *Fondo Fiduciario para la Promoción de la Ganadería Ovina* (Law No. 25,422) (Fiduciary Fund for the Promotion of Sheep Livestock)
13. *Fondo Fiduciario del Sistema de Infraestructura del Transporte* (Transport Infrastructure System Fiduciary Fund)
14. *Fondo Fiduciario para el Desarrollo de Energías Renovables* (Law No. 27,191) (Development of Renewable Energy Fiduciary Fund)
15. *Fondo Argentino de Hidrocarburos* (Argentinean Hydrocarbons Fund)
16. *Fondo Fiduciario para el Transporte Eléctrico Federal* (Federal Electric Transport Fiduciary Fund)
17. *Fondo Fiduciario para Subsidios a Consumos Residenciales de Gas* (Law 25,565) (Fiduciary Fund for Subsidies on Residential Gas Consumption)
18. *Fondo Fiduciario para Subsidios a Consumos Residenciales de Gas Licuado de Petróleo* (Law 26,020) (Fiduciary Fund for Subsidies on Residential Liquefied Petroleum Gas Consumption)
19. *Fondo Fiduciario del Servicio Universal* (Law No. 27,078), (Universal Service Fiduciary Fund)
20. *Fondo Fiduciario de Promoción de la Industria del Software 39* (Promotion of Software 39 Industry Fiduciary Fund)
21. *Fondo Fiduciario para la Promoción Científica y Tecnológica* (Technological and Scientific Promotion Fiduciary Fund)
22. *Fondo Fiduciario para los Servicios de Atención Médica Integral para la Comunidad* (Decree No. 34/15) (Comprehensive Medical Assistance Service Fiduciary Fund)

## Annex V - List of National Universities

### Province of Buenos Aires

1. *Universidad de Buenos Aires* (1821)
2. *Universidad Nacional del Centro de la Provincia de Buenos Aires* (1974)
3. *Universidad Nacional de General San Martín* (1992)
4. *Universidad Nacional de General Sarmiento* (1993)
5. *Universidad Nacional de La Matanza* (1986)
6. *Universidad Nacional de La Plata* (1905)
7. *Universidad Nacional de Lomas de Zamora* (1972)
8. *Universidad Nacional de Luján* (1973)
9. *Universidad Nacional de Mar del Plata* (1962)
10. *Universidad Nacional de Quilmes* (1989)
11. *Universidad Nacional del Sur* (1956)
12. *Universidad Tecnológica Nacional* (1959)
13. *Universidad Nacional de Lanús* (1995)
14. *Universidad Nacional Tres de Febrero* (1995)
15. *Universidad Nacional de las Artes* (1996)
16. *Universidad Nacional del Noroeste de la Provincia de Buenos Aires* (2002)
17. *Universidad Nacional del Chaco Austral* (2002)
18. *Universidad Nacional de Avellaneda* (2009)
19. *Universidad Nacional del Oeste* (2009)
20. *Universidad Nacional de Moreno* (2009)
21. *Universidad Nacional Arturo Jauretche* (2009)
22. *Universidad Nacional de José Clemente Paz* (2009)
23. *Universidad Nacional de Hurlingham* (2014)
24. *Universidad de la Defensa Nacional* (2014)
25. *Universidad Nacional San Antonio de Areco* (2015)
26. *Universidad Nacional Guillermo Brown* (2015)
27. *Universidad Pedagógica Nacional* (2006)
28. *Universidad Nacional Raúl Scalabrini Ortiz* (2015)

### Province of Catamarca

29. *Universidad Nacional de Catamarca* (1972)

### Province of Córdoba

30. *Universidad Nacional de Córdoba* (1613)
31. *Universidad Nacional de Río Cuarto* (1971)
32. *Universidad Nacional de Villa María* (1995)

### Province of Corrientes

33. *Universidad Nacional del Nordeste* (1956)

### Province of Chubut

34. *Universidad Nacional de la Patagonia San Juan Bosco* (1980)

### Province of Entre Ríos

35. *Universidad Nacional de Entre Ríos* (1973)

**Province of Formosa**

36. *Universidad Nacional de Formosa* (1988)

**Province of Jujuy**

37. *Universidad Nacional de Jujuy* (1973)

**Province of La Pampa**

38. *Universidad Nacional de La Pampa* (1973)

**Province of La Rioja**

39. *Universidad Nacional de la Rioja* (1993)

40. *Universidad Nacional de Chilecito* (2002)

**Province of Mendoza**

41. *Universidad Nacional de Cuyo* (1939)

**Province of Misiones**

42. *Universidad Nacional de Misiones* (1973)

43. *Universidad Nacional del Alto Uruguay* (2014)

**Province of Neuquén**

44. *Universidad Nacional de Comahue* (1971)

**Province of Rio Negro**

45. *Universidad Nacional de Río Negro* (2007)

**Province of Salta**

46. *Universidad Nacional de Salta* (1972)

**Province of San Luis**

47. *Universidad Nacional de San Luis* (1973)

48. *Universidad Nacional de Villa Mercedes* (2009)

49. *Universidad Nacional de Comechingones* (2014)

**Province of Santiago del Estero**

50. *Universidad Nacional de Santiago del Estero* (1973)

**Province of Santa Fe**

51. *Universidad Nacional del Litoral* (1919)

52. *Universidad Nacional de Rosario* (1968)

53. *Universidad Nacional de Rafaela* (2014)

**Province of San Juan**

54. *Universidad Nacional de San Juan* (1973)

**Province of Santa Cruz**

55. *Universidad Nacional de la Patagonia Austral* (1995)

**Province of Tierra del Fuego**

56. *Universidad Nacional de Tierra del Fuego, Antártida e Islas del Atlántico Sur* (2009)

**Province of Tucumán**

57. *Universidad Nacional de Tucumán* (1914)

## Annex VI - Alternatives to conduct business in Argentina through a permanent representation in Argentina. General Overview

This Annex contains a summary of the different options available pursuant to Argentine laws for a foreign company to conduct business in Argentina on regular basis, whether by setting up a branch of the parent company, or by incorporating a local company (subsidiary), detailing the steps for the incorporation.

### 1) *Registration of a branch*

The establishment of a branch of a foreign company is regulated in Article 118 of the Argentine Companies Law, which establishes that a branch duly registered in Argentina may conduct business in the country on a regular basis.

In the City of Buenos Aires, the General Inspection for Justice (*Inspección General de Justicia*, "IGJ") is the agency in charge of the Public Registry.

Under Argentine laws, branches are not considered as separate entities vis-à-vis the parent company. This means that the assets and liabilities of the branch, and its rights and obligations, also belong to the parent company.

It must be pointed out that branches do not hold board or shareholders' meetings and that corporate resolutions are adopted either by the parent company directly, or by its legal representative of the branch registered in Argentina.

Branches must file the annual financial statements with the IGJ, and they must register any change of the legal representative as well as any modification to the bylaws of the parent company.

In addition, and pursuant to IGJ requirements, at the end of the fiscal year, branches with allocated capital should have a net worth equal or higher than the allocated capital. Conversely, if at the end of a certain fiscal year a branch has a net worth lower than the allocated capital (or negative net worth) it should decide to: (i) recompose its net worth, ii) reduce its allocated capital – and/or a mix of (i) and (ii) to balance the net worth, or iii) request its deregistration before complying with the liquidation process.

In a normal scenario, the registration of a branch may take 40 days from the filing of all documents duly translated into Spanish before the IGJ, and 7 more days to obtain its Tax ID (for an easy reference, we attached hereto as Sub-Annex A a list of documents needed to register a branch of a foreign company).

### 2) *Incorporation of a local company – Registration of foreign shareholders*

Foreign companies intending to conduct business on a regular basis in the country may also opt for the establishment of a local company (subsidiary) incorporated under Argentine laws.

In line with the Law, and except for the new provisions of the Single Shareholder Corporation (*Sociedad Anónima Unipersonal*) or the Simplified Corporation (*Sociedad Anónima Simplificada*) described below in item 2.1.b and 2.1.c, respectively, the principle is that a local company requires two shareholders as a minimum (either companies or individuals, Argentines or foreigners) and if any of the shareholders is a foreign company, it must be priorly registered with the IGJ to participate and vote validly at shareholders' meetings (as further detailed in item 2.2 below).

#### 2.1 *Registration of a local company (subsidiary)*

- a) The two main traditional types of local companies regulated in the Law are the *Sociedad Anónima* or "SA" (Corporation) and the *Sociedad de Responsabilidad Limitada* or "SRL" (Limited Liability Company), both with limited liability for the shareholders up to the corporate capital subscribed by them.

For reference we have included as Sub-Annex B a chart describing the similarities and differences between a SRL and SA.

The most common vehicle is the SA, due to its flexibility and the possibility to register all share transfers in the corporate books - without need of further registration in the Public Registry. Conversely, the SRL has the obligation to register before the Public Registry all transfers of quotas for them to be valid vis-à-vis third parties.

- b) *Sociedad Anónima Unipersonal* or "SAU" (Single Shareholder Corporation). In addition, and as a consequence of the New Civil and Commercial Code (in force as from August 1, 2015) the *Sociedad Anónima* is the unique corporate type regulated by the Law that can be incorporated and/or composed of by a sole shareholder.

Apart from the other requirements applicable to a SA, the SAU is subject to the following requirements:

- (i) The corporate name shall state in any part the following statement *Sociedad Anónima Unipersonal* or its acronym SAU.
- (ii) All capital contributions must be fully paid-in at the moment of the subscription and approval of the capitalization. Other corporate types allow paying 25% of the amount subscribed, and the balance in a two-year term (e.g. SA or SRL).
- (iii) The board may be composed of at least one regular director and the supervisory body (*Sindicatura* in Spanish) of at least one regular and one alternate member.

Companies registered pursuant to any of the other corporate types can be later converted into a SAU or a Simplified Corporation (see below) following the rules of the conversion process.

- c) *Sociedad Anónima Simplificada* or "SAS" (Simplified Corporation). In April 2017, the Simplified Corporation was introduced, regulated by Entrepreneurs Law No. 27,349, a new and flexible corporate type which can be registered through an online proceeding within 24 or 48 hours as from its filing (with the customary bylaws approved by the public registry) and obtaining at the same time the TAX ID number.

The main characteristics of this corporate type are:

- Only one shareholder is allowed, individuals or companies, national or foreigners.
- Filing of company registration through an online platform (<https://tramitesadistancia.gob.ar/>).
- A 25% cash contribution can be paid-in at the subscription of the corporate capital, and the remaining balance within two years in contrast to the regime of the SAU (mentioned above in item 2.1.a) which requires the contribution of 100% of the corporate capital at the time of subscription.
- A longer term for irrevocable contributions of up to 24 months.
- Limited liability to the corporate capital subscribed.
- The share capital will be divided into shares. At the time of incorporation of the company, the minimum capital may not be less than two times the minimum salary<sup>1426</sup>. In the SA or SAU, the minimum is AR\$ 100,000<sup>1427</sup>.
- Only one director needs to be an Argentine resident (for the remaining corporate types, a majority of the directors must be residing in Argentina).

As detailed in this section and Sub-Annex B, the time to register a local company may vary between 1 to 10 days since the filing with the IGJ, depending on the corporate type selected.

As explained below, foreign companies willing to act as shareholders of local companies must obtain their registration in Argentina to participate and/or incorporate Argentine companies.

## 2.2 Registration of foreign shareholders

The registration of a foreign company as shareholder of a local company may take between 30 and 40 days approximately since the filing of all documents before the IGJ, duly translated into Spanish.

<sup>1426</sup> At the current exchange rate, it amounts to approximately USD 520.

<sup>1427</sup> Approximately USD 5,700 at the current exchange rate.

The foreign company must comply with certain legal and accounting requirements, giving evidence that the company has no legal restriction to carry out its activity in the place of its incorporation and has real operation and activity abroad Argentina (e.g by identifying the assets or subsidiaries that the company may have abroad).

If the foreign company requesting registration cannot comply with the abovementioned requirements, the company may be declared as a vehicle of its direct or indirect controlling company and comply with the previous requisite by filing the information requirements of its direct or indirect controlling company.

### 2.3 Registry of Importers and Exporters

In order to carry out any import and/or export activities in Argentina, firstly the company must be registered before the Registry of Importers and Exporters (in Spanish *Registro de Importadores y Exportadores*). The registration process must be initiated through the web page of the tax authority (<http://www.afip.gob.ar>; the customs house is organized as an agency within the structure of the Tax Authority AFIP).

## Sub-Annex A

### Documents to register a branch of a foreign company

#### Article 118 of the Argentine Companies Law

- a) Copy of the bylaws and articles of incorporation of the foreign company.
- b) Certificate of Good Standing.
- c) Evidence issued by the pertinent foreign authorities that the corporation has been established and validly exists under the laws of the country where the foreign company has been incorporated.
- d) Copy of the minutes of the Board of Directors Meeting (or the corresponding corporate body) whereby it is approved, among others: (i) to register the corporation in Argentina as a Branch, (ii) to allocate capital (not mandatory), (iii) to appoint a legal representative of the Branch and (iv) to establish a legal domicile of the foreign company in Argentina.
- e) A list of the members of the Board of Directors of the foreign company. This list must be signed by the legal representative of the company.
- f) Acceptance letter signed by the Legal Representative/s of the foreign company.
- g) Accountant certification providing evidence that the foreign company has real activity abroad and has assets/branches/subsidiaries abroad Argentina.
- h) Identification of shareholders, partners or members of the foreign company and the final beneficiary (individuals who – directly or indirectly – have at least 20% of the votes in the Company, if any).
- i) A report on whether any legal restriction or prohibition applies to the foreign company in connection with the performance of all of their activities or the main activity or activities performed by the foreign company in the place of its incorporation.
- j) Registration in Argentina before the tax authorities (national and local tax authorities).



## Sub-Annex B

### COMPARATIVE CHART

#### SOCIEDAD ANÓNIMA (SA)

**1-General Information:** The SA is a corporation and the only business entity entitled to issue shares to the public.

Government supervision and reporting requirements are stricter than those imposed to the other corporate types.

Shareholders: Two or more, except for the *Sociedad Anonima Unipersonal* (SAU, listed in 2.1.b above), in which case the company is entitled to only have one shareholder. Shareholders may be individuals or companies, whether local or foreign. If the equity participation is reduced to one member, the company must be converted into a SAU by following the rules of the conversion process. Foreign companies that will act as shareholders must be registered (item 2.2. above).

**2-Formation:** A SA must be formed through a public deed. The name of the company must include the words *Sociedad Anónima* or its acronym SA.

The registration process may take between 3/5 business days as from the filing. The TAX ID number must be obtained separately before the Tax Authority.

**3-Registration:** The SA must be registered in the Public Registry corresponding to the jurisdiction of its legal domicile, a process that may take between 3 and 5 business days approximately as from its filing in the City of Buenos Aires. The TAX ID number must be obtained separately before the Tax Authority.

**4-Shares:** The SA is entitled to issue shares to the public. Shares may be listed in the stock exchange market. The SA may issue classes of shares giving the right to more than one vote per share. Shares must be issued in

#### SOCIEDAD DE RESPONSABILIDAD LIMITADA (SRL)

**1-General Information:** The SRL is a limited liability partnership. The formation and administration is relatively uncomplicated. However, its effectiveness depends on the good relations among the partners since majority – and in some cases unanimous consent – is required for all changes.

Partners: Two or more, up to 50. Partners may be individuals or companies, whether local or foreign. If the equity participation is reduced to one member, the company must be converted into a SAU by following the rules of the conversion process. Foreign companies that will act as shareholders must be registered (item 2.2. above).

**2-Formation:** A SRL may be formed through a public deed or private instrument. The name of the company must include the words *Sociedad de Responsabilidad Limitada* or its acronym SRL.

SRL companies have an abbreviated registration proceeding within 48 and 72 hours as from filing. Through this special proceeding the Public Registry also grants the TAX ID number.

**3-Registration:** The SRL must be registered in the Public Registry corresponding to the jurisdiction of its legal domicile. The TAX ID number must be obtained separately before the Tax Authority, except in the event of registration under the abbreviated proceeding mentioned above.

**4-Quotas:** Partners hold quotas instead of shares. Quotas cannot be listed in the stock market. All quotas must have equal value and voting rights. Partners may hold more than one quota. Transfer of quotas must be

#### SOCIEDAD ANONIMA SIMPLIFICADA (SAS)

**1-General Information:** The SAS is a new corporate type created in 2017 by Law No. 27,349, providing more flexibility in comparison to the other corporate types. Due to the digital proceeding, all the shareholders must have their proper Tax Identification at the moment of its registration.

Shareholders: One or more. Shareholders may be individuals or companies, whether local or foreign.

Foreign companies that will act as shareholders must be registered (item 2.2. above).

**2-Formation:** A SAS may be formed through a public deed or private instrument. The name of the company must include the words *Sociedad Anónima Simplificada* or its acronym SAS.

The SAS companies have an online registration proceeding within 24 and 48 hours as from filing. Through this special proceeding the Public Registry also grants the TAX ID number.

**3-Registration:** The SAS must be registered in the Public Registry corresponding to the jurisdiction of its legal domicile. The TAX ID number is granted jointly with its registration before the Public Registry.

**4-Shares:** Stockholders hold shares. The company may issue classes of shares, giving the right to more than one vote per share. Shares must be issued in registered form and all transfers must be registered in the

registered form and all transfers must be registered in the corporate books.

registered before the Public Registry by filing the contract and further documents of the transfer, for them to be valid vis-à-vis third parties.

corporate books. In the city of Buenos Aires, they will be digital books where the company must record all resolutions and financial statements to be uploaded to the platform of the Public Registry.

## Annex VII - Treaties Against Corruption

Anti-corruption treaties require that procurement procedures and contracts are publicly shared. In addition, these treaties require that the conditions for participation are established in advance, including implementing proper procedures awarding criteria and tendering, objective and predetermined criteria for public procurement decisions and an objective system of analysis.

It is very important for foreign bidders to understand that under those treaties not only all Argentinean procurement systems must guarantee these requirements, but also that there are mechanisms for controlling its compliance. Non-compliance might generate international responsibility for the State.

In particular, under Section III (5) of the IACAC, the Signatory States agree to consider the applicability of preventive measures within their own institutional systems, to create, maintain and strengthen "*systems of government hiring and procurement of goods and services that assure the openness, equity and efficiency of such systems*".

Under the UNCAC, public procurement regimes have to guarantee<sup>1428</sup>:

- a) Public distribution of information related to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential bidders sufficient time to prepare and submit their tenders;
- b) The establishment, in advance, of conditions for participation (including selection and award criteria and tendering rules, and their publication);
- c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of rules and procedures;
- d) An effective system of domestic review, including an effective appealing system, to ensure legal resources and remedies in the event that the rules or procedures are not followed;
- e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

### *Anticorruption Bodies Created After the Signature of the IACAC and UNCAC*

By the regulation of the UNCAC, an Anti - Corruption Office (*Oficina Anticorrupción, OA*) was created in 1999, within the current Ministry of Justice and Human Rights. This OA is the organization in charge of promoting the prevention and investigation of the activities regulated by the IACAC and, in general, against fraud and corruption. In fact, it has made important public procurement investigations<sup>1429</sup>.

Another important result from implementing the abovementioned Office is the creation by the Supreme Court of a Body of Experts that is Specialized in Corruption and Crimes against Public Administration (*Cuerpo de Peritos Especializados en Casos de Corrupción y Delitos contra la Administración Pública*). Its objective is to accelerate the judicial processes on corruption<sup>1430</sup>.

These Offences against Public Administration are to be judged by the Supreme Court. They are assisted by experts in the cases of investigation of offences against corruption and public administration.

<sup>1428</sup> Article 9(1) UNCAC.

<sup>1429</sup> RAIGORODSKY, Nicolás, "*El estado de las contrataciones: mapa de condiciones de transparencia y accesibilidad en las adquisiciones públicas*", 2<sup>nd</sup> ed. Buenos Aires, Ministerio de Justicia, Seguridad y Derechos Humanos, Oficina Anticorrupción y Embajada Británica, UNDP, 2007, available at: [https://www.argentina.gob.ar/sites/default/files/2008estcontrataciones\\_0.pdf](https://www.argentina.gob.ar/sites/default/files/2008estcontrataciones_0.pdf) and DEL BOCA, Vanesa "*El Estado de las Contrataciones*", 1<sup>st</sup> ed. Buenos Aires, Ministerio de Justicia, Seguridad y Derechos Humanos, Oficina Anticorrupción; PNUD Argentina; Embajada Británica; 2009, available at: [https://www.argentina.gob.ar/sites/default/files/libro\\_mapa\\_2da\\_parte\\_0.pdf](https://www.argentina.gob.ar/sites/default/files/libro_mapa_2da_parte_0.pdf).

<sup>1430</sup> Disposition issued by Supreme Court No. 34/2014, available at <http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/236778/norma.htm>.

## Annex VIII - Bilateral Investment Treaties (BIT)

Up to date, Argentina has signed 57 Bilateral Investment Treaties, 21 of them with EU Member States<sup>1431</sup>.

Among the main clauses of protection for foreign investors established in these treaties, the following are the most relevant provisions:

- 1) National Treatment: Foreign investors are given the same treatment as national investors.
- 2) Most-Favored-Nation Treatment (MFN): Investors from a party to an agreement, or their investment, will be treated by the other party "no less favorably" (based on a given subject) than an investor from any third country, or its investment.
- 3) Trade without discrimination: Its objective is to prevent the Contracting Parties from applying discriminatory measures to investors.

It is important to mention that in Argentina protection to foreign investors starts only once the investment is concluded. Therefore, companies participating in tender processes can only have access to investment protection based on these treaties once the investment process has concluded<sup>1432</sup>.

BITs grant foreign investors the possibility of alerting the authorities about controversies that might occur with the Argentinean State, at the International Centre for Settlement of Investment Disputes ("ICSID").

### *International Centre for Settlement of Investment Disputes ("ICSID")*

The ICSID was established in 1966 by the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (the ICSID Convention). The ICSID Convention is a multilateral treaty formulated by the Executive Directors of the World Bank, to further the Bank's objective of promoting international investment. ICSID is an independent, depoliticized and effective dispute-settlement institution, and serves as an administrative registry, for State-State disputes under investment treaties and free trade agreements.

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<sup>1431</sup> Germany (1991), Austria (1992), Belgium-Luxembourg (1990), Bulgaria (1993), Croatia (1994), Denmark (1992), Spain (1991), Finland (1993), France (1991), Greece (1999), Hungary (1993), Italy (1990), Lithuania (1996), Netherlands (1992), Poland (1991), Portugal (1994), United Kingdom (1990), Czech Republic (1996), Romania (1993), Sweden (1991).

<sup>1432</sup> Decision from the Federal Court of Appeals of the city of La Plata (Tribunal II) dated 08/05/01, "*Fomento de Construcciones y Contratas S.A. c/ Municipalidad de Avellaneda s/ amparo*".

## Annex IX - Direct Award Clauses and Public Purchasing under Economic Cooperation Agreements / State-State Agreements

After implementing economic cooperation agreements with other countries, Argentina has implemented a special direct award clause in public procurement, or "*State-State Agreements*".

"*State-State Agreements*" are excluded from the National Administration's Procurement Regime – as it was explained on [Chapter III 1.1](#), and allow direct awarding of contracts for goods and services to State-controlled corporations and companies of both countries that are Signatories of the agreement. These agreements are not regulated specifically. However, even in case a State-State agreement exists, the public administration may still acquire goods that fall in the category of direct awarding, through public tender proceedings.

For example, in case of rolling railway material acquired a few years ago by direct award under a State-State agreement from China, Argentina now buys of the same material by way of international public tender<sup>1433</sup>. To provide further examples, Argentina has direct awarding with China and Poland, as follows:

### 1) China

One of the most recently widespread cases of great economic relevance in Argentina under Direct Award modality has been the purchase of railways by the Argentinean State to the Popular Republic of China, based on the Cooperation Economic Agreements signed in Beijing on June 7, 1980 and subsequent agreements. In this case, the Argentinean State implemented different agreements to acquire rolling railway material directly (without public tender), with the participation of the Popular Republic of China Banks in 2009. In the framework of this agreement, three supplies contract were celebrated, where the Argentinean State purchased the following goods from Chinese companies:

(i) China International Trust and Investment Corporation -"CITIC"- will deliver (or delivered) 279 wagons for the subway at the Autonomous City of Buenos Aires;

(ii) China South Locomotive and Rolling Industry -"CSR"- will supply 24 locomotive (diesel), 160 train wagons, replacements, general tools, etc., for the *San Martin* Line;

(iii) China Northern Locomotive and Rolling Industry -"CNR"- would supply 20 locomotives (diesel) and 220 long distance wagons, replacements, general tools, etc.

This supply contract was very controversial and generated important observations and questioning by the National General Auditing Office (*Auditoría General de la Nación*)<sup>1434</sup> in 2014<sup>1435</sup>, since the contract was implemented as a direct award system under the State-State framework agreement, instead of a public tender. The contract awarding did not pass through an exhaustive and complete analysis, and appropriate documentation was not produced. These generated cost overruns, all of which may have affected the efficiency and effectiveness of the contracts.

### 2) Poland

In the framework of the Cooperation Agreement in the field of mining between the governments of Argentina and Poland<sup>1436</sup> (which provides the possibility of contracts between competent entities of both States) important equipment was acquired through direct award by *Yacimiento Carbonífero Río Turbio* (YCF) from Polish company Zakłady Mechaniczne "Bumar-Labedy"<sup>1437</sup>.

<sup>1433</sup> International Public Procurement for the acquisition of 169 electric multiple units (EMU) and their maintenance, technical documentation and the provision of training and technical assistance services, based on Resolution 914-E/17 by the Ministry of Transport, see:

<http://servicios.infoleg.gov.ar/infolegInternet/anexos/275000-279999/279992/norma.htm>.

<sup>1434</sup> This institution is a control body, subordinate to the Legislative Branch, whose main objective is to exercise the external control on the Executive Branch in its economic, financial and operational aspects (Article 85 of the National Constitution).

<sup>1435</sup> Report dated December 11, 2014, approved by Resolution of Auditors' College of the Nation (*Colegio de Auditores de la Nación*) No. 89 of June 5, 2015, available at [https://www.agn.gov.ar/files/informes/2015\\_089reso\\_0.pdf](https://www.agn.gov.ar/files/informes/2015_089reso_0.pdf).

<sup>1436</sup> Signed in the city of Warsaw on October 2, 1982 and adopted by Law 23,196 (1985).

<sup>1437</sup> *Yacimiento Carbonífero Río Turbio y de los Servicios Ferroportuarios con Terminales en Punta Loyola y Río Gallegos*. Purchase agreement of July 22, 2011 on one longwall equipment, one batch of spare parts, one technical and theoretical training, technical assistance during installation and then during the operation of the equipment and six operation manuals, maintenance of the equipment, intended for the mining of the aforementioned field, for the

## Annex X - MERCOSUR Protocol on Public Contracts

*Mercado Común del Sur* – "MERCOSUR" (Southern Common Market) was created in 1991 between Argentina, Brazil, Paraguay and Uruguay, through the Asuncion Treaty. Venezuela joined the MERCOSUR as a Member State in 2006, but its entire rights and obligations are currently suspended by Ushuaia's Protocol on Commitment with Democracy.

The Treaty established the objective to achieve a common market with free movement of goods, services and factors of production, and also set a common external tariff among Member States. Its aim is to harmonise the regulations of all Member States (including the internal rules on public purchasing). It was never the objective of MERCOSUR to unify the domestic legal systems into a single, common code. Instead, it intends to create a regional framework for each Member to work within.

MERCOSUR is an international legal entity, governed by authorities made of governmental representation from each Member State. Unlike the EU, MERCOSUR does not possess a supranational framework with common ruling bodies that can generate an independent legal order community<sup>1438</sup>. The decisions of the MERCOSUR bodies are taken by consensus and each Member State guarantees simultaneous compliance in the enforcement thereof. These decisions are binding and, when necessary, must be incorporated in the domestic legal systems.

Several years ago, MERCOSUR wanted to adopt a Public Procurement Protocol with the objective of establishing guidelines to harmonize the public procurement regimes of each MERCOSUR Member State. Until today, four versions of this Protocol have been adopted<sup>1439</sup>. In the following paragraphs, the main aspects of the fourth and latest version of the Protocol are described.

### **Fourth Version of the Protocol**

The fourth Version of the MERCOSUR Public Procurement Protocol was approved by Decision CMC No. 37/17 (Brasilia, 20 December 2017) which revoked previous Decisions CMC 27/04 and 23/06 (the second and third versions of the Protocol, respectively).

The fourth version of the Protocol is not yet in force since it has not yet been adopted by the Member States in their respective internal legislations.

The Protocol will enter into force once two Member States have adopted it in their internal legislations (and it is then only applicable to the Member States that have adopted it internally).

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amount of € 27,300,000, ratified by National Executive Decree No. 2009/2011 (available at: <https://www.boletinoficial.gob.ar/#!DetalleNorma/62117/20111207>); Purchase Agreement of August 28, 2012 on two excavation tunnels with a continuous transportation system and conveyor belt for € 19,633,000, ratified by Administrative Decision of the Chief of the Cabinet of Ministers No. 252/13 (available at: <https://www.boletinoficial.gob.ar/#!DetalleNorma/88339/20130527>) and purchase agreement of November 28, 2012 with Polish State Company ZAKLADY MECHANICZNE "BUMAR-LABEDY" S.A., whose objective consists in providing one longwall equipment, one batch of spare parts, service and technical assistance, six technical operation manuals, equipment maintenance, installation of the basic visualization system and execution of the hydraulic jacklegs for € 32,650,000, ratified by Administrative Decision of the Chief of the Cabinet of Ministers No. 253/13 (available at: <https://www.boletinoficial.gob.ar/#!DetalleNorma/88340/20130527>).

<sup>1438</sup> There are three decision-making bodies:

(1) The Council of the Common Market (CCM), which consists of the Ministers for Foreign Affairs and the Ministers of the Economy of the States Parties. It is the highest body of MERCOSUR, being responsible for decision-making to ensure compliance with the objectives and time-limits set for the final establishment of the common market.

(2) The Common Market Group (CMG), which consists of one member from each country representing the Ministry of Foreign Affairs, the Ministry of Economy or its equivalent (areas of industry, foreign trade and/or economic co-ordination) and the Central Bank. It is the executive body of the Council, the duties of which include proposing specific measures for applying the trade liberalization program, coordinating macroeconomic policies and negotiating agreements with third parties.

(3) The MERCOSUR Trade Commission (MTC), which focuses on the application, compliance and development of the common trade policy instruments.

Additionally, there is a Joint Parliamentary Commission which represents the parliaments of the Member States. Its main task is to enhance the enforcement of the decisions taken by the above-mentioned MERCOSUR bodies. This Commission also assists with the harmonization of legislations, as required to advance the integration process.

Completing the framework, there is a consultative body, the Economic-Social Consultative Forum, and an Administrative Secretariat to give operational support to each of the MERCOSUR entities.

<sup>1439</sup> Versions 1, 2 and 3 of the Protocol are described at the end of this Annex.

The Protocol sets out the following principles for public procurement: transparency, legality, objectivity, impartiality, equality, due process, strict adherence to tender documents, publicity, and maximum participation.

The scope of the fourth version of the Protocol encompasses contracts for goods, public works and services that are entered into by the below-mentioned public entities at all governmental levels and that exceed the minimum threshold contract values.

- Entities:<sup>1440</sup> The Protocol is applicable to all national or federal governmental entities of every Member State, and in the case of Paraguay to local governments (Departments), too. Argentina, Brazil and Uruguay shall initiate an internal process with the aim of incorporating their local governments (Argentine Provinces, Brazilian States and Uruguayan Departments, respectively) to the Protocol. The Member States are also committed to start the negotiation to incorporate their public companies within the following two years after the Protocol comes into force.
- Cases to which the Protocol does not apply<sup>1441</sup>:
  - Procurements between public entities;
  - Public employment contracts;
  - Government Assistance Agreements between Member States;
  - Public procurements carried out outside Member State territory for consumption outside Member State territory;
  - Acquisition or lease of land, and
  - Procurements carried out in the framework of an international organization or with an international loan.

Furthermore, the Protocol is not applicable if it impedes: (i) national security and defense; and (ii) public order, health and safety<sup>1442</sup>.

- Contracts: The Protocol is applicable to public contracts, i.e. the acquisition of goods, services, construction services or a combination thereof by public entities with governmental goals (not for commercial use).
- Principles:
  - Most-favoured Nation Treatment<sup>1443</sup>: Each Member State is required to grant goods, services and providers of other Member States a treatment that is at least as favorable as the treatment of goods, services and providers of any Member State or any third-party State.
  - National Treatment<sup>1444</sup>: Each Member State is required to grant goods, services and providers of other Member States a treatment that is at least as favorable as the treatment of national goods, services and providers. This principle applies immediately and unconditionally and prevents Member States from maintaining exceptions.
  - However, a Member State may deny these benefits to a provider if it is verified that: (i) it contracts with a legal entity of another Member State which does not carry out substantive commercial operations in the territory of any Member State; or (ii) it contracts with a person providing services from a non-Member-State-territory<sup>1445</sup>.

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<sup>1440</sup> Annex I of the Protocol.

<sup>1441</sup> Article 2 of the Protocol.

<sup>1442</sup> Article 13 of the Protocol.

<sup>1443</sup> Article 5 of the Protocol.

<sup>1444</sup> Article 6 of the Protocol.

<sup>1445</sup> Article 8 of the Protocol.



## **Background of the Protocol's Fourth Version**

In the framework of the MERCOSUR Custom and Excise Union (in force as of 1 January 1995), the "Governmental Purchases Ad-Hoc Group"<sup>1446</sup> – a work group formed within the Common Market Group (CMG) – was created to work on a regime for MERCOSUR public purchasing of goods and services. This regime would include rules concerning non-discrimination for foreign bidders and transparency for selection procedures. The final outcome was the first version of the MERCOSUR Public Contracts Protocol, which was intended to obtain the same range as the Asuncion Treaty<sup>1447</sup>. It was and approved by the Council of the Common Market (CCM) Decision no. 40 on 15 December 2003 (the "First Version of the Protocol").

This Protocol was seen as an essential MERCOSUR tool for the strengthening of the Customs and Excise Union. The Protocol was also intended to guarantee judicial protection for MERCOSUR economic actors within Member States. Furthermore, the establishment of a framework for public tenders for the Member States was considered as a fundamental step for transparency in public contracting.

### *1) The First Version of the Protocol*

The First Version of the Protocol established which Public Administration bodies and Public Contracts it encompassed, and the criteria for deciding minimum contracts. It also contained clauses dealing with most-favored-nation and national treatment (no discrimination), rules concerning selection procedures (Public Tender; Direct Contracting; Supplier Registers, Tender Documents), and a Claim Dispute procedure.

Overall, the First Version of the Protocol was clearly oriented towards the selection phase of public contracts.

After the First Version of the Protocol was approved through CCM Decision 40/03, the "Governmental Purchases Ah-Doc Group" was transformed into the "MERCOSUR Public Contracting Group"<sup>1448</sup>. The main objective of this Group was the implementation and refinement of the First Protocol and relevant regulation. The GMC Resolution no. 35/04 named public contracting as one of the new issues on the agenda for further negotiations.

At a later date, however, Uruguay changed its commitment under the First Version of the Protocol by modifying the "Negative Lists of Goods" – goods protected at a national level, that are not open for cross-border tenders – contained in Annex II of the Protocol. Uruguay added more goods to the list *vis-a-vis* Argentina, maintained the original list for Brazil, and took a wait-and-see approach concerning Paraguay.

With these changes, an amended version of the First Version of the Protocol was approved by CCM Decision 27 of 9 December 2004 (the "Second Version of the Protocol").

### *2) The Second Version of the Protocol*

None of the Member States ratified the Second Version of the Protocol, even though the CCM approved its enabling regulations.

The Second Version of the Protocol was adjusted slightly and was replaced by another Version of the MERCOSUR Public Contracts Protocol, which was signed on 20 July 2006 and approved by CCM Decision No. 23/06 (the "Third Version of the Protocol").

### *3) The Third Version of the Protocol*

The Third Version of the Protocol included specific details concerning the signing parties, the corresponding venue and date. On the one hand, the text is the same as the Second Version of the Protocol, except for some minor details (such as the elimination to make a reference in the Tender Document about the possibility of negotiation over the bid, or more details set up to be established by the CCM, i.e. additional publishing of Public Tender).

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<sup>1446</sup> Created through Resolution CMG no. 79 of 13 December 1997.

<sup>1447</sup> To be integrated to Asuncion Treaty, ArticleArticle 32 (1) of the Protocol.

<sup>1448</sup> Through GMC Resolution no. 35 of 26 November 2004.



On the other hand, an important change is that only the ratification by the Member States was needed for the Protocol enforcement, not the enabling regulation approved by the CCM. Only Argentina ratified the Third Version of the Protocol by Law 26,433; therefore, it never entered into force.

By the CCM Decision No. 23 of 2 August 2010, the MERCOSUR Public Contracting Group was instructed to revise, align and update the Third Version of the Protocol to the situation of each Member State, bearing in mind the milestones already achieved.

Finally, the Fourth Version of the Protocol was adopted by Decision CMC No. 37/17 (Brasilia, 20 December 2017)

## Annex XI - Analysis of the Governmental Branches at Federal Level

Federal Government:

- 1) Executive Branch: President of the Nation (main head of the Public Administration).
- 2) Legislative Branch: National Congress, composed by the Chamber of Deputies and Chamber of Senators<sup>1449</sup>.
- 3) Judicial Branch: Supreme Court and lower courts. The Council of the Magistracy is the body in charge of the judges' selection and the administration of the Judicial Branch.
- 4) Public Ministry – is associated with the Judicial Branch as an independent authority. Its objective is to promote justice for the defense of the general interests of society, in coordination with the other authorities of the Argentina. It is composed of an Attorney General of the Nation (*Procuración General de la Nación*) and a General Defender of the Nation (*Defensoría General de la Nación*), and other members that the law may establish. Its members enjoy functional immunities and intangibility of remunerations<sup>1450</sup>.

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<sup>1449</sup> Article 44 of the National Constitution.

<sup>1450</sup> Article 120 of the National Constitution.

## Annex XII - Public Procurement Regime in Legislative and Judicial Branches at the National Government

### 1) Legislative Branch - Regulations:

- a) Chamber of Deputies: applies its own Regulation for Public Procurement<sup>1451</sup>.
- b) Chamber of Senators: applies the National Public Administration's General Procurement Regime and issues its own implementing regulations<sup>1452</sup>.

### 2) Judicial Branch

The Judicial Branch's Financial and Administrative Office (*Oficina de Administración y Financiera del Poder Judicial*) belongs to the Council of the Magistracy and is the body which carries out the Judicial Branch's contracting. It therefore coordinates the requirements of inputs and needs with the different courts, applying regulations that ensure the free and equal concurrence of bidders<sup>1453</sup>.

The Council of the Magistracy applies the "Regulation of the Judicial Branch's Council of the Magistracy for contracting" (*Reglamento de Contrataciones del Consejo de la Magistratura del Poder Judicial de la Nación*) and a "Council of the Magistracy's Unique General Bidding Terms and Conditions" (*Pliego Único de Bases y Condiciones Generales del Consejo de la Magistratura de la Nación*)<sup>1454</sup>.

### 3) Public Ministry

The Public Ministry is an independent government entity reporting to the Judicial Branch. As explained in Annex X, the Public Ministry consists of an Attorney General of the Nation ("AGN") and a General Defender of the Nation ("GDN").

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<sup>1451</sup>Chamber of Deputies Regulation for contracting goods, works and service, available at [http://www.diputados.gov.ar/export/hcdn/secadmin/dgral\\_admin\\_ctble/dr\\_compras/subdireccioncomprasyseguros/dptodecompras/licitaciones/reglamento\\_version\\_definitiva.pdf](http://www.diputados.gov.ar/export/hcdn/secadmin/dgral_admin_ctble/dr_compras/subdireccioncomprasyseguros/dptodecompras/licitaciones/reglamento_version_definitiva.pdf).

Supplier's requirement information  
[http://www.diputados.gov.ar/secadmin/dgral\\_admin\\_ctble/dr\\_compras/subdireccioncomprasyseguros/dptodecompras/licitaciones/documentacion.html](http://www.diputados.gov.ar/secadmin/dgral_admin_ctble/dr_compras/subdireccioncomprasyseguros/dptodecompras/licitaciones/documentacion.html)

<sup>1452</sup>Chamber of Senators Regulation for contracting goods, works and services, approved by resolution of President of the Senate No. 03681/16, available at <http://www.senado.gov.ar/administrativo/contrataciones>.

There are also General Bidding Terms and Conditions for: (i) goods and supplies contractings (ii) Public Works Contracting. The area in charge is the General Direction of Administration.

Procurement opportunities available at <http://www.senado.gov.ar/administrativo/Licitaciones>. In 2016, 70 tender procedures were carried out:

[http://www.senado.gov.ar/bundles/senadoadministrativo/pdf/informes/informe\\_gestion2016.pdf](http://www.senado.gov.ar/bundles/senadoadministrativo/pdf/informes/informe_gestion2016.pdf)

<sup>1453</sup>Article 114 of the Law No. 24,937.

<sup>1454</sup>Approved by Resolution No. 254/2015, available at

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/250000-254999/252286/texact.htm>.

## Annex XIII – Supplier Register

Province	Municipality	Supplier Register
Province of Buenos Aires	<b>Almirante Brown</b>	<a href="http://www.almirantebrown.gov.ar/guia-de-tramites">http://www.almirantebrown.gov.ar/guia-de-tramites</a>
	<b>Avellaneda</b>	No data available
	<b>Bahía Blanca</b>	<a href="http://www.bahia.gov.ar/tramites/proveedores/inscripcion/">http://www.bahia.gov.ar/tramites/proveedores/inscripcion/</a>
	<b>Berazategui</b>	<a href="http://berazategui.eregulations.org/procedure/121/87?l=es">http://berazategui.eregulations.org/procedure/121/87?l=es</a>
	<b>Esteban Echeverria</b>	<a href="http://www.estebanecheverria.gov.ar/wp-content/uploads/2016/07/FormulariosInscripcionProveedores.pdf">http://www.estebanecheverria.gov.ar/wp-content/uploads/2016/07/FormulariosInscripcionProveedores.pdf</a>
	<b>Florencio Varela</b>	<a href="http://www.varela.gov.ar/lic/">http://www.varela.gov.ar/lic/</a>
	<b>General Pueyrredon</b>	<a href="https://www.mardelplata.gov.ar/inscripcionproveedores">https://www.mardelplata.gov.ar/inscripcionproveedores</a>
	<b>General San Martin</b>	<a href="http://www.sanmartin.gov.ar/tramites/san-martin-compra/">http://www.sanmartin.gov.ar/tramites/san-martin-compra/</a>
	<b>La Matanza</b>	<a href="http://www.lamatanza.gov.ar/economia/proveedores">http://www.lamatanza.gov.ar/economia/proveedores</a>
	<b>La Plata</b>	<a href="https://www.laplata.gov.ar/#/transparencia/proveedores-licitadores">https://www.laplata.gov.ar/#/transparencia/proveedores-licitadores</a>
	<b>Lanus</b>	<a href="http://lanus.gov.ar/fichas/1001">http://lanus.gov.ar/fichas/1001</a>
	<b>Lomas de Zamora</b>	<a href="http://web2.lomasdezamora.gov.ar/proveedores/">http://web2.lomasdezamora.gov.ar/proveedores/</a>
	<b>Malvinas Argentinas</b>	No data available
	<b>Merlo</b>	No data available
	<b>Moreno</b>	No data available
	<b>Moron</b>	<a href="https://apps.moron.gov.ar/ext/rafam_portal/inscripcion/inscripcion.php">https://apps.moron.gov.ar/ext/rafam_portal/inscripcion/inscripcion.php</a>
	<b>Pilar</b>	<a href="http://www.pilar.gov.ar/wp-content/uploads/pilar_tramites/Tramite_Inscripcion_en_el_Registro_de_Proveedores_y_Licitadores.pdf">http://www.pilar.gov.ar/wp-content/uploads/pilar_tramites/Tramite_Inscripcion_en_el_Registro_de_Proveedores_y_Licitadores.pdf</a>
	<b>Quilmes</b>	<a href="https://arquivirtual.quilmes.gov.ar/municipal/App/pdf/registracionP.pdf">https://arquivirtual.quilmes.gov.ar/municipal/App/pdf/registracionP.pdf</a>
<b>Tigre</b>	<a href="http://www.tigre.gov.ar/guia-de-tramites-municipales/inscripcion-proveedores/">http://www.tigre.gov.ar/guia-de-tramites-municipales/inscripcion-proveedores/</a>	
<b>Tres de Febrero</b>	<a href="https://www.tresdefebrero.gov.ar/hacienda/contrataciones/">https://www.tresdefebrero.gov.ar/hacienda/contrataciones/</a>	

<b>Province of Chaco</b>	<b>Resistencia</b>	<a href="http://resistencia.gob.ar/servicios/">http://resistencia.gob.ar/servicios/</a>
<b>Province of Córdoba</b>	<b>Córdoba</b>	<a href="https://www.cordoba.gob.ar/tramites/proveedores-y-contratistas/">https://www.cordoba.gob.ar/tramites/proveedores-y-contratistas/</a>
<b>Province of Corrientes</b>	<b>Corrientes</b>	<a href="http://www.cgpcorrientes.gov.ar/inscriprint.php">http://www.cgpcorrientes.gov.ar/inscriprint.php</a>
<b>Province of Entre Ríos</b>	<b>Paraná</b>	<a href="http://parana1.com.ar/tramites/inscripcion-en-el-registro-de-proveedores.htm">http://parana1.com.ar/tramites/inscripcion-en-el-registro-de-proveedores.htm</a>
<b>Province of Jujuy</b>	<b>San Salvador de Jujuy</b>	<a href="http://infraestructura.jujuy.gob.ar/proveedores/">http://infraestructura.jujuy.gob.ar/proveedores/</a>
<b>Province of Mendoza</b>	<b>Mendoza</b>	<a href="https://www.ciudaddemendoza.gov.ar/sistemas/consultas/apex/produccion/f?p=104:10012:12021706157282::NO">https://www.ciudaddemendoza.gov.ar/sistemas/consultas/apex/produccion/f?p=104:10012:12021706157282::NO</a>
	<b>Godoy Cruz</b>	<a href="https://www.godoycruz.gob.ar/sitio2/?p=37421">https://www.godoycruz.gob.ar/sitio2/?p=37421</a>
	<b>Guaymallen</b>	<a href="http://www.guaymallen.gob.ar/?page_id=237">http://www.guaymallen.gob.ar/?page_id=237</a>
	<b>Las Heras</b>	<a href="http://gobiernodelasheras.com/tramites/inscripcion-en-el-registro-de-proveedores/">http://gobiernodelasheras.com/tramites/inscripcion-en-el-registro-de-proveedores/</a>
<b>Province of Misiones</b>	<b>Posadas</b>	No data available
<b>Province of Neuquén</b>	<b>Neuquén</b>	<a href="http://www.ciudadneuquen.gob.ar/tramites/compras-y-contrataciones/inclusion-en-el-registro-de-proveedores/">http://www.ciudadneuquen.gob.ar/tramites/compras-y-contrataciones/inclusion-en-el-registro-de-proveedores/</a>
<b>Province of Rio Negro</b>	<b>General Roca</b>	<a href="https://www.generalroca.gov.ar/direccion-de-contrataciones/">https://www.generalroca.gov.ar/direccion-de-contrataciones/</a>
<b>Province of Salta</b>	<b>Salta</b>	No data available
<b>Province of Santa Fe</b>	<b>Rosario</b>	<a href="https://www.rosario.gov.ar/pac/">https://www.rosario.gov.ar/pac/</a>
	<b>Santa Fe</b>	<a href="http://www.santafeciudad.gov.ar/informacion_publica/registros_municipales/proveedores.html">http://www.santafeciudad.gov.ar/informacion_publica/registros_municipales/proveedores.html</a>
<b>Province of Tucumán</b>	<b>San Miguel de Tucumán</b>	<a href="http://smt.gob.ar/proveedores">http://smt.gob.ar/proveedores</a>

## Annex XIV - Public Procurement opportunities (National, Provincial and Municipal)

List of all publications with links on Public Procurement opportunities (National, Provincial and Municipal)

### NATIONAL AND PROVINCIAL

Jurisdiction	Web sites with Procurement Publications
National	<p>Procurements are published on the web site of the NATIONAL PROCUREMENT OFFICE (<i>OFICINA NACIONAL DE CONTRATACIONES (ONC)</i>), as of the day on which they are published in the official gazette (Art. 40 et seq. of Decree 1030/2016) (see Ministry Annexes):</p> <p><a href="https://www.argentinacompra.gov.ar/prod/onc/sitio/Perfiles/PUB/mcc_consulta_vig.asp">https://www.argentinacompra.gov.ar/prod/onc/sitio/Perfiles/PUB/mcc_consulta_vig.asp</a></p> <p>In case international procurements are also published on the United Nations web site (called UN Development Business):</p> <p><a href="https://www.devbusiness.com">https://www.devbusiness.com</a></p> <p>Or on the web site of the World Bank (called DG Market):</p> <p><a href="http://www.dgmarket.com">http://www.dgmarket.com</a></p>
Autonomous City of Buenos Aires	<p><a href="http://www.buenosaires.gob.ar/hacienda/compras/contrataciones-consultas/licitaciones-proximas">http://www.buenosaires.gob.ar/hacienda/compras/contrataciones-consultas/licitaciones-proximas</a> ;</p> <p><a href="https://www.buenosairescompras.gob.ar/">https://www.buenosairescompras.gob.ar/</a></p>
Province of Buenos Aires	<p><a href="http://www.gba.gob.ar/contrataciones">http://www.gba.gob.ar/contrataciones</a></p>
Province of Catamarca	<p><a href="https://www.portal.catamarca.gob.ar/organismo/compras/">https://www.portal.catamarca.gob.ar/organismo/compras/</a></p>
Province of Chaco	<p><a href="http://www.ecomchaco.com.ar/gobierno/contrataciones/">http://www.ecomchaco.com.ar/gobierno/contrataciones/</a></p>
Province of Chubut	<p><a href="http://www.gabierto.chubut.gov.ar/sitio/transparencia/licitaciones">http://www.gabierto.chubut.gov.ar/sitio/transparencia/licitaciones</a></p>
Province of Córdoba	<p><a href="http://compraspublicas.cba.gov.ar/oportunidades/">http://compraspublicas.cba.gov.ar/oportunidades/</a></p>
Province of Corrientes	<p><a href="http://www.cgpcorrientes.gov.ar/licitaciones.php">http://www.cgpcorrientes.gov.ar/licitaciones.php</a></p>
Province of Entre Ríos	<p><a href="http://www.entrerios.gov.ar/contrataciones/index.php?codigo=76&amp;item=&amp;menu=menu&amp;modulo=licitacion&amp;accion=">http://www.entrerios.gov.ar/contrataciones/index.php?codigo=76&amp;item=&amp;menu=menu&amp;modulo=licitacion&amp;accion=</a></p>
Province of Formosa	No data available
Province of Jujuy	<p><a href="http://www.gajujuuy.gob.ar/datos-abiertos/contrataciones-publicas/">http://www.gajujuuy.gob.ar/datos-abiertos/contrataciones-publicas/</a></p>

Province of La Pampa	<a href="http://www.lapampa.gov.ar/licitaciones.html">http://www.lapampa.gov.ar/licitaciones.html</a>
Province of la Rioja	<a href="http://www.larioja.org/contratacion-publica/es/licitaciones">http://www.larioja.org/contratacion-publica/es/licitaciones</a>
Province of Mendoza	<a href="http://compras.mendoza.gov.ar/gxportal50/page.aspx?3,dcs,busqueda-de-licitaciones,P,es,0">http://compras.mendoza.gov.ar/gxportal50/page.aspx?3,dcs,busqueda-de-licitaciones,P,es,0</a>
Province of Misiones	<a href="http://www.sosp.misiones.gov.ar/">http://www.sosp.misiones.gov.ar/</a>
Province of Neuquén	<a href="http://w2.neuquen.gov.ar/actualidad/concursos-y-licitaciones">http://w2.neuquen.gov.ar/actualidad/concursos-y-licitaciones</a>
Province of Rio Negro	<a href="http://compras.rionegro.gov.ar/compras/WelcomeAction.do;jsessionid=06B343A0DBEE0F7C9EB9F5CF00120190">http://compras.rionegro.gov.ar/compras/WelcomeAction.do;jsessionid=06B343A0DBEE0F7C9EB9F5CF00120190</a>
Province of Salta	<a href="http://www.gobiernodelaciudad.gob.ar/hacienda/category/obras-publicas/licitacion-publica-obras-publicas/">http://www.gobiernodelaciudad.gob.ar/hacienda/category/obras-publicas/licitacion-publica-obras-publicas/</a>
Province of San Juan	<a href="http://sanjuan.gov.ar/">http://sanjuan.gov.ar/</a>
Province of San Luis	<a href="http://www.sistecompras.sanluis.gov.ar/pls/apex_prod/f?p=90012:1:">http://www.sistecompras.sanluis.gov.ar/pls/apex_prod/f?p=90012:1:</a>
Province of Santa Cruz	<a href="http://www.santacruz.gov.ar/portal/index.php/licitaciones">http://www.santacruz.gov.ar/portal/index.php/licitaciones</a>
Province of Santa Fe	<a href="https://www.santafe.gov.ar/index.php/guia/portal_compras">https://www.santafe.gov.ar/index.php/guia/portal_compras</a>
Province of Santiago del Estero	<a href="http://www.sde.gov.ar/?cargar=seccion&amp;id=14">http://www.sde.gov.ar/?cargar=seccion&amp;id=14</a>
Province of Tierra del Fuego, Antarticta and Islands of the Southern Atlantic Ocean	<a href="http://compras.tierradelfuego.gov.ar/">http://compras.tierradelfuego.gov.ar/</a>
Province of Tucumán	<a href="http://rig.tucuman.gov.ar/obras_publicas/compras_2009/ver_llamados_compras.php?n=1&amp;tipo_compra=licitacion_publica">http://rig.tucuman.gov.ar/obras_publicas/compras_2009/ver_llamados_compras.php?n=1&amp;tipo_compra=licitacion_publica</a>

MUNICIPAL

	Jurisdiction	Web sites with Procurement Publications
Province of Buenos Aires (Municipalities in Greater Buenos Aires area)	Almirante Brown	No data available
	Avellaneda	<a href="http://www.mda.gob.ar/home/t/tramites/licitaciones/">http://www.mda.gob.ar/home/t/tramites/licitaciones/</a>
	Berazategui	No data available
	Esteban Echeverría	No data available
	Florencio Varela	<a href="http://www.varela.gov.ar/lic/">http://www.varela.gov.ar/lic/</a>
	General San Martín	<a href="http://www.sanmartin.gov.ar/transparencia/tramites/san-martin-compra/">http://www.sanmartin.gov.ar/transparencia/tramites/san-martin-compra/</a>
	La Matanza	No data available
	Lanús	<a href="http://www.lanus.gob.ar/documentos-oficiales?categoria=8">http://www.lanus.gob.ar/documentos-oficiales?categoria=8</a>
	Lomas de Zamora	No data available
	Malvinas Argentinas	<a href="http://www.malvinasargentinas.gob.ar/web/page/ga-licitaciones-2016/">http://www.malvinasargentinas.gob.ar/web/page/ga-licitaciones-2016/</a>
	Merlo	<a href="http://www.merlo.gob.ar/licitaciones/">http://www.merlo.gob.ar/licitaciones/</a>
	Moreno	No data available
	Morón	<a href="https://apps.moron.gob.ar/ext/rafam_portal/licitaciones/licitaciones.php?tipo=publica">https://apps.moron.gob.ar/ext/rafam_portal/licitaciones/licitaciones.php?tipo=publica</a>
	Quilmes	<a href="http://www.quilmes.gov.ar/servicios/licitaciones.php">http://www.quilmes.gov.ar/servicios/licitaciones.php</a>
	Tigre	No data available
Tres de Febrero	<a href="https://www.tresdefebrero.gov.ar/hacienda/licitaciones/">https://www.tresdefebrero.gov.ar/hacienda/licitaciones/</a>	
Province of Buenos Aires (Municipalities in the Province of Buenos Aires)	Bahía Blanca	<a href="http://www.bahia.gob.ar/compra/">http://www.bahia.gob.ar/compra/</a>
	General Pueyrredon	No data available
	La Plata	<a href="https://www.laplata.gov.ar/#/transparencia/licitaciones">https://www.laplata.gov.ar/#/transparencia/licitaciones</a>
	Pilar	No data available
Province of Chaco	Resistencia	<a href="http://resistencia.gob.ar/ciudadabierta/licitaciones-publicas/">http://resistencia.gob.ar/ciudadabierta/licitaciones-publicas/</a>
Province of Córdoba	Córdoba	<a href="http://servicios.cordoba.gov.ar/licitaciones/default.aspx">http://servicios.cordoba.gov.ar/licitaciones/default.aspx</a>



Province of Corrientes	Corrientes	No data available
Province of Entre Ríos	Paraná	<a href="http://www.parana1.com.ar/licitaciones/">http://www.parana1.com.ar/licitaciones/</a>
Province of Jujuy	San Salvador de Jujuy	<a href="http://sansalvadordejujuy.gob.ar/tag/licitaciones">http://sansalvadordejujuy.gob.ar/tag/licitaciones</a>
Province of Mendoza	Mendoza	<a href="https://www.ciudaddemendoza.gov.ar/licitaciones-y-contrataciones/">https://www.ciudaddemendoza.gov.ar/licitaciones-y-contrataciones/</a>
	Godoy Cruz	<a href="https://webapps.godoycruz.gob.ar/consultacompras/servlet/com.compras.index">https://webapps.godoycruz.gob.ar/consultacompras/servlet/com.compras.index</a>
	Guaymallén	<a href="http://www.guaymallen.gob.ar/?cat=16">http://www.guaymallen.gob.ar/?cat=16</a>
	Las Heras	<a href="http://lasheras.gob.ar/licitaciones-y-contrataciones/">http://lasheras.gob.ar/licitaciones-y-contrataciones/</a>
Province of Misiones	Posadas	No data available
Province of Neuquén	Neuquén	<a href="http://www.ciudadnequen.gob.ar/?s=licitaciones">http://www.ciudadnequen.gob.ar/?s=licitaciones</a>
Province of Rio Negro	General Roca	<a href="https://www.generalroca.gov.ar/licitaciones-publicas/">https://www.generalroca.gov.ar/licitaciones-publicas/</a>
Province of Salta	Salta	<a href="http://www.gobiernodelaciudad.gob.ar/hacienda/category/obras-publicas/licitacion-publica-obras-publicas/">http://www.gobiernodelaciudad.gob.ar/hacienda/category/obras-publicas/licitacion-publica-obras-publicas/</a>
Province of Santa Fe	Rosario	<a href="https://www.rosario.gov.ar/sitio/licitaciones/resBusLicitacionesAperVisual.do">https://www.rosario.gov.ar/sitio/licitaciones/resBusLicitacionesAperVisual.do</a>
	Santa Fe	<a href="http://www.santafeciudad.gov.ar/informacion_publica/convocatorias/concurso_privado/1857">http://www.santafeciudad.gov.ar/informacion_publica/convocatorias/concurso_privado/1857</a>
Province of Tucumán	San Miguel de Tucumán	<a href="http://www.msm.gov.ar/compras/licitaciones/">http://www.msm.gov.ar/compras/licitaciones/</a>

## Annex XV – Contact Details (Ministries)

List of all Ministries with links and contact details to person / department responsible for Public Procurement

Ministry	Minister	Web site of the Ministry	Web sites with Procurement Publications of each Ministry	Email	Telephone	Address
Agroindustry ( <i>Agroindustria</i> )	Dr. Luis Miguel ETCHEVEHERE	<a href="http://www.agroindustria.gov.ar/sitio/">http://www.agroindustria.gov.ar/sitio/</a>	<a href="http://www.agroindustria.gov.ar/sitio/areas/ministerio/compras/">http://www.agroindustria.gov.ar/sitio/areas/ministerio/compras/</a>	No data available	+54 11 43492000	Av. Paseo Colón 982 (C.A.B.A)
Environment ( <i>Ambiente</i> )	Rabino Sergio Alejandro BERGMAN	<a href="http://www.ambiente.gov.ar/">http://www.ambiente.gov.ar/</a>	<a href="http://ambiente.gov.ar/licitaciones/-v-concursos/">http://ambiente.gov.ar/licitaciones/-v-concursos/</a>	sbergman@ambiente.gov.ar	+54 11 43488200	San Martín 451 (C.A.B.A)
Science, Technology and Innovative Production ( <i>Ciencia, Tecnología e Innovación Productiva</i> )	Dr. José Lino Salvador BARAÑO	<a href="http://www.mincyt.gov.ar/">http://www.mincyt.gov.ar/</a>	<a href="http://www.mincyt.gov.ar/licitaciones">http://www.mincyt.gov.ar/licitaciones</a>	lbarañao@mincyt.gov.ar	+54 11 48995000	Godoy Cruz 2320(C.A.B.A)
Culture ( <i>Cultura</i> )	Lic. Alejandro Pablo AVELLUTO	<a href="http://www.cultura.gov.ar/">http://www.cultura.gov.ar/</a>	No data available	info@correocultura.gov.ar	+54 11 41292400	Av. Alvear 1690 (C.A.B.A)
Defense ( <i>Defensa</i> )	Dr. Oscar Raúl Aguad	<a href="http://www.mindef.gov.ar/">http://www.mindef.gov.ar/</a>	<a href="http://www.mindef.gov.ar/contrataciones.php">http://www.mindef.gov.ar/contrataciones.php</a>	<a href="mailto:consultas@mindef.gov.ar">consultas@mindef.gov.ar</a>	+54 11 43468800 Interno 8805	Azopardo 250 (C.A.B.A)
Social Development ( <i>Desarrollo Social</i> )	Dra. Carolina STANLEY	<a href="http://www.desarrollosocial.gov.ar">http://www.desarrollosocial.gov.ar</a>	<a href="http://www.desarrollosocial.gov.ar/comprasycontrataciones">http://www.desarrollosocial.gov.ar/comprasycontrataciones</a>	cstanley@desarrollosocial.gov.ar	+54 11 43793600 +54 11 43793667	Av. 9 de Julio 1925 (C.A.B.A)
Education and Sports ( <i>Educación y Deportes</i> )	Alejandro FINOCCHIARO	<a href="http://portal.educacion.gov.ar">http://portal.educacion.gov.ar</a>	No data available	<a href="mailto:educacion@educacion.gov.ar">educacion@educacion.gov.ar</a>	+54 11 41291000	Pizzurno 935 (C.A.B.A)

Energy and Mining (Energía y Minería)	Ing. Juan José ARANGUREN	<a href="http://www.minem.gob.ar/">http://www.minem.gob.ar/</a>	<a href="http://www.energia.gob.ar/contenidos/verpagina.php?idpagina=465">http://www.energia.gob.ar/contenidos/verpagina.php?idpagina=465</a>	jaranguren@minem.gob.ar	+54 11 43495000	Av. Hipólito Yrigoyen 250 (C.A.B.A)
Ministry	Minister	Web site of the Ministry	Web sites with Procurement Publications of each Ministry	Email	Telephone	Address
Finances (Finanzas)	Lic. Luis Andrés CAPUTO	<a href="http://www.economia.gob.ar/">http://www.economia.gob.ar/</a>	No data available	No data available	+54 11 43495000	Hipólito Yrigoyen 250 (C.A.B.A)
Treasury (Hacienda)	Nicolás DUJOVNE	<a href="http://www.economia.gob.ar/">http://www.economia.gob.ar/</a>	<a href="http://www.economia.gob.ar/programa-de-licitaciones/">http://www.economia.gob.ar/programa-de-licitaciones/</a>	No data available	+54 11 43495000	Hipólito Yrigoyen 250 (C.A.B.A)
Internal Affairs (Interior)	Lic. Rogelio FRIGERIO	<a href="http://www.mininterior.gov.ar/inicio/index.php">http://www.mininterior.gov.ar/inicio/index.php</a>	<a href="http://www.mininterior.gov.ar/agn/licitaciones.php">http://www.mininterior.gov.ar/agn/licitaciones.php</a>	info@mininterior.gov.ar	+54 11 4339 800	Balcarce 24 (C.A.B.A)
Justice (Justicia)	Dr. Germán Carlos GARAVANO	<a href="http://www.jus.gov.ar">http://www.jus.gov.ar</a>	<a href="http://www.jus.gov.ar/el-ministerio/compras-y-contrataciones/vigentes.aspx">http://www.jus.gov.ar/el-ministerio/compras-y-contrataciones/vigentes.aspx</a>	<a href="http://www.jus.gov.ar/contacto.aspx">http://www.jus.gov.ar/contacto.aspx</a>	+54 11 53004000	Sarmiento 329 (C.A.B.A)
Modernization (Modernización)	Lic. Andrés Horacio IBARRA	<a href="http://www.argentina.gob.ar/modernizacion">http://www.argentina.gob.ar/modernizacion</a>	No data available	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Sáenz Peña 511 (C.A.B.A)
Production (Producción)	Ing. Francisco Adolfo CABRERA	<a href="http://www.produccion.gob.ar/">http://www.produccion.gob.ar/</a>	<a href="http://www.produccion.gob.ar/rbt/52-2016-licitacion/">http://www.produccion.gob.ar/rbt/52-2016-licitacion/</a>	info@produccion.gob.ar	+54 11 0800 3337963	Hipólito Yrigoyen 250 (C.A.B.A)
External Affairs (Relaciones Exteriores)	Jorge Marcelo FAURIE	<a href="https://www.mrecic.gov.ar/">https://www.mrecic.gov.ar/</a>	<a href="https://www.mrecic.gov.ar/compras-y-contrataciones">https://www.mrecic.gov.ar/compras-y-contrataciones</a>	No data available	+54 11 48197000	Esmeralda 1212 (C.A.B.A)
Health care (Salud)	Dr. Adolfo RUBINSTEIN	<a href="http://www.msal.gov.ar/">http://www.msal.gov.ar/</a>	<a href="http://www.msal.gov.ar/index.php/home/contrataciones/compras">http://www.msal.gov.ar/index.php/home/contrataciones/compras</a>	<a href="mailto:consultas@msal.gov.ar">consultas@msal.gov.ar</a>	+54 11 43799000	Av 9 de Julio 1925 (C.A.B.A)

Security ( <i>Seguridad</i> )	Dra. Patricia BULLRICH	<a href="http://www.minseg.gob.ar/">http://www.minseg.gob.ar/</a>	<a href="http://www.minseg.gob.ar/compras-y-contrataciones">http://www.minseg.gob.ar/compras-y-contrataciones</a>	No data available	+54 11 48091600	Gelly y Obes 2289 (C.A.B.A)
Labour ( <i>Trabajo</i> )	Lic. Alberto Jorge TRIACA	<a href="http://www.trabajo.gov.ar/">http://www.trabajo.gov.ar/</a>	<a href="http://www.trabajo.gov.ar/licitaciones/">http://www.trabajo.gov.ar/licitaciones/</a>	consultas@ trabajo.gov.ar	+54 11 43106318	Av. Leandro N. Alem 650 (C.A.B.A)
Transport ( <i>Transporte</i> )	Lic. Guillermo Javier DIETRICH	<a href="http://www.tranporte.gob.ar/">http://www.tranporte.gob.ar/</a>	<a href="https://servicios.tranporte.gob.ar/licitaciones/">https://servicios.tranporte.gob.ar/licitaciones/</a>	gdietrich@ transporte. gob.ar	+54 11 43497259/ 55	Hipólito Yrigoyen 250 (C.A.B.A)
Tourism ( <i>Turismo</i> )	Lic. José Gustavo SANTOS	<a href="http://www.turismo.gov.ar/">http://www.turismo.gov.ar/</a>	<a href="http://www.turismo.gov.ar/uepi/adquisiciones">http://www.turismo.gov.ar/uepi/adquisiciones</a>	ministerio@ turismo.gov.ar	+54 11 43161600 (Interno 2096)	Suipacha 1111 (C.A. .B.A)

## Annex XVI – Contact details (Municipalities)

List of Municipal contacts with links and contact details to person / department responsible for Public Procurement

Municipality	Competent Administrative Authority	Role of the Officer	Name of the Officer	Email	Tel.	Address	URL web page
<b>Province of Buenos Aires</b>							
Almirante Brown	No data available	No data available	No data available	-	+54 11 0800 22 2769 6	Rosales 1312 Buenos Aires	<a href="http://www.almirantebrown.gov.ar/">http://www.almirantebrown.gov.ar/</a>
Avellaneda	Head Office of Purchases and Supplies ( <i>Jefatura de Compras y Suministros</i> )	Head of Purchases and Supplies ( <i>Jefe de Compras y Suministros</i> )	Sr. Gustavo Andrés PÉREZ	-	+54 11 5227 7019/ 22/ 23/ 26	Avenida Güemes 835, 2º piso Buenos Aires	<a href="http://www.mda.gov.ar/homere/">http://www.mda.gov.ar/homere/</a>
Bahía Blanca	Purchase Office ( <i>Oficina de Compras</i> )	Head of Purchase Office ( <i>Jefe de Oficina de Compras</i> )	No data available	-	+54 291 4594 036	Alsina 43 Bahía Blanca Provincia de Buenos Aires	<a href="http://www.bahia.gov.ar">http://www.bahia.gov.ar</a>
Berazategui	No data available	No data available	No data available	-	+54 11 4356 9200	Av. 14 e/ 131 y 131A Buenos Aires	<a href="http://www.berazategui.gov.ar/">http://www.berazategui.gov.ar/</a>
Esteban Echeverría	Directorate General of Purchases and Supplies ( <i>Dirección General de Compras y Suministros</i> )	Director General of Purchases and Supplies ( <i>Director General de Compras y Suministros</i> )	Sr. Daniel A. KIRSCHEN BAUM	-	+54 11 4367 6200	Sofía T. de Santamarina 455 Buenos Aires	<a href="https://www.estebanecheverria.gov.ar/">https://www.estebanecheverria.gov.ar/</a>
Florencio Varela	No data available	No data available	No data available	-	+54 11 4237 1601	25 de Mayo 2725 Buenos Aires	<a href="http://www.varela.gov.ar/">http://www.varela.gov.ar/</a>
General Pueyrredon	Secretariat of Economy and Housing - Purchase Sector ( <i>Secretaría de Economía y Hacienda Sector Compras</i> )	Secretary of Economy and Housing ( <i>Secretario de Economía y Hacienda</i> )	No data available	-	+54 223 4996 500	Hipólito Yrigoyen 1627 Bahía Blanca Buenos Aires	<a href="https://www.mardelplata.gov.ar/">https://www.mardelplata.gov.ar/</a>

General San Martín	Directorate General of Purchases and Procurements ( <i>Dirección General de Compras y Contrataciones</i> )	Director General of Purchases and Procurements ( <i>Director General de Compras y Contrataciones</i> )	Sr. Claudio TIMOSSI	<a href="mailto:jsauro@sanmartin.gov.ar">jsauro@sanmartin.gov.ar</a>	+54 11 4830 0629/0612	Calle 52 Belgrano 3747 buenos Aires	<a href="http://www.sanmartin.gov.ar/">http://www.sanmartin.gov.ar/</a>
La Matanza	Directorate of Purchases belonging to the Municipal Area of Economy ( <i>Dirección de Compras perteneciente al Área Municipal de Economía</i> )	Director of Purchases ( <i>Director de Compras</i> )	Sra. Maria Elvira CORTEZ	<a href="mailto:DireccionDeCompraslamatanza@gmail.com">DireccionDeCompraslamatanza@gmail.com</a>	+54 11 4651 2285	Almafuerte 3050, 2º piso, San Justo Buenos Aires	<a href="http://www.lamatanza.gov.ar/">http://www.lamatanza.gov.ar/</a>
La Plata	Directorate General of Purchases and Supplies under de authority of the Secretariat of Economy ( <i>Dirección General de Compras y Suministros dependiente de la Secretaría de Economía</i> )	Director General of Purchases and Supplies ( <i>Director General de Compras y Suministros</i> )	No data available	-	+54 221 4291 000	No data available	<a href="https://www.laplata.gov.ar/">https://www.laplata.gov.ar/</a>
Lanús	Directorate General of Purchases ( <i>Dirección General de Compras</i> )	Director General of Purchases ( <i>Director General de Compras</i> )	Sr. Martín GOGGIA	<a href="mailto:Lanusenlinea@lanus.gob.ar">Lanusenlinea@lanus.gob.ar</a>	-	Av. H. Yrigoyen 3863 Lanús Buenos Aires	<a href="http://www.lanus.gob.ar/">http://www.lanus.gob.ar/</a>
Lomas de Zamora	No data available	No data available	No data available	-		No data available	<a href="http://www.lomasdezamora.gov.ar/">http://www.lomasdezamora.gov.ar/</a>
Malvinas Argentinas	No data available	No data available	No data available	<a href="http://www.malvinasargentinas.gov.ar/web/contactar-se/">http://www.malvinasargentinas.gov.ar/web/contactar-se/</a>	+54 11 4660 9000	Av. Pte. Perón 4276 Malvinas Argentinas Buenos Aires	<a href="http://www.malvinasargentinas.gov.ar/web/">http://www.malvinasargentinas.gov.ar/web/</a>
Merlo	Directorate of Purchases ( <i>Dirección de Compras</i> )	Director of Purchases ( <i>Director de Compras</i> )	Sr. Juan TROTTA	-	+54 220 4820 026/4835 922	Av. del Libertador Gral. San Martín 391, 1er Piso Buenos Aires	<a href="http://www.merlino.gov.ar/">http://www.merlino.gov.ar/</a>

Moreno	No data available	No data available	No data available	-	+54 237 4620 001	Dr. E. Asconapé 51 Buenos Aires	<a href="http://www.moreno.gov.ar/">http://www.moreno.gov.ar/</a>
Morón	Direcorate of Purchases under the authority of the Secretariat of Economy and Finance ( <i>Dirección de Compras dependiente de la Secretaría de Economía y Finanzas</i> )	Secretary of Economy and Finance - Director of Purchases ( <i>Secretario de Economía y Finanzas Director de Compras</i> )	Secretario Sr. Jorge Álvarez HOLMBERG	<a href="mailto:sec.economia@moron.gob.ar">sec.economia@moron.gob.ar</a>	+54 11 4489 7717	Almirante Brown 941 – Planta Baja Morón Buenos Aires	<a href="http://www.moron.gob.ar/">http://www.moron.gob.ar/</a>
Pilar	No data available	No data available	No data available	-		No data available	<a href="http://www.pilar.gov.ar/">http://www.pilar.gov.ar/</a>
Quilmes	<i>Directorate of Purchases under the authority of the Secretariat of Economy</i> (Dirección de Compras dependiente de la Secretaría de Economía)	Director of Purchases ( <i>Director de Compras</i> )	No data available	-		No data available	<a href="http://www.quilmes.gov.ar/">http://www.quilmes.gov.ar/</a>
Tigre	No data available	No data available	No data available	-	-	No data available	<a href="http://www.tigre.gov.ar/">http://www.tigre.gov.ar/</a>
Tres de Febrero	Directorate of Procurements ( <i>Dirección de Contrataciones</i> )	Director of Procurements ( <i>Director de Contrataciones</i> )	No data available	<a href="https://www.tresdefebrero.gov.ar/contacto/">https://www.tresdefebrero.gov.ar/contacto/</a>	+54 11 4734 2400	Alberdi 4840 Caseros Buenos Aires	<a href="https://www.tresdefebrero.gov.ar/">https://www.tresdefebrero.gov.ar/</a>
<b>Province of Chaco</b>							
Resistencia	Municipal Council ( <i>Concejo Municipal</i> )	President of the Municipal Council of Resistencia ( <i>Presidente del Concejo Municipal de Resistencia</i> )	Gustavo Martínez	<a href="mailto:info@presidencia.concejo.chaco.gov.ar">info@presidencia.concejo.chaco.gov.ar</a>	(0362) 4458 207	Av. Italia N° 150 Ciudad de Resistencia Provincia de Chaco	<a href="http://resistencia.gob.ar/">http://resistencia.gob.ar/</a>

Province of Cordoba							
Córdoba	Directorate of Purchases and Procurements ( <i>Dirección de Compras y Contrataciones</i> )	Director of Purchases and Procurements ( <i>Director de Compras y Contrataciones</i> )	Sr. Roberto Hugo HERRERA	-	+54 351 4285 717 Int. 1930 - 1934	Marcelo T. de Alvear 120 - 9º	<a href="https://www.cordoba.gob.ar/">https://www.cordoba.gob.ar/</a>
Province of Corrientes							
Corrientes	Ministry of Housing and Finance ( <i>Ministerio de Hacienda y Finanzas</i> )	Minister of Housing and Finance ( <i>Ministro de Hacienda y Finanzas</i> )	Sr. José Enriquez VAZ TORRES	<a href="mailto:industria.corrientes@gmail.com">industria.corrientes@gmail.com</a>	-	Carlos Pellegrini 1077 Ciudad de Corrientes Provincia de Corrientes	<a href="https://ciudadecorrientes.gov.ar/">https://ciudadecorrientes.gov.ar/</a>
Province of Entre Ríos							
Paraná	Directorate of Supplies of the Municipality of Paraná ( <i>Dirección de Suministros de la Municipalidad de Paraná</i> )	Director of Supplies ( <i>Director de Suministros</i> )	No data available	-	+54 343 4208 870	Corrientes 187 Ciudad de Paraná Provincia de Entre Ríos	<a href="http://www.paranai.com.ar/">http://www.paranai.com.ar/</a>
Province of Jujuy							
San Salvador de Jujuy	Department of Purchases and Supplies of the General Accounting Office of the Province ( <i>Departamento de Compras y Suministros de la Contaduría General de la Provincia</i> )	General Accountant of the Province ( <i>Contador General de la Provincia</i> )	Sr. Salvador Armando MEYER	-	+54 388 4239 462/63	San Martín 450 - 3º Piso Ciudad de San Salvador de Jujuy Provincia de Jujuy	<a href="http://sansalvadorderjujuy.gob.ar/">http://sansalvadorderjujuy.gob.ar/</a>
Province of Mendoza							
Godoy Cruz	Department of Purchases ( <i>Departamento de Compras</i> )	Director of Purchases ( <i>Directora de Compras</i> )	Sra. Natalia Guadalupe FERNANDEZ	<a href="mailto:tadeo@godoycruz.gov.ar">tadeo@godoycruz.gov.ar</a>	+54 261 4133 141	Rivadavia 448 - (M5504G MJ) Godoy Cruz - Mza.	<a href="https://www.godoycruz.gob.ar/">https://www.godoycruz.gob.ar/</a>
Guaymallén	Directorate of Purchases and Supplies ( <i>Dirección de Compras y Suministros</i> )	Director of Purchases and Supplies ( <i>Directora de Compras y Suministros</i> )	Sra. Vanessa CORREA	<a href="mailto:intendencia@guaymallen.gov.ar">intendencia@guaymallen.gov.ar</a>	+54 261 4498 268/238	Libertad 720 - (M5521K PU) Guaymallén - Mza.	<a href="http://www.guaymallen.gob.ar/">http://www.guaymallen.gob.ar/</a>



Las Heras	Directorate of Purchases and Supplies ( <i>Dirección de Compras y Suministros</i> )	Director of Purchases and Supplies ( <i>Directora de Compras y Suministros</i> )	Mauricios VALLE	<a href="mailto:compras@lasheras.gob.ar">compras@lasheras.gob.ar</a>	+54 261 4129 600	San Miguel 1600 – (M5540A IX) Las Heras – Mza	<a href="http://lasheras.gob.ar/">http://lasheras.gob.ar/</a>
Mendoza	Directorate General of Public Procurements and Asset Management under the authority of the Ministry of Housing and Public Finances ( <i>Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Haciendas y Finanzas Publicas</i> )	Director General of Public Procurements and Asset Management ( <i>Director General de Contrataciones Públicas y Gestión de Bienes</i> )	Sr. Roberto RETA	<a href="mailto:protocolo@ciudademendoza.gov.ar">protocolo@ciudademendoza.gov.ar</a>	+54 261 4495 388/5184	9 de Julio 500 – 2do. Piso – (M5500D OJ) – Mza.	<a href="http://www.ciudademendoza.gov.ar/">http://www.ciudademendoza.gov.ar/</a>
<b>Province of Misiones</b>							
Posadas	Honourable Deliberative Council ( <i>Honorable Concejo Deliberante</i> )	President of the Honourable Deliberative Council ( <i>Presidente del Honorable Concejo Deliberante</i> )	Sr. Fernando MEZA	-	-	Bolívar 1588, N3301HP T Posadas, Provincia de Misiones	<a href="http://posadas.gob.ar/">http://posadas.gob.ar/</a>
<b>Province of Neuquén</b>							
Neuquén	Honourable Deliberative Council ( <i>Honorable Concejo Deliberante</i> )	President of the Honourable Deliberative Council ( <i>Presidente del Honorable Concejo Deliberante</i> )	Sr. Guillermo Monzani	<a href="mailto:gmonzani@cdnqn.gov.ar">gmonzani@cdnqn.gov.ar</a>	+54 299 4494 501	No data available	<a href="http://www.ciudaddeneuquen.gob.ar/">http://www.ciudaddeneuquen.gob.ar/</a>

Province of Rio Negro							
General Roca	Deliberative Council ( <i>Concejo Deliberante</i> )	President of the Deliberative Council ( <i>Presidente del Concejo Deliberante</i> )	Sra. Celia GRAFFIGNA	<a href="mailto:concejodeliberante@generalroca.gov.ar">concejodeliberante@generalroca.gov.ar</a> <a href="mailto:cgraffigna@generalroca.gov.ar">cgraffigna@generalroca.gov.ar</a>	+54 298 4439 150	Edificio Municipal Central Villegas y Av. Roca Concejo Deliberante PB Ciudad de General Roca Provincia de Río Negro	<a href="https://www.generalroca.gov.ar/">https://www.generalroca.gov.ar/</a>
Province of Salta							
Salta	Directorate General of Procurements under the authority of the Undersecretariat of Purchases of the Secretariat of Housing ( <i>Dirección General de Contrataciones dependiente de la Subsecretaría de Contrataciones de la Secretaría de Hacienda</i> )	Director General of Procurements ( <i>Director General de Contrataciones</i> )	Sra. Rosana Elizabeth de LOURDES TAMER	<a href="mailto:hacienda@municipalidadsalta.gob.ar">hacienda@municipalidadsalta.gob.ar</a>	+54 387 6087 88	Av. Paraguay 1240 Ciudad de Salta Provincia de Salta	<a href="http://municipalidadsalta.gob.ar/">http://municipalidadsalta.gob.ar/</a>
Province of Santa Fe							
Rosario	Municipal Council ( <i>Concejo Municipal</i> )	President of the Municipal Council ( <i>Presidente Concejo Municipal</i> )	Sr. Alejandro ROSSELLÓ	<a href="mailto:contacto@concejo.rosario.gov.ar">contacto@concejo.rosario.gov.ar</a>	+54 341 4106 300/4 1062 00	Córdoba 501 Ciudad de Rosario Provincia de Santa Fe	<a href="https://www.rosario.gov.ar/web/">https://www.rosario.gov.ar/web/</a>
Santa Fe	No data available	No data available	No data available	-		No data available	<a href="http://www.santafeciudad.gov.ar/">http://www.santafeciudad.gov.ar/</a>

Province of Tucumán							
San Miguel de Tucuman	Directorate of Purchases and Procurements (Dirección de Compras y Contrataciones )	Director of Purchases and Procurement s (Director de Compras y Contratacion es)	Sr. Sebastián Augusto BORQUEZ	<a href="mailto:compras@smt.gov.ar">compras@smt.gov.ar</a>	+54 381 4516 500 Int. 6592	9 de Julio 570 Ciudad de San Miguel de Tucumán Provincia de Tucumán	<a href="http://smt.gov.ar/">http://smt.gov.ar/</a>

## Annex XVII – Contact details (State Companies)

List of all state companies described in the final report with contact details to Public Procurement Department.

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Aerolíneas Argentinas Sociedad Anónima</b> <b>(“AASA”, Argentinean Airlines Stock Company)</b>	Law No. 26.466 (Year 2008)	Congress	<a href="http://servicios.infoleg.gob.ar/infolegIntern/verNorma.do?id=148723">http://servicios.infoleg.gob.ar/infolegIntern/verNorma.do?id=148723</a>	Ministry of Transport (Ministerio del Transporte) (Article 3 of Decree No. 8/2016)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) with majority state participation, according to Law No. 19.550.  (Article 1 of Law No. 26.466)	Commercial aviation and connected operations.	A part of the shares is state-owned, and with respect to the rest of the shares the state exercises its rights according to the Law on Expropriation.  (Article. 1 of Law No. 26.466)	1. Governed by provisions and principles of private law.  2. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies.	No documents are available on the company’s web site. They have to be requested for each tender
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www1.aerolineas.com.ar/arg/main.asp?dSitio=AR&amp;idPagina=152&amp;idIdiomas">http://www1.aerolineas.com.ar/arg/main.asp?dSitio=AR&amp;idPagina=152&amp;idIdiomas</a>	CEO	Mr. Mario Dell’Acqua	No data available	Perú 2 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Autoridad de Cuenca Matanza Riachuelo</b> <b>(“ACUMAR”, Matanza Riachuelo Basin Authority)</b>	Law No. 26.168	Congress	<a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/122769/texact.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/122769/texact.htm</a>	Ministry of Environment (Decree No. 232/2015)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autonomous autarkic entity working together with the governments that have competence in the territory of the basin: the National State, the Province of Buenos Aires and CABA.	ACUMAR articulates common policies and coordinates the inter-institutional efforts for the implementation of the Integral Environmental Cleanliness Plan (Plan Integral de Saneamiento Ambiental (PISA)) which has the following objectives:  1) Improvement of quality of life for the inhabitants of the basin;  2) Environmental rebuilding of the basin in all its components (water, air and soil); and  3) Prevention of environmental damages amounting to a reasonable level of prediction.	National State	Expressly applies Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064 (Article 10 of Law No. 26.168).	1. Procedural Regulation for the Procurement of Goods, Works and Services (Resolution No. 402-E/2017, Annex 1) <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305075/res402-1.pdf">http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305075/res402-1.pdf</a>  2. Unique General Bidding Terms and Conditions <a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305075/res402-2.pdf">http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/305075/res402-2.pdf</a>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.acumar.gob.ar/transparencia/compras/">http://www.acumar.gob.ar/transparencia/compras/</a>	President	Ms. Dorina Bonetti	<a href="mailto:contacto@acumar.gob.ar">contacto@acumar.gob.ar</a>	Esmeralda 255 PB

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Autoridad del Agua de la Provincia de Buenos Aires</b> <b>("ADA", Water Authority of the Province of Buenos Aires)</b>	Law No. 12.257	Legislative Branch	<a href="http://www.ada.gba.gov.ar/normativa/MARCO%20JURIDICO/CodigodeAguas.pdf">http://www.ada.gba.gov.ar/normativa/MARCO%20JURIDICO/CodigodeAguas.pdf</a>	Ministry of Infrastructure and Public Services
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autarkic entity of the Province of Buenos Aires	Planning and management of the regime of protection, conservation and operation of the water resources in the Province of Buenos Aires	Province of Buenos Aires	ADA applies the Procurement Regime of the Province of Buenos Aires	ADA does not have its own procurement norms.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
S/N	President	Mr. Pablo Rodríguez	<a href="mailto:info@ada.gba.gov.ar">info@ada.gba.gov.ar</a>	Calle 5 N° 366 La Plata

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Administración de Infraestructuras Ferroviarias Sociedad del Estado</b> <b>("ADIFSE", Railway Infrastructure Administration)</b>	Law No. 26.352	Congress	<a href="http://servicios.infoleg.gov.ar/infolegIntern/et/verNorma.do?id=138931">http://servicios.infoleg.gov.ar/infolegIntern/et/verNorma.do?id=138931</a>	Ministry of Transport (Article 10 of Law No. 26.352)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E.)) according to State Company Law No. 20.705.  (Article 2 of Law No. 26.352)	Administration and management of railway infrastructure.  (Article. 2 of Law No. 26.352)	National State  (Law No. 20.705)	<ol style="list-style-type: none"> <li>Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 6 of Law No. 20.705)</li> <li>The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies. (Article 1 of Law No. 25.551)</li> </ol>	<ol style="list-style-type: none"> <li>General Bidding Terms and Conditions for Tendering, Bidding, Contracting and Executing of Works (Pliego de Bases y Condiciones Generales para la Licitación, Contratación y Ejecución de Obra):  <a href="https://www.adifse.com.ar/documentos/2.pdf">https://www.adifse.com.ar/documentos/2.pdf</a></li> <li>General Bidding Terms and Conditions for Contracting and Executing of Supplies, Services, Provisions and Concessions for Use (Pliego de Bases y Condiciones Generales para la Contratación y Ejecución de Suministros, Servicios, Locaciones y Concesiones de Uso):  <a href="https://www.adifse.com.ar/documentos/3.pdf">https://www.adifse.com.ar/documentos/3.pdf</a></li> <li>General Bidding Terms and Conditions for Consultancy Services (Pliego de Bases y Condiciones Generales de Servicios de Consultoría):  <a href="https://www.adifse.com.ar/documentos/4.pdf">https://www.adifse.com.ar/documentos/4.pdf</a></li> <li>Purchase and Procurement Rules of ADIFSE (Reglamento de Compras y Contrataciones de ADIFSE):  <a href="https://www.adifse.com.ar/documentos/1.pdf">https://www.adifse.com.ar/documentos/1.pdf</a></li> </ol>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.adifse.com.ar/licitaciones.php">https://www.adifse.com.ar/licitaciones.php</a>	President of ADIFSE	Mr. Guillermo Fiad	<a href="mailto:dcompras@adif.es">dcompras@adif.es</a> <a href="mailto:comunicacionweb@adif.es">comunicacionweb@adif.es</a>	Av. Dr. Ramos Mejía 1302 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Administración General de Puertos Sociedad del Estado</b> <b>("AGPSE", General Ports Administration State Company)</b>	Decree No. 1.456/87	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=245273">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=245273</a>	Ministry of Transport (Decree No. 8/16)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E.)) according to State Company Law No. 20.705.  (Article 2 of Decree No. 1.456/87)	Management, administration and operation of commercial ports in Argentina.  (Article 5 of Decree No. 1.456/87)	National State  (Law No. 20.705)	<ol style="list-style-type: none"> <li>Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 6 of Law No. 20.705)</li> <li>The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies. (Article 1 of Law No. 25.551)</li> </ol>	<ol style="list-style-type: none"> <li>Unique General Bidding Terms and Conditions for Purchases and Procurements of AGPSE (Pliego Único de Bases y Condiciones Generales para las Compras y Contrataciones de la AGPSE): <a href="http://www.puertobuenosaires.gov.ar/pliego-unico-bases-y-condiciones-generales-/85">http://www.puertobuenosaires.gov.ar/pliego-unico-bases-y-condiciones-generales-/85</a></li> <li>Purchase and Procurement Rules of AGPSE (Reglamento de Compras y Contrataciones de la AGPSE): <a href="http://www.puertobuenosaires.gov.ar/reglamento-de-compras-y-contrataciones/102">http://www.puertobuenosaires.gov.ar/reglamento-de-compras-y-contrataciones/102</a></li> </ol>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.puertobuenosaires.gov.ar/llamados/82">http://www.puertobuenosaires.gov.ar/llamados/82</a>	Auditor of AGPSE	Mr. Gonzalo Mórtola	consultas-agp@puertobuenosaires.gov.ar	Av. Ingeniero Huergo 431 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Empresa Argentina de Soluciones Satelitales Sociedad Anónima</b> <b>("ARSAT", Argentinean Satellite Solutions Stock Company)</b>	Law No. 26.092	Congress	<a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/115000-119999/115886/texact.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/115000-119999/115886/texact.htm</a>	Ministry of Communications (Resolution of the Ministry of Communications No. 1/15)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) with majority state participation according to Law No. 19.550.  (Articles 1 and 7 of Law No. 26.092)	ARSAT is the national company providing terrestrial, aerial and special telecommunication services.	National State	The company applies all provisions and principles of private law. The General Procurement Regime and Public Works Law are expressly exempted.  (Article 3 of Law No. 26.092)	Purchase and Procurement Rules (Reglamento de Compras y Contrataciones).  This document is not publicly available but has been provided by ARSAT.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.arsat.com.ar/transparencia/compras-y-licitaciones/#tabs">http://www.arsat.com.ar/transparencia/compras-y-licitaciones/#tabs</a>	President	Mr. Rodrigo Loredo	No data available	Av. J. D. Perón 7934 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Autopistas Urbanas Sociedad Anónima</b> ("AUSA", Urban Highways Stock Company)	Law No. 3.060/09  (This law grants AUSA the concession over the Network of Highways and Interconnected Routes in the Autonomous City of Buenos Aires (Red de Autopistas y Vías Interconectadas de la Ciudad Autónoma de Buenos Aires, , <small>Norma de Base "Red de Autopistas"</small> )	Congress	<a href="http://www2.cedom.gob.ar/es/legislacion/normas/leyes/ley3060.html">http://www2.cedom.gob.ar/es/legislacion/normas/leyes/ley3060.html</a>	Ministry of Urban Development of the Autonomous City of Buenos Aires
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) according to Law No. 19.550.	AUSA's business objective lies in the construction and operation of highways and road works within the Network.	CABA as main shareholder	AUSA is governed by provisions and principles of private law.	1. Purchase and Procurement Rules 2. General Bidding Terms and Conditions These documents are not publicly available but have been provided by ARSAT.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.aysa.com.ar/licitaciones-publicas/">https://www.aysa.com.ar/licitaciones-publicas/</a>	President	Mr. Carlos Frugoni	<a href="mailto:cac@ausa.com.ar">cac@ausa.com.ar</a>	Piedras 1260 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Agua y Saneamientos Argentinos Sociedad Anónima</b> ("AYSA", Argentinean Water and Sanitation State Company)	Decree No. 304/06	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=114866">http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=114866</a>	Ministry of the Interior, Public Works and Housing (Ministerio del Interior, Obras Públicas y Vivienda)  (Decree No. 212/15)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) with majority state participation, according to Law No. 19.550.  (Article 1 of Decree No. 304/06)	AYSA is concessionaire for the public services of drinking water and wastewater systems for CABA and 25 suburbs. It continually develops the provision of drinking water, wastewater and rainwater drainage projects.  (Article 1 of Decree No. 304/06)	1. 90% of the shares are state-owned and held by the Ministry of the Interior, Public Works and Housing;  2. 10% are owned by employees and held through a share participation program.  (Article 2 of Decree No. 304/06)	1. Governed by provisions and principles of private law. (Art. 11 del Decreto N° 304/06).  2. Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 11 of Decree No. 304/06)  3. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies.	1. General Bidding Terms and Conditions for Tenders, Price Biddings, Contracting and Executing of Works (Pliego de Bases y Condiciones Generales para Licitaciones y Concursos de Precio para Contratación y Ejecución de Obras):  <a href="http://www.aysa.com.ar/Media/archivos/857/Pliego_Condiciones_Generales_baja.pdf">http://www.aysa.com.ar/Media/archivos/857/Pliego_Condiciones_Generales_baja.pdf</a>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.aysa.com.ar/index.php?id_seccion=221">http://www.aysa.com.ar/index.php?id_seccion=221</a>	President	Mr. José Luis Inglese	No data available	No data available

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Banco de La Nación Argentina</b> ("BNA", Bank of the Argentinean Nation)	Law No. 21.799	Congress	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/280000-284999/284045/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/280000-284999/284045/norma.htm</a> <a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/15000-19999/15927/texact.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/15000-19999/15927/texact.htm</a>	Ministry of Finance
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autarkic entity of public law within the Ministry of Finance	BNA's primary objective is to provide financial assistance to micro, small and medium-sized companies irrespective of their field of business.	National State	Provisions of general character regulating the organization and the functioning of the National Public Administration, in particular provisions that limit BNA's capacity to operate or the powers that are conferred upon BNA by its Special Regime, do not apply to BNA.  BNA applies the National General Procurement Regime to all matters that are not regulated by its Bidding Terms and Conditions.	1. General Bidding Terms and Conditions (Pliego de bases y condiciones generales): <a href="http://www.bna.com.ar/Downloads/condiciones_generales.pdf">http://www.bna.com.ar/Downloads/condiciones_generales.pdf</a>  2. Tenders: <a href="http://www.bna.com.ar/Downloads/pliego.pdf">http://www.bna.com.ar/Downloads/pliego.pdf</a>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.bna.com.ar/Institucional/ComprasYLicitaciones">http://www.bna.com.ar/Institucional/ComprasY Licitaciones</a>	President	Mr. Javier Antonio Gonzalez Fraga	asistenciaproteccionusuarios@bna.com.ar	Bartolomé Mitre 326

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Compañía Administradora del Mercado Mayorista Eléctrico</b> ("CAMMESA", Wholesale Electricity Market Administration Stock Company)	Decree No. 1.192/92.	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=9615">http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=9615</a>	Ministry of Energy and Mining
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) according to Law No. 19.550.	CAMMESA's primary objectives are the administration of the Wholesale Electricity Market (Mercado Eléctrico Mayorista (MEM)), the coordination of electricity distribution, the setting of wholesale electricity prices and the management of economical transactions that are carried out through the National Interconnected System (Sistema Interconectado Nacional (SIN)).	Class A shares (20% of the total share capital) are held by the National State, Class B shares (20% of the total share capital) are held by the Association of Electric Energy Generators of the Argentinean Republic (Asociación de Generadores de Energía Eléctrica de la Republica Argentina ("AGEERA")), Class C shares (20% of the total share capital) are held by the Association of Electric Energy Generators of the Argentinean Republic (Asociación de Distribuidores de Energía Eléctrica de la Republica Argentina ("ADEERA")), Class D shares (20% of the total share capital) are held by the Association of Electric Energy Transporters of the Argentinean Republic (Asociación de Transportistas de Energía Eléctrica de la Republica Argentina ("ADEERA")) and Class E shares (20% of the total share capital) are held by the Association of Large Users of Electric Energy of the Argentinean Republic (Asociación de Transportistas de Energía Eléctrica de la Republica Argentina ("AGUEERA")).	CAMMESA is governed by provisions and principles of private law and exempts all administrative and prerogative provisions of public law.  The following laws do not apply to CAMMESA: Public works, accounting, administrative procedures and their complementary provisions. Nor do apply any administrative provisions related to companies with State participation.	General and Specific Bidding Terms and Conditions.  This document is not publicly available but has been provided by CAMMESA.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://portalweb.cammesa.com/Pages/Licitaciones%20y%20Concursos.aspx">http://portalweb.cammesa.com/Pages/Licitaciones%20y%20Concursos.aspx</a>	President	Mr. Julio Bragulat	agentes@cammesa.com.ar	Av. Eduardo Madero 942



Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Coordinación Ecológica Área Metropolitana Sociedad del Estado</b> <b>("CEAMSE", Ecological Coordination of the Metropolitan Area State Company)</b>	Agreement between the Province of Buenos Aires and the Autonomous City of Buenos Aires (adopted by Decree No. 8.782/77 and Ordinance No. 33.691).	Governor of the Province of Buenos Aires and the Autonomous City of Buenos Aires	<a href="http://www.gob.gba.gov.ar/legislacion/legislacion/l-8782.html">http://www.gob.gba.gov.ar/legislacion/legislacion/l-8782.html</a> <a href="https://digesto.buenosaires.gob.ar/buscar/ver/347">https://digesto.buenosaires.gob.ar/buscar/ver/347</a>	Government of the Province of Buenos Aires and the Autonomous City of Buenos Aires
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E)) according to Law No. 20.705.	Safeguards the balance and ecological conservation of the metropolitan area, fights the environmental pollution and remediates aquifers and soils.	Province of Buenos Aires and the Autonomous City of Buenos Aires	1. Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 6 of Law No. 20.705) 2. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies. (Article 1 of Law No. 25.551)	1. Handbook on Purchases and Procurements 2. General Bidding Terms and Conditions These documents are not publicly available but have been provided by CEAMSE.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.ceamse.gov.ar/compras-y-contrataciones/licitaciones-publicas/">http://www.ceamse.gov.ar/compras-y-contrataciones/licitaciones-publicas/</a>	President	Mr. Gustavo Javier Coria	No data available	No data available

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Comisión Nacional de Energía Atómica</b> <b>("CNEA", National Nuclear Energy Commission)</b>	Decree No. 10.936/50	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/195000-199999/198653/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/195000-199999/198653/norma.htm</a>	Ministry of Energy and Mining (Decree No. 231/2015)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autarkic entity of public law within the Ministry of Energy and Mining	Engagement, research and development of the peaceful use of nuclear energy.	National State	CNEA applies the Framework of the National Administration (Decree No. 1.023/01) and the National Preference Regime.	CNEA does not have its own procurement regulations and applies the National General Regime.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.cnea.gov.ar/es/comunidad/informacion-a-proveedores/">https://www.cnea.gov.ar/es/comunidad/informacion-a-proveedores/</a>	President	Mr. Osvaldo Calzetta Larrieu	<a href="mailto:comunicacion@cnea.gov.ar">comunicacion@cnea.gov.ar</a>	Av. Del Libertador 8250

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Dirección Nacional de Vialidad</b> ("DNV", National Road Directorate)	Law No. 11.658	Congress	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=219303">http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=219303</a>	Ministry of Transport
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autarkic entity of public law within the Ministry of Transport (Decree No. 7.943/72)	DNV is in charge of research, construction, conservation and improvement of the strategic system of national roads and their complementary works.	National State	<ol style="list-style-type: none"> <li>1. Applies Decree No. 1023/01 (Procurement Framework of the National Administration; Article 1 of the General and Specific Bidding Terms and Conditions for the Acquisition of Goods and the Contracting of Services).</li> <li>2. Subsidiarily, provisions of administrative law apply and, in the absence of such provisions, private law provisions apply per analogiam.</li> <li>3. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies.</li> </ol>	CNEA does not have its own procurement regulations and applies the National General Regime.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.vialidad.gov.ar/licitaciones">http://www.vialidad.gov.ar/licitaciones</a>	Administrator General	Mr. Javier Iguacel	<a href="mailto:info@vialidad.gov.ar">info@vialidad.gov.ar</a>	Av. Pte. Julio A. Roca 738 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Educ.Ar Sociedad del Estado</b> ("EDUCAR S.E.", Educ.Ar State Company)	Decree No. 383/00	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/60000-64999/63063/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/60000-64999/63063/norma.htm</a>	Ministry of Education (Article 101 of Law No. 26.206)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E.))	Promotion of the development and integration of technology in education	National State	<ol style="list-style-type: none"> <li>1. Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 6 of Law No. 20.705)</li> <li>2. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies. (Article 1 of Law No. 25.551)</li> </ol>	<ol style="list-style-type: none"> <li>1. Purchase and Procurement Rules (Reglamento de Compras y Contrataciones): <a href="https://sub.educ.ar/compras/reglamento_de_contratacion_es.pdf">https://sub.educ.ar/compras/reglamento_de_contratacion_es.pdf</a></li> <li>2. Tutorial for the Access to the Suppliers Consultation Portal (Instructivo de acceso al Portal de consulta para Proveedores): <a href="https://www.educ.ar/sitios/educar/compras/manual_portal_gestion_proveedores">https://www.educ.ar/sitios/educar/compras/manual_portal_gestion_proveedores</a></li> <li>3. Unique General Bidding Terms and Conditions for the Procurement of Goods and Services (Pliego Único de Bases y Condiciones Generales para la Contratación de Bienes y Servicios):</li> </ol>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.educ.ar/sitios/educar/compras/index?tipo_adjudicacion_id=1">https://www.educ.ar/sitios/educar/compras/index?tipo_adjudicacion_id=1</a>	President	Mr. Bullrich Esteban José	<a href="mailto:info@educ.gov.ar">info@educ.gov.ar</a>	Av. Comodoro Rivadavia 1151

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Instituto Nacional del Agua</b> ("INA", National Water Institute)	Law No. 20.126	Executive and Legislative Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/195000-199999/195172/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/195000-199999/195172/norma.htm</a> <a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/65000-69999/66124/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/65000-69999/66124/norma.htm</a>	Ministry of the Interior, Public Works and Housing (Decree No. 212/2015)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Decentralized body within the Public Administration	Analysis, investigation, technological development and provision of services in the field of knowledge, use, management and preservation of water in order to implement and develop the national water policy	National State	INA applies the National General Regime	INA does not have its own procurement norms.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.ina.gov.ar/index.php?seccion=4">https://www.ina.gov.ar/index.php?seccion=4</a>	President	Mr. Julio C. De Lío	<a href="mailto:ina@ina.gob.ar">ina@ina.gob.ar</a>	Au. Ezeiza – Cañuelas, tramo Jorge Newbery Km 1,620

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Instituto Nacional de Tecnología Agropecuaria</b> ("INTA", National Institute of Agricultural Technology)	Decree Law No. 21.680/56	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/75000-79999/77763/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/75000-79999/77763/norma.htm</a>	Ministry of Agroindustry (Decree No. 21.680/56 and Decree No. 32/16)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autarkic entity of public law within the Ministry of Agroindustry	Promotion, stimulation and coordination of the development of agricultural research and expansion as well as acceleration of the technologization and improvement of agri-business and rural life	National State	INTA has its own Procurement Regime.  The general principles of the National General Procurement Regime apply subsidiarily.	1. Handbook on Institutional Proceedings of Goods and Services Procurements (Manual de procedimientos institucionales de contrataciones de bienes y servicios): <a href="https://inta.gob.ar/sites/default/files/script-tmp-manual_proced_compras_y_servicios_inta.pdf">https://inta.gob.ar/sites/default/files/script-tmp-manual_proced_compras_y_servicios_inta.pdf</a>  2. Unique Bidding Terms and Conditions (Pliego Unico de Bases y Condiciones Generales) <a href="https://inta.gob.ar/documentos/pliego-unico-de-bases-y-condiciones-gerales">https://inta.gob.ar/documentos/pliego-unico-de-bases-y-condiciones-gerales</a>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://inta.gob.ar/sobre-el-inta/consultar-licitaciones">https://inta.gob.ar/sobre-el-inta/consultar-licitaciones</a>	President	Mr. Amadeo Nicora	<a href="mailto:apellido.nombre@inta.gob.ar">apellido.nombre@inta.gob.ar</a> (modificar según a quien se quiera enviar)	Av. Rivadavia 1439

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Instituto Nacional de Servicios Sociales para Jubilados y Pensionados</b> <b>("INSSJP"/"PAMI")</b>	Law No. 19.032	Congress	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=16081">http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=16081</a>	Ministry of Social Development (Article 15 of Law No. 19.032)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Non-state legal entity of public law with financial and administrative independence (Article 1 of Law No. 19.032)	The purpose of INSSJP is the provision of medical and social services – by itself or by third parties – to retirees and pensioners of the National Welfare System (Régimen Nacional de Previsión) and the Integrated System of Retirements and Pensions (Sistema Integrado de Jubilaciones y Pensiones) as well as to their close relatives by means of the Integral Medical Attention Program (Programa de Atención Médica Integral, PAMI). (Article 2 of Law No. 19.032)	National State (Law No. 19.032)	Because of its status as a non-state legal entity of public law with financial and administrative independence, INSSJP has its own procurement regime and the National General Public Procurement Regime does not apply.	<b>1. Purchase and Procurement Rules (Reglamento de Compras y Contrataciones):</b> <a href="http://institucional.pami.org.ar/result.php?c=7-3&amp;vm=2">http://institucional.pami.org.ar/result.php?c=7-3&amp;vm=2</a> <b>2. Unique General Bidding Terms and Conditions (Pliego única de Bases y Condiciones Generales):</b> <a href="http://institucional.pami.org.ar/files/marco_regulatorio_compras/R-0218-I-2003.pdf">http://institucional.pami.org.ar/files/marco_regulatorio_compras/R-0218-I-2003.pdf</a>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://institucional.pami.org.ar/result.php?c=7-1-1-1&amp;vm=2">http://institucional.pami.org.ar/result.php?c=7-1-1-1&amp;vm=2</a>	Director	Mr. Sergio Cassinotti	No data available	Perú 169 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Investigacion Aplicada Sociedad del Estado</b> <b>("INVAPSE", Applied Research State Company)</b>	Created in 1976 by convention between the National Nuclear Energy Commission  (Comisión Nacional de Energía Atómica de Argentina (CNEA)) and the Government of the Province of Río Negro	Executive Branch	N/A	Government of Río Negro
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E.)) owned by the Province of Río Negro	Development of advanced technology in different areas of industry, science and applied research by creating "technological bundles" of high value aggregated to satisfy national needs as well as to be exported to foreign markets.	Province of Río Negro	INVAP has its own Procurement Regulation, which is not being published.	INVAP has its own Procurement Regulation, which is not being published.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.invap.com.ar/es/">http://www.invap.com.ar/es/</a>	President	Mr. Horacio Augusto Osuna	No data available	Av. Cmte. Luis Piedrabuena 4950, S.C. de Bariloche, Provincia de Río Negro.

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Correo Oficial de la República Argentina Sociedad Anónima</b> <b>(Official Mail of the Republic of Argentina Stock Company)</b>	Decreto 721/04	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/95000-99999/95703/norma.htm">http://servicios.infoleg.gob.ar/infolegIntern/et/anexos/95000-99999/95703/norma.htm</a>	Ministry of Communications (Resolution of the Ministry of Communications No. 1/15)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) with majority state participation according to Law No. 19.550. (Article 1 of Decree No. 721/04)	Provision of the official mail service comprising of all postal, monetary and telegraphic services.	National State (Article 2 of Decree No. 721/04)	1. Governed by provisions and principles of private law.  2. Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 13 of Decree No. 721/04)	Functionaries have not yet responded to the numerous contact attempts by the authors.
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
No data available	President	Mr. Jorge Irigoien	No data available	Brandsen 2070 Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Organismo Regulador del Sistema Nacional de Aeropuertos</b> <b>("ORSNA", Regulatory Body of the National Airports System)</b>	Decreto 375/97 (Article 14)	Executive Branch	<a href="http://www.loa.org.ar/legNormaDetalle.aspx?id=10884">http://www.loa.org.ar/legNormaDetalle.aspx?id=10884</a>	Ministry of Transport (Decree No. 8/2016)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Autarkic entity of public law within the Ministry of Transport	Promotion of the development of airports in Argentina.	National State	For matters not specifically regulated, the Procurement Framework of the National Administration applies (Decree No. 1.023/01).  ORSNA applies the National Preference Regime. <a href="#">top</a>	ORSNA has General Bidding Terms and Conditions for the Procurement of Goods and Services ( Resolution 290/98)
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.transporte.gob.ar/content/licitaciones/">www.transporte.gob.ar/content/licitaciones/</a>	President	Mr. Patricio Di Stefano	<a href="mailto:usuarios@orsna.gob.ar">usuarios@orsna.gob.ar</a>	Av. Costanera Rafael Obligado s/n, Edificio IV, Piso 2º

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Subterráneos de Buenos Aires Sociedad del Estado</b> (“SBASE”, Buenos Aires Subway State Company)	Law No. 4.472	Congress	<a href="http://www2.cedom.gov.ar/es/legislacion/normas/leyes/ley4472.html">http://www2.cedom.gov.ar/es/legislacion/normas/leyes/ley4472.html</a>	Ministry of Urban Development and Transportation of the Autonomous City of Buenos Aires
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E.))	SBASE is in charge of the administration of the subway network as well as of the development, expansion and control of the subway network’s service operations.	CABA	SBASE is governed by provisions and principles of private law.	1. Purchase and Procurement Regulation <a href="https://documentosboletinoficial.buenosaires.gov.ar/publico/COM-ACT-SBASE-SBASE-458-15-ANX.pdf">https://documentosboletinoficial.buenosaires.gov.ar/publico/COM-ACT-SBASE-SBASE-458-15-ANX.pdf</a> .
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="http://www.buenosaires.gov.ar/sube/licitaciones">http://www.buenosaires.gov.ar/sube/licitaciones</a>	President	Mr. Eduardo De Montmollin	No data available	No data available

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Operadora Ferroviaria Sociedad del Estado</b> (“SOFSE”, Railway Operator State Company)	Law No. 26.352	Congress	<a href="http://servicios.infoleg.gov.ar/infolegIntern/et/anexos/135000-139999/138931/norma.htm">http://servicios.infoleg.gov.ar/infolegIntern/et/anexos/135000-139999/138931/norma.htm</a>	Ministry of Federal Planning, Public Investment and Services
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
State Company (Sociedad del Estado (S.E.)) (Laws No. 20.705)	SOFSE offers services related to railway charges, passenger transportation and maintenance	National State as majority shareholder	1. Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 6 of Law No. 20.705)  2. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies.	1. Purchase and Procurement Rules (Reglamento de Compras y Contrataciones):  <a href="https://www.sofse.gov.ar/contrataciones/pdf/lic-reglamento.pdf">https://www.sofse.gov.ar/contrataciones/pdf/lic-reglamento.pdf</a>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.sofse.gov.ar/contrataciones/licitaciones.php?anio=2018&amp;vigente=si">https://www.sofse.gov.ar/contrataciones/licitaciones.php?anio=2018&amp;vigente=si</a>	President	Mr. Marcelo Orfila	<a href="mailto:comercial@sofse.gov.ar">comercial@sofse.gov.ar</a>	Av. Dr. Ramos Mejia 1302, 4° Ciudad Autónoma de Buenos Aires

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Trenes Argentinos Cargas Sociedad Anónima ("TACSA", Argentinean Cargo Trains Stock Company; formerly Belgrano Cargas y Logística Sociedad Anónima, "BCyLSA")</b>  *The Disposition of the Ministry of the Interior and Transport which changed the company's name in the year 2014 is not publicly available	Decree No. 566/13	Executive Branch	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=214826">http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?id=214826</a>	Ministry of Transport (Article 1 of Decree No. 566/13)
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) according to Law No. 19.550. (Article 1 of Decree No. 566/13)	Commercial exploitation of services, operations, maintenance and all complementary activities in relation with the national railway network operated by General Belgrano Railway (Ferrocarriil General Belgrano) and the sectors that will be assigned to it in the future.  (Article 1 of Decree No. 566/13)	<ol style="list-style-type: none"> <li>1. Railway Infrastructures Administration State Company (Administración de Infraestructuras Ferroviarias Sociedad del Estado);</li> <li>2. Railway Operating Company State Company (Sociedad Operadora Ferroviaria Sociedad del Estado);</li> <li>3. General Ports Administration State Company (Administración General de Puertos Sociedad del Estado).</li> </ol> (Article 2 of Decree No. 566/13)	<ol style="list-style-type: none"> <li>1. Governed by provisions and principles of private law. (Article 10 of Decree No. 566/13)</li> <li>2. Expressly exempts the application of Decree No. 1.023/01 (Procurement Framework of the National Administration) and Public Works Law No. 13.064. (Article 10 of Decree No. 566/13)</li> <li>3. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies.</li> </ol>	<ol style="list-style-type: none"> <li>1. General Bidding Terms and Conditions for the Procurement and Execution of Supplies, Services, Provisions and Concessions of Use (Pliego de Bases y Condiciones Generales para la Contratación y Ejecución de Suministros, Servicios, Locaciones y Concesiones de Uso): <a href="https://www.bcyll.com.ar/Licitaciones/PCG_BCYL_SUMINI-STROS.pdf">https://www.bcyll.com.ar/Licitaciones/PCG_BCYL_SUMINI-STROS.pdf</a></li> <li>2. General Bidding Terms and Conditions for Tendering, Contracting and Executing of Works (Pliego de Bases y Condiciones Generales para la Licitación, Contratación y Ejecución de obras): <a href="https://www.bcyll.com.ar/Licitaciones/Pliego%20de%20Bases%20y%20Condiciones%20Generales%20para%20la%20contratacion%20de%20Obras.pdf">https://www.bcyll.com.ar/Licitaciones/Pliego%20de%20Bases%20y%20Condiciones%20Generales%20para%20la%20contratacion%20de%20Obras.pdf</a></li> <li>3. Purchase and Procurement Rules (Reglamento de Compras y Contrataciones):  Not published</li> </ol>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
<a href="https://www.bcyll.com.ar/Licitaciones/Index">https://www.bcyll.com.ar/Licitaciones/Index</a>	President	Mr. Ezequiel Lemos	contacto@bcyl.com.ar	Av. Santa Fe 4363, C.A.B.A.

Company	Creating Regulation	Adopting Body	Link to the Creating Regulation	Under the Authority of
<b>Yacimientos Petrolíferos Fiscales Sociedad Anónima ("YPF S.A.", Fiscal Oilfields Stock Company)</b>	Law No. 26.741 (Year 2012)	Congress	<a href="http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?sessionid=B8573E2734D1B505E3C521E38CE07937?id=196894">http://servicios.infoleg.gob.ar/infolegIntern/et/verNorma.do?sessionid=B8573E2734D1B505E3C521E38CE07937?id=196894</a>	N/A
Company Type	Business Objective	Shareholders	Contractual Regimes	Own Procurement Regulations
Stock Company (Sociedad Anónima (S.A.)) with majority state participation according to Law No. 19.550. (Article 15 of Law No. 26.741)	Vertically integrated upstream and downstream oil and gas operations.	A part of the shares is state-owned, and with respect to the rest of the shares the state exercises its rights according too the Law on Expropriation.  (Articles 7 and 8 of Law No. 26.741)	<ol style="list-style-type: none"> <li>1. Governed by provisions and principles of private law. (Article 15 of Law No. 26.741)</li> <li>2. Expressly exempts the application of administrative rules regulating the administration, management and control of companies with National State Participation. (Article 15 of Law No. 26.741)</li> <li>3. The National Preference Regime (Compre Trabajo Argentino, Law No. 25.551 and Decree No. 1.600/2002) applies.</li> </ol>	<ol style="list-style-type: none"> <li>1. Purchase and Procurement Rules (Reglamento de Compras y Contrataciones): <a href="http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx">http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx</a></li> <li>2. Ethics Code (Código de Ética): <a href="http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx">http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx</a></li> <li>3. Policy on Safety, Environmental Protection and Preservation of Health and Well-being (Política de seguridad, protección del medio ambiente y preservación de la salud): <a href="http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx">http://www.ypf.com/Proveedores/Paginas/condiciones-de-compras-y-contrataciones.aspx</a></li> <li>4. Supplier Handbook (Manual del Proveedor): <a href="http://www.ypf.com/Proveedores/Documents/manual_pr esentacion_ofertas_vr1013.pdf">http://www.ypf.com/Proveedores/Documents/manual_pr esentacion_ofertas_vr1013.pdf</a></li> </ol>
URL to Procurement Publications	Role of the Public Officer	Name of the Public Officer	Email	Address
Procurements are not being published. YPF S.A. send out requests for proposals to different potential bidders.	President	Mr. Miguel Ángel Gutierrez	N/A	Macha Güemes 515 Ciudad Autónoma de Buenos Aires

## Annex XVIII - Glossary

**Blanket ordering:** It is a type of contract execution modality and applies when the particular tendering documents cannot establish with enough precision the quantity of goods and services or cannot establish the dates and delivery deadlines.

**CABA:** Autonomous City of Buenos Aires (*Ciudad Autónoma de Buenos Aires*)

**Comprehensive project bids:** It is a type of contract execution modality and applies in case the contracting entity cannot determine the specifications of the contract in detail – potential bidders are invited to propose comprehensive project solutions.

**Consolidated procurement:** It is a type of contract execution modality and applies when two or more jurisdictions or hiring entities require the same supply – unifying the business selection procedure in order to obtain better conditions than by individual procurement.

**Direct awarding:** It is a type of selection procedure. In this case the contracting entity will award a contract exclusively to a particular contractor.

**Framework agreement:** It is a procedure that uses Public Tender and applies when the Competent Authority (National or Provincial) selects suppliers (either *ex officio* or by petition of one or more jurisdictions or procurement entities) to contract the supply of goods and services on behalf of those jurisdictions or entities. In case there is an existing framework agreement, each institution must contract through it.

**Guaranteed maximum price:** It is a type of contract execution modality and applies when if the provider is compensated for the actual costs plus a fixed fee, subject to a maximum price.

**International tenders:** It is a tender process and applies if the characteristics or the complexity of the procurement project require a call for tenders to foreign bidders without a registered branch in Argentina.

**Local Preference:** Most Provinces and some Municipalities have established a preference regime that favors local bidders. Bidders are considered local if they offer goods produced in the concerned jurisdiction's territory or if they have legal domicile in that jurisdiction for a determined time.

**National Preference:** The national legislation and certain Provinces establish a preference regime that favors national bidders. Bidders are considered national when they offer goods produced in Argentina or have a legal domicile in Argentina for a determined time.

**National tenders:** It is a tender process in which only bidders located in Argentina are able to take part (minimum requirement: registered branch in Argentina).

**ONC:** National Procurement Office (*Oficina Nacional de Contrataciones*)

**Price bidding:** It is a type of selection procedure. It is a quote request addressed to a certain number of suppliers, with a simplified procedure. This figure is not always regulated in the public procurement regimes and its meaning can change in different jurisdictions.

**Private initiative:** It is a procedure that uses Public Tender. In this case a natural person or legal entity submits a proposal that involves a scientific or technical innovation and has been declared to be of public interest by the National State, through the jurisdiction or entity with competence in the matter.

**Private tender:** It is a type of selection procedure. In this case the call for tender is made to a limited number of bidders. This selection procedure applies when the estimated amount to be contracted is lower than a threshold stipulated by law. This threshold is defined by each jurisdiction.

**Public auction:** It is a type of selection procedure. This procedure applies only to purchases and sales of both real estate and personal property. It is carried out by a public auctioneer, with a basic price that is established previously.

**Public tender:** It is a type of selection procedure. The call for tender is made to an undetermined number of possible bidders with capacity to commit. This selection procedure applies when the estimated amount to be contracted is higher than a threshold stipulated by law. This threshold is defined by each jurisdiction.

**Regional tenders:** It is a tender process in which only bidders based in other MERCOSUR Member States (with either address or head offices in Brazil, Uruguay or Paraguay) are able to take part.

**SIPRO:** The National Register of Suppliers (*Sistema de Información de Proveedores*).

**Turnkey:** It is a type of contract execution modality and applies when contracting a unique supplier with the responsibility of the comprehensive realization of a project is more suitable from a public interest point of view.



**Annex XIX- Regulatory Framework**

Jurisdiction		Classification				Sub-classification					
National		General Regime				General Regime					
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Public Officer	Name of the Public Officer	Email	Telephone	Address
<b>Delegated Decree with Hierarchy of Law (Decreto Delegado con Jerarquía de Ley)</b>	1.023/2001	National Executive Branch	Procurement Framework of the National Administration (Regimen de Contrataciones de la Administración Nacional)	Regulated entities: Regulates procurements of works, goods and services carried out by the National Centralized and Decentralized Administration (including institutions of social security). Regulated contracts: Purchase and sale, supply, service, tenancy, consultancy, rent with option to purchase, barter, concessions for the use of goods of the public and private domain of the National State, public works, public works concession, public services concession and license contracts. Exempted contracts: Special purchases, those entered into with international organizations, those entered into with the public credit institutions of the public, those totally or partially financed with resources from those bodies and those included in public credit operations. National and international tenders and biddings: International, whenever the characteristics or the complexity of the procurement project require a call for tender to foreign bidders without a duly registered branch office in Argentina.	<a href="https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp">https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entreríos, C.A.B.A.
<b>Regulatory Decree (Decreto Reglamentario)</b>	1.030/2016	National Executive Branch	Implementing Regulations of the Procurement Framework of the National Administration (Reglamento del Régimen de Contrataciones de la Administración Nacional)	Establishes the implementing regulations of the Procurement Framework of the National Administration (Delegated Decree with Hierarchy of Law No. 1.023/01) with regards to the following contracts: purchase, supply, service, tenancy, consultancy, rent with purchase option, barter, concession for the use of goods of the public or private domain of the National State that are entered into by entities within its scope of application and all contracts that are not expressly exempt.	<a href="https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp">https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entreríos, C.A.B.A.
<b>Resolution (Resolución)</b>	36 - E/2017	General Office of the Comptroller	Preference Price Regime (Régimen del Sistema de Precios Testigo)	Establishes the procedure to determine a referential value which is provided to the contracting body for the evaluation of the offers.	<a href="https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp">https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entreríos, C.A.B.A.
<b>Disposition (Disposición)</b>	62 - E/2016	National Procurement Office	Procedural Procurement Handbook of the Procurement Framework of the National Administration (Manual de procedimiento del Régimen de Contrataciones de la Administración Nacional)	Adopts the procedural handbook for procurements that are carried out applying Decree No. 1.023/01 (Procurement Framework of the National Administration) and Regulatory Decree No. 1.030/16 (Implementing Regulations of the Procurement Framework of the National Administration).	<a href="https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp">https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entreríos, C.A.B.A.
<b>Disposition (Disposición)</b>	63 - E/2016	National Procurement Office	Unique General Bidding Terms and Conditions (Pliego Único de Bases y Condiciones Generales)	Adopts the Unique General Bidding Terms and Conditions of the Procurement Framework of the National Administration.	<a href="https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp">https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entreríos, C.A.B.A.
<b>Disposition (Disposición)</b>	64 - E/2016	National Procurement Office	Procedural Handbook for the incorporation and update of SIPRO data (Manual de procedimiento para la incorporación y actualización de datos en SIPRO)	Adopts the procedure to be carried out by interested bidders for the incorporation and the update of data in the Suppliers Information System (SIPRO) managed by the ONC.	<a href="https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp">https://www.argentina.gob.ar/ompra.gov.ar/prod/omc/sitio/Paginas/Contenido/FrontEnd/IndeX2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entreríos, C.A.B.A.

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Public Officer	Name of the Public Officer	Email	Telephone	Address
<b>Disposition (Disposición)</b>	65 - E/2016	National Procurement Office	Electronic Procurement System of the National Administration COMPR.AR (Sistema Electrónico de Compras de la Administración Nacional denominado "COMPR.AR")	Authorizes the Electronic Procurement System of the National Administration (COMPR.AR) as a means to realize the procedures provided in the Implementing Regulations of the Procurement Framework of the National Administration (Regulatory Decree 1.030/16) in electronic form.	<a href="https://www.argentina.gob.ar/proc/onic">https://www.argentina.gob.ar/proc/onic</a> <a href="http://sioo/reginas/Catend/9/Procedimientos/index2.asp">/sioo/reginas/Catend/9/Procedimientos/index2.asp</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC) de parte del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DJAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Sáenz Peña 6377, Etequipo, C.A.B.A.

Jurisdiction		Classification		Sub-classification							
National		Contracts with a Particular Regime		Public Works Contract							
				Public Works Concession Contract							
				Consultancy Contract							
				Public-Private Partnership Contract							
				Private Initiative Regime							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	13.064 (Year 1947)	National Congress	Public Works Law (Ley de Obras Publicas)	Establishes the regulation for the National Public Works Regime in general. Industrial services executed with funds from the Nation's treasury with the exception those who are subsidized (they are regulated by a special regime) and military works.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=38542">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=38542</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entrepiso, C.A.B.A.
<b>Regulatory Decree (Decreto Reglamentario)</b>	1.186/1984	National Executive Branch	No data available	Establishes the justified reasons for non-compliance with the contractual deadlines set by Law No. 13.064.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=158476">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=158476</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entrepiso, C.A.B.A.
<b>Law (Ley)</b>	17.520 (Year 1967)	National Congress	Public Works Concession Law (Ley de Concesión de Obra Pública)	Establishes that the Executive Branch may grant fixed-term public works concessions to private or mixed companies or to public entities - against payment, free of charge or subsidized - for the construction, conservation or operation of public works by means of fee or toll collection according to the procedures established in the norm.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=16942">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=16942</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entrepiso, C.A.B.A.
<b>Law (Ley)</b>	22.460 (Year 1981)	National Congress	Consultancy Services Law (Ley de Servicios de Consultoría)	Regulates the procurement of consultancy services from private consulting companies which the National Public Administration, its agencies, divisions and autarkic or decentralized entities, companies and banks of the state, companies regulated by Law No. 20.705 and companies of any nature with state participation request.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=45338">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=45338</a>	National Procurement Office under the authority of the Ministry of Modernization (Oficina Nacional de Contrataciones (ONC), dependiente del Ministerio de Modernización)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59858600	Av. Roque Saenz Peña 637, Entrepiso, C.A.B.A.
<b>Law (Ley)</b>	27.328 (Year 2016)	National Congress	Public-Private Partnership Law (Ley de "Contratos de Participación Público-Privada)	Regulates contracts concluded between bodies and entities of the Centralized and Decentralized National Public Administration, state companies, public entities excluded from the National Administration and fiduciary funds that consist entirely or majority of goods and/or subjects (as contractors) with the objective of developing projects in the fields of infrastructure, housing, public activities and services, productive investment, applied research and/or technological innovation. It establishes that mentioned contracts may be concluded whenever it is determined that this procurement modality allows to meet the public interest objectives. These contracts provide an alternative to contracts regulated by the Public Works Law, to consultancy services and to the Procurement Framework of the National Administration (Decree 1.023/01).	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=268322">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=268322</a>	Public-Private Partnership Sub-secretariat (Subsecretaría de Participación Público Privada)	Public Private Partnership Under-secretariat (Subsecretario de Public-Private Partnership)	Jose Luis MOREA	ppp@mfn.gob.ar	+54 11 43498863/8818	Hipólito Yrigoyen 250, Oficina 533, C.A.B.A.
<b>Regulatory Decree (Decreto Reglamentario)</b>	118/17	National Executive Branch	Implementing Regulation of Law No. 27.328 (Reglamentación de la Ley No. 27.328)	Adopts the regulation of Law No. 27.328. Creates the Public-Private Partnership Unit (Unidad de Participación Público Privada) within the framework of the Finance Ministry.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=271968">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=271968</a>	Public-Private Partnership Sub-secretariat (Subsecretaría de Participación Público Privada)	Public Private Partnership Under-secretariat (Subsecretario de Public-Private Partnership)	Jose Luis MOREA	ppp@mfn.gob.ar	+54 11 43498863/8818	Hipólito Yrigoyen 250, Oficina 533, C.A.B.A.
<b>Decree (Decreto)</b>	966/2005	National Executive Branch	No data available	Adopts the National Private Initiative Regime for public works contracts, service contracts and Privatization Law and orders the creation of Private Initiatives Evaluation and Development Commission.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=108805">http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=108805</a>	Public-Private Partnership Sub-secretariat (Subsecretaría de Participación Público Privada)	Public Private Partnership Under-secretariat (Subsecretario de Public-Private Partnership)	Jose Luis MOREA	ppp@mfn.gob.ar	+54 11 43498863/8818	Hipólito Yrigoyen 250, Oficina 533, C.A.B.A.

Jurisdiction		Classification		Sub-classification							
National		Preference Regime		National Preference Regime							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	25.551 (Year 2001) *The National Executive Branch presented National Congress with a Law Bill replacing the current regime. In 2017 the Chamber of Deputies passed the Law Bill to the Senators Chamber.	National Congress	Buy Argentinean Work Law (Ley de Compre Trabajo Argentino)	Establishes that the National Public Administration, its agencies, divisions, autarkic or decentralized entities, state companies, private service providers, licensees, concessionaires and permit holders of works and public services grant preferential treatment to goods of national origin.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=71147">http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=71147</a>	Industry and Services Secretariat under the Authority of the Ministry of Production (Secretaría de Industria y Servicios, dependiente del Ministerio de Producción)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 453-E/2017)	institucionales@modernizacion.gob.ar	+54 11 59859600	Av. Roque Sáenz Peña 637, Entrepiso, C.A.B.A.
<b>Law (Ley)</b>	25.551 (Year 2001) *The National Executive Branch presented National Congress with a Law Bill replacing the current regime. In 2017 the Chamber of Deputies passed the Law Bill to the Senators Chamber.	National Congress	Buy Argentinean Work Law (Ley de Compre Trabajo Argentino)	Establishes that the National Public Administration, its agencies, divisions, autarkic or decentralized entities, state companies, private service providers, licensees, concessionaires and permit holders of works and public services grant preferential treatment to goods of national origin.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=71147">http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=71147</a>	Industry and Services Secretariat under the Authority of the Ministry of Production (Secretaría de Industria y Servicios, dependiente del Ministerio de Producción)	National Secretary of Industry and Services (Secretario Nacional de Industria y Servicios)	Martin Alfredo ETCHEGOYEN	info@produccion.gob.ar	+54 11 43493697	Av. Hipólito Yrigoyen 250, C.A.B.A.
<b>Law Bill (Proyecto de Ley)</b>	No data available	National Congress	Buy Argentinean and Suppliers Development Law (Ley de Compre Argentino y Proveedores)	According to the Law Bill the national preference can be increased up to 15% and 8% respectively. These preferences will only be obligatory when the contract amount may be equal or higher than the amount applicable under Art. 25, P. O) of Decree 1023/01 (Act 2016-09) which is the Law Bill presented to the law. It will have an additional preference of 1% within the three years of its entry into force. For the acquisition of goods of high technological scientific content, preferences of 15% and 8% can be reduced up to 5% except for SMEs within the three first years from the enforcement of the law (Art. 15th, Bill).	<a href="http://www.diputados.gub.ar/proyectos/consultarP.asp?c=2016-09&amp;h=1">http://www.diputados.gub.ar/proyectos/consultarP.asp?c=2016-09&amp;h=1</a> [Proyecto No.0009-PE-2017]	Will be designated by the Executive Branch	No data available	No data available	No data available	No data available	No data available
<b>Regulatory Decree (Decreto Reglamentario)</b>	1.600/2002	National Executive Branch	Implementing Regulations of Law No. 25.551 (Reglamentación de la Ley No. 25.551)	Establishes the implementing regulations of Law No. 25.551.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=77290">http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=77290</a>	Industry and Services Secretariat under the Authority of the Ministry of Production (Secretaría de Industria y Servicios, dependiente del Ministerio de Producción)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 562-E/2016 of 28/12/16 which designates him for the duration of 180 business days as of 15/11/16)	institucionales@modernizacion.gob.ar	+54 11 59859600	Av. Roque Sáenz Peña 637, Entrepiso, C.A.B.A.
<b>Regulatory Decree (Decreto Reglamentario)</b>	1.600/2002	National Executive Branch	Implementing Regulations of Law No. 25.551 (Reglamentación de la Ley No. 25.551)	Establishes the implementing regulations of Law No. 25.551.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=77290">http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=77290</a>	Industry and Services Secretariat under the Authority of the Ministry of Production (Secretaría de Industria y Servicios, dependiente del Ministerio de Producción)	National Secretary of Industry and Services (Secretario Nacional de Industria y Servicios)	Martin Alfredo ETCHEGOYEN	info@produccion.gob.ar	+54 11 43493697	Av. Hipólito Yrigoyen 250, C.A.B.A.
<b>Law (Ley)</b>	18.875 (Year 1971) *The Buy Argentinean and Suppliers Development Law Bill proposes to delete this Law.	National Congress	Buy National Law (Ley de Compre Nacional)	Establishes that the National Public Administration, its agencies, divisions, autarkic or decentralized entities, state companies and concessionaire public service provider companies are, in principle and subject to exceptions, required to contract with national consultancy professionals and companies.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=64610">http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=64610</a>	Industry and Services Secretariat under the Authority of the Ministry of Production (Secretaría de Industria y Servicios, dependiente del Ministerio de Producción)	National Director of the ONC (Director Nacional del ONC)	Néstor Aurelio DÍAZ (according to Resolution 562-E/2016 of 28/12/16 which designates him for the duration of 180 business days as of 15/11/16)	institucionales@modernizacion.gob.ar	+54 11 59859600	Av. Roque Sáenz Peña 637, Entrepiso, C.A.B.A.
<b>Law (Ley)</b>	18.875 (Year 1971) *The Buy Argentinean and Suppliers Development Law Bill proposes to delete this Law.	National Congress	Buy National Law (Ley de Compre Nacional)	Establishes that the National Public Administration, its agencies, divisions, autarkic or decentralized entities, state companies and concessionaire public service provider companies are, in principle and subject to exceptions, required to contract with national consultancy professionals and companies.	<a href="http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=64610">http://servicios.infoleg.gob.ar/infolegInternet/vverNorma.do?iId=64610</a>	Industry and Services Secretariat under the Authority of the Ministry of Production (Secretaría de Industria y Servicios, dependiente del Ministerio de Producción)	National Secretary of Industry and Services (Secretario Nacional de Industria y Servicios)	Martin Alfredo ETCHEGOYEN	info@produccion.gob.ar	+54 11 43493697	Av. Hipólito Yrigoyen 250, C.A.B.A.

Jurisdiction		Classification		Sub-classification	
Autonomous City of Buenos Aires	Legislative Branch	2,095	General Regime	General Regime	
				Public Works Contract	
				Private Initiative Regime	
				Concessions for the Use of Goods of the Public Domain	
Preference Regime	Executive Branch	424/13	Contracts with a Particular Regime	Public-Private Partnership Contract	
				Local Preference Regime	

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	2,095	Legislative Branch	Procurement Framework of the Administration of CABA (Ley de Compras y Contrataciones de la Ciudad Autónoma de Buenos Aires)	Regulated entities: applies to the institutions of the Centralized and Decentralized Public Administration of CABA as well as to public companies, to the Judicial and Legislative Branch, and to all the bodies established by CABA's Constitution. Regulated contracts: Purchase contracts; supplies contracts; service contracts; rental contracts; rental contracts with public assets buying option; concession contracts to use public and private assets by the Executive Branch, the Legislative Branch and the Judicial Branch of CABA; and all contracts not expressly exempted (see below) as well as contracts regulated by special procedures. Exempted contracts: employment contracts; services and works provided to natural persons; petty cash purchases; contracts with foreign states, entities of public international law or multilateral credit institutions; contracts partially or totally financed by the above mentioned international institutions and contracts including public credit operations; public works; and public works concession contracts; and public service concession contracts. National and international tenders and biddings: International, whenever the characteristics or the complexity of the procurement project require a call for tender to foreign bidders without a duly registered branch office in Argentina.	<a href="http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	General Purchase and Procurement Directorate of the Autonomous City of Buenos Aires (Dirección General de Compras y Contrataciones dependiente del Ministerio de Hacienda de la Ciudad Autónoma de Buenos Aires)	Director-General of Purchase and Procurement (Directora General de Compras y Contrataciones)	Marisa TOJO (or María Inés GAIG)	mtjo@buenosaires.gob.ar (mpaig@buenosaires.gob.ar)	+54 11 43239400 int. 2110   2129   2131	Av. Rivadavia 524, 1° piso, C.A.B.A.
<b>Regulatory Decree (Decreto Reglamentario)</b>	326/17	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of CABA (Ley de Compras y Contrataciones de la Ciudad Autónoma de Buenos Aires)	Establishes the implementing regulations of Law No. 2,095.	<a href="http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	General Purchase and Procurement Directorate of the Autonomous City of Buenos Aires (Dirección General de Compras y Contrataciones dependiente del Ministerio de Hacienda de la Ciudad Autónoma de Buenos Aires)	Director-General of Purchase and Procurement (Directora General de Compras y Contrataciones)	Marisa TOJO (or María Inés GAIG)	mtjo@buenosaires.gob.ar (mpaig@buenosaires.gob.ar)	+54 11 43239400 int. 2110   2129   2131	Av. Rivadavia 524, 1° piso, C.A.B.A.
<b>Resolution (Resolución)</b>	424/13	Executive Branch	Buenos Aires Purchases System (Sistema Buenos Aires Compras (BAC))	Establishes that electronic procurements within the CABA Executive Branch are carried out by means of the Buenos Aires Purchases System (Sistema Buenos Aires Compras (BAC)).	<a href="https://www.buenosairescompras.gov.ar/Repositorio/Resoluciones/RES_424-13.pdf">https://www.buenosairescompras.gov.ar/Repositorio/Resoluciones/RES_424-13.pdf</a>	N/A	Treasury Minister (Ministro de Hacienda)	Martín Mura	mmura@buenosaires.gob.ar	+54 11 43239400 int. 2316	Av. Rivadavia 524, 1° piso, C.A.B.A.
<b>Law (Ley)</b>	70 (Year 1998)	Legislative Branch	No data available (Referral to Law No. 13.064)	Establishes that Law No. 13.064 applies until CABA adopts a regime on its own. Law No. 13.064 establishes the regulation for the National Public Works Regime in general. Considered public works are all constructions, work or industrial services executed with funds from the Nation's treasury with the exception those who are subsidized (they are regulated by a special regime) and military works.	<a href="http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Urban Development and Transport Ministry of the Autonomous City of Buenos Aires (Ministerio de Desarrollo Urbano y Transporte de la Ciudad Autónoma de Buenos Aires)	Urban Development and Transport Minister (Ministro de Desarrollo Urbano y Transporte)	Franco MOCCIA	mdvxt@buenosaires.gob.ar	+54 11 50309100	Av. Martín García 346, 5° piso, C.A.B.A.
<b>Decree (Decreto)</b>	1.254/08	Executive Branch	General Bidding Terms and Conditions for Mayor Works (Pliego de Bases y Condiciones Generales para Obras Mayores)	Adopts the General Bidding Terms and Conditions for Major Works according to Law No. 13.064.	<a href="http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Urban Development and Transport Ministry of the Autonomous City of Buenos Aires (Ministerio de Desarrollo Urbano y Transporte de la Ciudad Autónoma de Buenos Aires)	Urban Development and Transport Minister (Ministro de Desarrollo Urbano y Transporte)	Franco MOCCIA	mdvxt@buenosaires.gob.ar	+54 11 50309100	Av. Martín García 346, 5° piso, C.A.B.A.
<b>Decree (Decreto)</b>	481/2011	Executive Branch	General Bidding Terms and Conditions for Minor Public Works (Pliego de Bases y Condiciones Generales para Obras Públicas Menores)	Applies to the private tender and direct awarding selection procedures whenever the estimated procurement amount does not exceed AR\$ 3 million and 5 million respectively.	<a href="http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gov.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Urban Development and Transport Ministry of the Autonomous City of Buenos Aires (Ministerio de Desarrollo Urbano y Transporte de la Ciudad Autónoma de Buenos Aires)	Urban Development and Transport Minister (Ministro de Desarrollo Urbano y Transporte)	Franco MOCCIA	mdvxt@buenosaires.gob.ar	+54 11 50309101	Av. Martín García 346, 5° piso, C.A.B.A.

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Decree (Decreto)</b>	203/16	Executive Branch	No data available	Regulates matters related to the application of Law No. 13.064 in local jurisdictions and how its provisions apply to CABA. Establishes the amounts for the application of the General Bidding Terms and Conditions for Minor Public Works, the limits for direct awarding of public works according to Law No. 13.064 and the publication regime of for calls for public tenders according to Law No. 13.064.	<a href="http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Urban Development and Transport Ministry of the Autonomous City of Buenos Aires (Ministerio de Desarrollo Urbano y Transporte de la Ciudad Autónoma de Buenos Aires)	Urban Development and Transport Minister (Ministro de Desarrollo Urbano y Transporte)	Franco MOCCIA	mdykt@buenosaires.gob.ar	+54 11 50309102	Av. Martín García 346, 5° piso, C.A.B.A.
<b>Law (Ley)</b>	2.635 (Year 2007)	Legislative Branch	No data available	Establishes that CABA and its autarkic and decentralized entities adhere to National Decree No. 966/2005 (National Private Initiative Regime).	<a href="http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Ministry of Economic Development (Ministerio de Desarrollo Económico)	Minister of Modernization, Innovation and Technology (Ministro de Modernización, Innovación y Tecnología)	Andrés FREIRE	andvfreire@buenosaires.gob.ar	+54 11 50309200 int.2501	Av. Martín García 346, 5° piso, C.A.B.A.
<b>Decree (Decreto)</b>	45/10	Executive Branch	General Bidding Terms and Conditions for the granting of permits and concessions for the use of goods of CABA's public domain by means of the procedure of public tender, public auction and public auction using information technology (Pliegos de Bases y Condiciones Generales para el otorgamiento de permisos y concesiones de uso de los bienes de dominio público de la Ciudad de Buenos Aires, mediante el procedimiento de licitación pública, subasta pública y subasta pública con utilización de tecnología informática)	Adopts the General Bidding Terms and Conditions for the granting of permits and concessions for the use of goods of CABA's public domain by means of the procedure of public tender, public auction and public auction using information technology.	<a href="http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Directorate General of Concessions under the authority of the Ministry of Modernization, Innovation and Technology (Dirección General de Concesiones del Ministerio de Modernización, Innovación y Tecnología)	Director General of Asset Management and Concessions (Director General de Administración de Bienes y Concesiones)	Dr. Pablo Marcelo DIRROCCO	No data available	No data available	Av. Martín García 346, 5° piso, C.A.B.A.
<b>Law (Ley)</b>	5916 (Year 2017)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada)	CABA adheres to the National Public-Private Partnership (National Law No. 27328)	<a href="http://www.cedom.gov.ar/buscatleeyes.aspx">http://www.cedom.gov.ar/buscatleeyes.aspx</a>	No data available	No data available	No data available	No data available	No data available	No data available
<b>Law (Ley)</b>	590 (Year 2001)	Legislative Branch	Preference Regime in favour of suppliers of goods and services of national production (Régimen de preferencia a favor de proveedores de bienes y servicios de producción nacional)	Establishes the preferential treatment in favor of suppliers of goods and services of national production. Applies to all goods and services procurements carried out by the Executive, Legislative and Judicial Branch of CABA, the communes, control bodies, state companies as well as concessionaire, licensee and permit holder companies. Establishes that national provisions apply subsidiarily.	<a href="http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Directorate General of Purchases and Procurements under the authority of the Ministry of Treasury of the Autonomous City of Buenos Aires (Dirección General de Compras y Contrataciones dependiente del Ministerio de Hacienda de la Ciudad Autónoma de Buenos Aires)	Director General of Purchase and Procurement (Directora General de Compras y Contrataciones)	Marisa TOJO	+54 11 4323 9400 int. 2110 / 2129 / 2131	Av. Rivadavia 524, 1° piso, C.A.B.A.	
<b>Regulatory Decree (Decreto Reglamentario)</b>	890/02	Executive Branch	Implementing regulations of the Preference Regime in favour of suppliers of goods of national production (Reglamentación del Régimen de preferencia a favor de proveedores de bienes y servicios de producción nacional)	Establishes the implementing regulations of Law No. 590.	<a href="http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados">http://www.buenosaires.gob.ar/areas/leg_tecnica/sin/ind_ex.php#resultados</a>	Directorate General of Purchases and Procurements under the authority of the Ministry of Treasury of the Autonomous City of Buenos Aires (Dirección General de Compras y Contrataciones dependiente del Ministerio de Hacienda de la Ciudad Autónoma de Buenos Aires)	Director General of Purchase and Procurement (Directora General de Compras y Contrataciones)	Marisa TOJO	mttojo@buenosaires.gob.ar	+54 11 4323 9400 int. 2110 / 2129 / 2131	Av. Rivadavia 524, 1° piso, C.A.B.A.



Jurisdiction		Classification		Sub-classification							
Province of Buenos Aires	General Regime	General Regime		General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)				
		Contracts with a Particular Regime		Public Works Contract	Private Initiative Regime	Public Works Concession Contract	Public-Private Partnership Contract				
		Preference Regime		Local Preference Regime							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	13.981 (Year 2009)	Legislative Branch	Procurement Framework of the Administration of Buenos Aires (Subsistema de Contrataciones del Estado)	Regulates the procurements of the Province of Buenos Aires.	<a href="http://www.gob.gba.gov.ar/diuj/#13981">http://www.gob.gba.gov.ar/diuj/#13981</a>	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accountant of the Province of Buenos Aires (Contador General de la Provincia de Buenos Aires)	Gastón Ignacio MESSINEO	secont@cpn.gba.gov.ar	+54 221 4294467/ 4629 +54 221 4219332	Calle 46 entre 7 y 8 - Ciudad de La Plata, Provincia de Buenos Aires
<b>Decree (Decreto)</b>	1.300/16	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of Buenos Aires (Reglamentación de la Ley No. 13.981)	Establishes the implementing regulations of Law No. 13.981.	<a href="http://www.gob.gba.gov.ar/diuj/#130016">http://www.gob.gba.gov.ar/diuj/#130016</a>	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accountant of the Province of Buenos Aires (Contador General de la Provincia de Buenos Aires)	Gastón Ignacio MESSINEO	secont@cpn.gba.gov.ar	+54 221 4294467/ 4629 +54 221 4219332	Calle 46 e/7 y 8 Ciudad de La Plata, Provincia de Buenos Aires
<b>Resolution (Resolución)</b>	711/16	Executive Branch	General Bidding Terms and Conditions for Goods and Services Procurements (Pliego de Bases y Condiciones Generales para la Contratación de Bienes y Servicios)	Adopts the General Bidding Terms and Conditions for Goods and Services Procurements.	<a href="http://www.uaes.org.ar/documentos/buenosaires/docs/Res711-16-PUBCG-PCJA-BSAS.PDF">http://www.uaes.org.ar/documentos/buenosaires/docs/Res711-16-PUBCG-PCJA-BSAS.PDF</a>	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accountant of the Province of Buenos Aires (Contador General de la Provincia de Buenos Aires)	Gastón Ignacio MESSINEO	secont@cpn.gba.gov.ar	+54 221 4294467/ 4629 +54 221 4219332	Calle 46 e/7 y 8 Ciudad de La Plata, Provincia de Buenos Aires
<b>Law (Ley)</b>	6.021 (Year 1959)	Legislative Branch	Public Works Law (Ley de Obras Publicas)	Regulates the procurement of public works of the Province of Buenos Aires.	<a href="http://www.gob.gba.gov.ar/legislacion/legislacion/6021.html">http://www.gob.gba.gov.ar/legislacion/legislacion/6021.html</a>	Infrastructure and Public Services Ministry of the Province of Buenos Aires (Ministerio de Infraestructura y Servicios Públicos de la Provincia de Buenos Aires)	Infrastructure Minister (Ministro de Infraestructura)	Roberto GIGANTE	webmivsp@mosp.gba.gov.ar	+54 221 429 5000	Calle 47 Nº 1267 entre 58 y 59, Ciudad de La Plata, Provincia de Buenos Aires
<b>Decree (Decreto)</b>	5.488/59	Executive Branch	Implementing Regulations of the Public Works Law (Reglamentación de la Ley de Obras Publicas)	Establishes the implementing regulations of Law No. 6.021.	<a href="http://www.gob.gba.gov.ar/legislacion/legislacion/6021.html">http://www.gob.gba.gov.ar/legislacion/legislacion/6021.html</a>	Infrastructure and Public Services Ministry of the Province of Buenos Aires (Ministerio de Infraestructura y Servicios Públicos de la Provincia de Buenos Aires)	Infrastructure Minister (Ministro de Infraestructura)	Roberto GIGANTE	webmivsp@mosp.gba.gov.ar	+54 221 4295000	Calle 47 Nº 1267 entre 58 y 59, Ciudad de La Plata, Provincia de Buenos Aires
<b>Decree (Decreto)</b>	4.536/95	Executive Branch	No data available	Adopts the ordered text of the Public Works Law and its Implementing Regulations.	<a href="https://www.bcdiputados-ba.gov.ar/defleg/p19950435619951221.htm">https://www.bcdiputados-ba.gov.ar/defleg/p19950435619951221.htm</a>	Infrastructure and Public Services Ministry of the Province of Buenos Aires (Ministerio de Infraestructura y Servicios Públicos de la Provincia de Buenos Aires)	Infrastructure Minister (Ministro de Infraestructura)	Roberto GIGANTE	webmivsp@mosp.gba.gov.ar	+54 221 4295000	Calle 47 Nº 1267 entre 58 y 59, Ciudad de La Plata, Provincia de Buenos Aires
<b>Decree Law (Decreto Ley)</b>	9.254/79	Executive Branch	Public Works Concession Law (Ley de Concesión de Obra Publica)	Establishes that the Executive Branch may grant fixed-term public works concessions to private or mixed companies or to public entities - against payment, free of charge or subsidized - for the construction, conservation or operation of public works. <a href="http://www.bcdiputados-ba.gov.ar/defleg/p19950435619951221.htm">http://www.bcdiputados-ba.gov.ar/defleg/p19950435619951221.htm</a>	<a href="http://www.gob.gba.gov.ar/legislacion/legislacion/d-9254.html">http://www.gob.gba.gov.ar/legislacion/legislacion/d-9254.html</a>	Infrastructure and Public Services Ministry of the Province of Buenos Aires (Ministerio de Infraestructura y Servicios Públicos de la Provincia de Buenos Aires)	Infrastructure Minister (Ministro de Infraestructura)	Roberto GIGANTE	webmivsp@mosp.gba.gov.ar	+54 221 4295000	Calle 47 Nº 1267 entre 58 y 59, Ciudad de La Plata, Provincia de Buenos Aires
<b>Law (Ley)</b>	13.810 (Year 2008)	Legislative Branch	No data available	Establishes that the Province of Buenos Aires adheres to National Decree No. 966/2005 (National Private Initiative Regime).	<a href="http://www.gob.gba.gov.ar/legislacion/legislacion/13810.html">http://www.gob.gba.gov.ar/legislacion/legislacion/13810.html</a>	Secretariat General of Governance, Ministry of the Chief of Ministers and Ministry of Economy (Secretaría General de la Gobernación, el Ministerio de Jefatura de Gabinete de Ministros y el Ministerio de Economía)	Secretary General (Secretario General)	Lic. Fabián PERECHODNIK	privada.secretariageneral@sga.gba.gov.ar	+54 221 4294050	Calle 6 e/ 51 y 53, Ciudad de La Plata, Provincia de Buenos Aires



Hierarchy	Law (Ley)	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	14920 (Year 2017)		Legislative Branch	Public-Private Partnership Law (Ley de "Contratos de Participación Público-Privada")	BA adheres to the National Public Private Partnership Regime (National Law No. 27328)	<a href="http://www.gob.gba.gov.ar/dij/#/DIIJ_buscador.php?tipo=03">http://www.gob.gba.gov.ar/dij/#/DIIJ_buscador.php?tipo=03</a>	Economic Ministry (Ministerio de Economía)	Economic Minister (Ministro de Economía)	Hernán LACUNZA	mescono@ec.gba.gov.ar	+54 221 4294501/4502	Calle 6 e/ 51 y 53, Ciudad de La Plata, Provincia de Buenos Aires
<b>Law (Ley)</b>	13.981 (Year 2009)		Legislative Branch	Sub-system of Procurements of the State (Subsistema de Contrataciones del Estado)	Article 22 et seq. establish the preference regime in favour of goods of national origin.	<a href="http://www.gob.gba.gov.ar/dij/#13981">http://www.gob.gba.gov.ar/dij/#13981</a>	General Accounting Office of the Province of Buenos Aires (Contaduría General de la Provincia de Buenos Aires (art. 3 of Decree 1.300/16)	General Accountant of the Province of Buenos Aires (Contador General de la Provincia de Buenos Aires)	Gastón Ignacio MESSINEO	seccont@egp.gba.gov.ar	+54 221 4294467/4629 +54 221 4219232	Calle 46 entre 7 y 8 - Ciudad de La Plata - Provincia de Buenos Aires

Jurisdiction		Classification	Sub-classification
Province of Catamarca		General Regime	General Regime
		Contracts with a Particular Regime	Public Works Contract
		Preference Regime	Local Preference Regime

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	4.938 (Year 1998)	Legislative Branch	Procurement Framework of the Administration of Catamarca (Ley de Administración Financiera, De los Bienes y Sistemas de Control del Sector Público)	In Title VI of the Framework of the procurement system of the public sector is established.	<a href="http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PL&amp;numero=4938">http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PL&amp;numero=4938</a>	General Accounting Office of the Province of Catamarca (Contaduría General de la Provincia de Catamarca)	Treasury and Finance Minister (Ministro de Hacienda y Finanzas)	Ricardo Ramón AREDES (WAJUCIO B. HEZZE)	ministero@bienesycatamarca.gov.ar minhaz@bienesycatamarca.gov.ar	+54 383 4437536 +54 383 15409564	Sarmiento 589 San Fernando del Valle de Catamarca Provincia de Catamarca
<b>Decree (Decreto)</b>	2.248/08	Executive Branch	Partial Implementing Regulations of the Procurement Framework of the Administration of Catamarca (Reglamentación parcial de la Ley de Administración Financiera, De los Bienes y Sistemas de Control del Sector Público)	Establishes the implementing of regulations of Law No. 4.938.	<a href="http://www.hacienda.catamarca.gov.ar/pdf/Decreto%20Acuerdo%202248%20Anexo%20L.pdf">http://www.hacienda.catamarca.gov.ar/pdf/Decreto%20Acuerdo%202248%20Anexo%20L.pdf</a>	General Accounting Office of the Province of Catamarca (Contaduría General de la Provincia de Catamarca)	Treasury and Finance Minister (Ministro de Hacienda y Finanzas)	Ricardo Ramón AREDES (WAJUCIO B. HEZZE)	ministero@bienesycatamarca.gov.ar minhaz@bienesycatamarca.gov.ar	+54 383 4437536 +54 383 15409564	Sarmiento 589 San Fernando del Valle de Catamarca Provincia de Catamarca
<b>Law (Ley)</b>	2.730 (Year 1964)	Legislative Branch	Public Works Law of Catamarca (Ley de Obras Publicas de Catamarca)	Establishes the regime which applies to provincial public works.	<a href="http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PL&amp;numero=2730">http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PL&amp;numero=2730</a>	Public Works Ministry (Ministerio de Obras Publicas)	Public Works Minister (Ministro de Obras Públicas)	Rubén Roberto DUSO	No data available	+54 383 4459000 INT 9195	Avenida República de Venezuela s/n C.P.E. Pabellón 2º San Fernando del Valle de Catamarca Provincia de Catamarca
<b>Law (Ley)</b>	5.038 (Year 2001)	Legislative Branch	Buy and contract preferentially Catamarca Law (Ley de Compra y Contrate preferentemente catamarqueño)	Establishes preferential treatment in favour of goods produced in the Province and in favour of works and services provided by local companies or professionals.	<a href="http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PL&amp;numero=5038">http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PL&amp;numero=5038</a>	Unique Register of Local Companies and Providers - Catamarca Products - Services and Public Works Contractors, within the Provincial Directorate of Industry, Commerce and Industrial Promotion under the authority of the Production and Development Ministry (Registro Único de Empresas y Proveedores Locales - Productos Catamarqueños - Servicios y Contratistas de Obras Públicas, en el ámbito Dirección Provincial de Industria, Comercio y Promoción Industrial, organismo dependiente del Ministerio de Producción y Desarrollo)	Production and Development Minister (Ministro de Producción y Desarrollo)	Raúl CHICO	No data available	+54 383 4437568 / 4424343	Sarmiento 589 - 4º piso San Fernando del Valle de Catamarca Provincia de Catamarca
<b>Regulatory Decree (Decreto Reglamentario)</b>	1.122/01	Executive Branch	Implementing Regulations of the Buy and contract preferentially Catamarca Law (Reglamentación de la Ley de Compra y Contrate preferentemente catamarqueño)	Establishes the implementing of regulations of Law No. 5.038.	<a href="http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PD&amp;numero=1122">http://www.ccp-catamarca.gov.ar/documentacion.php?tipo=PD&amp;numero=1122</a>	Unique Register of Local Companies and Providers - Catamarca Products - Services and Public Works Contractors, within the Provincial Directorate of Industry, Commerce and Industrial Promotion under the authority of the Production and Development Ministry (Registro Único de Empresas y Proveedores Locales - Productos Catamarqueños - Servicios y Contratistas de Obras Públicas, en el ámbito Dirección Provincial de Industria, Comercio y Promoción Industrial, organismo dependiente del Ministerio de Producción y Desarrollo)	Production and Development Minister (Ministro de Producción y Desarrollo)	Raúl CHICO	No data available	+54 383 4437568 / 4424343	Sarmiento 589 - 4º piso San Fernando del Valle de Catamarca Provincia de Catamarca

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Decree (Decreto)</b>	445/02	Executive Branch	Tutorial for the application of Law No. 5.038 and Regulatory Decree 1.122/01 (Instructivo para la aplicación de la Ley N° 5.038 y Decreto Reglamentario N° 1.122/01)	Adopts the Tutorial for the application of Law No. 5.038 and Regulatory Decree 1.122/01.	<a href="http://www.ccp-catamarca.gob.ar/documentacion.php?tipo=PD&amp;numero=445">http://www.ccp-catamarca.gob.ar/documentacion.php?tipo=PD&amp;numero=445</a>	Unique Register of Local Companies and Providers - Catamarcan Products - Services and Public Works Contractors, within the Provincial Directorate of Industry, Commerce and Industrial Promotion under the authority of the Production and Development Ministry (Registro Único de Empresas y Proveedores Locales - Productos Catamarqueños - Servicios y Contratistas de Obras Públicas, en el ámbito Dirección Provincial de Industria, Comercio y Promoción Industrial, organismo dependiente del Ministerio de Producción y Desarrollo)	Production and Development Minister (Ministro de Producción y Desarrollo)	Raúl CHICO	No data available	+54-383-4437298 / 4426343	Sarmiento 899 - 4º piso San Fernando del Valle de Catamarca Provincia de Catamarca



Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Decree (Decreto)</b>	1.874/00	Executive Branch	Implementing Regulations of the Provincial Purchase and Procurement Regime (Buy) (Reglamentación del Régimen de Compras y Contratación Provincial (Compre))	Establishes the implementing regulations of Law No. 4.713.	<a href="http://www.sajj.gob.ar/1874-local-chaco-reglamenta-ley-4713-compre-chaqueno-h20000001874-2000-10-09/123456789-0abc-478-1000-0002hvorpced">http://www.sajj.gob.ar/1874-local-chaco-reglamenta-ley-4713-compre-chaqueno-h20000001874-2000-10-09/123456789-0abc-478-1000-0002hvorpced</a>	Ministry of Treasury and Public Finances (Ministerio de Hacienda y Finanzas Públicas)	Infrastructure and Public Service Minister (Ministro de Infraestructura y Servicios Públicos)	Humberto Fabián ECHAZARRETA	cgc...info@chaco.gov.ar	+54 362 444 8027 Internos 8027-8147	Marcelo T. de Alvear 145, P149 2º Ed. "B" Resistencia Provincia de Chaco

Jurisdiction			Classification			Sub-classification					
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Province of Chubut			General Regime	General Regime		General Regime	General Regime				
			Contracts with a Particular Regime	Contracts with a Particular Regime		Public Works Contract	Public Works Contract				
			Preference Regime	Preference Regime		Public-Private Partnership Contract	Public-Private Partnership Contract				
						Local Preference Regime	Local Preference Regime				
<b>Law (Ley)</b>	II No. 76 (formerly Law No. 5.447, Year 2009)	Legislative Branch	Procurement Framework of the Administration of Chubut (Ley de Administración Financiera)	In Chapter VII (Del Sistema de Contrataciones) provincial public procurements are regulated.	<a href="http://www.legischubut2.gov.ar/digesto/1/11-76.html">http://www.legischubut2.gov.ar/digesto/1/11-76.html</a>	Provincial Procurement Office under the authority of the Ministry of Economy and Public Credit of the Province of Chubut (Oficina Provincial de Contrataciones (OPC) dependiente del Ministerio de Economía y Crédito Público de la Provincia de Chubut)	Financial Coordination Under-secretary (Subsecretario de Coordinación Financiera)	Marcos BENSIMON	comprascontratacioneschubut@gmail.com	+54 279 4482263 Interno 348	Av. 25 de Mayo 550, Planta Alta Ciudad de Rawson
<b>Decree (Decreto)</b>	777/06	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of Chubut (Reglamentación de la Ley II No. 76)	Establishes the implementing regulations of Law II No. 76.	<a href="http://www.chubut.gov.ar/po-organismos/contrataciones/2009/11/27/decreto-n%C2%AA-77706-contrataciones/">http://www.chubut.gov.ar/po-organismos/contrataciones/2009/11/27/decreto-n%C2%AA-77706-contrataciones/</a>	Provincial Procurement Office under the authority of the Ministry of Economy and Public Credit of the Province of Chubut (Oficina Provincial de Contrataciones (OPC) dependiente del Ministerio de Economía y Crédito Público de la Provincia de Chubut)	Financial Coordination Under-secretary (Subsecretario de Coordinación Financiera)	Marcos BENSIMON	comprascontratacioneschubut@gmail.com	+54 280 4482263 Interno 348	Av. 25 de Mayo 550, Planta Alta Ciudad de Rawson
<b>Resolution (Resolución)</b>	1 SCE-OPC/2006	Sub-secretariat of Economic Coordination	General Bidding Terms and Conditions and Model Specific Bidding Terms and Conditions (Pliego Tipo de Bases y Condiciones Generales y Pliego Modelo de Cláusulas Particulares)	Adopts the General Bidding Terms and Conditions and Model Specific Bidding Terms and Conditions.	<a href="http://www.chubut.gov.ar/po-organismos/contrataciones/wp-content/uploads/sites/21/2017/01/TITULO-050.pdf">http://www.chubut.gov.ar/po-organismos/contrataciones/wp-content/uploads/sites/21/2017/01/TITULO-050.pdf</a>	Provincial Procurement Office under the authority of the Ministry of Economy and Public Credit of the Province of Chubut (Oficina Provincial de Contrataciones (OPC) dependiente del Ministerio de Economía y Crédito Público de la Provincia de Chubut)	Financial Coordination Under-secretary (Subsecretario de Coordinación Financiera)	Marcos BENSIMON	comprascontratacioneschubut@gmail.com	+54 280 4482263 Interno 348	Av. 25 de Mayo 550, Planta Alta Ciudad de Rawson
<b>Law (Ley)</b>	I - No. 11 (formerly Law No. 533)	Legislative Branch	Public Works Law (Ley de Obras Públicas)	Establishes the regime which applies to provincial public works.	<a href="http://www.chubut.gov.ar/po-organismos/oxp/?p=1103">http://www.chubut.gov.ar/po-organismos/oxp/?p=1103</a>	Under-secretariat of Public Works of the Ministry of Infrastructure, Planning and Public Services (Subsecretaría de Obras Públicas del Ministro de Infraestructura, Planeamiento y Servicios Públicos)	Public Works Under-secretary (Subsecretario de Obras Públicas)	Daniel MARTINEZ	contacto@chubut.gov.ar	+54 280 4480200	Fontana 50 Ciudad de Rawson
<b>Law (Ley)</b>	I - No. 118 (formerly Law No. 3.234)	Legislative Branch	Provincial Public Works Concession Regime (Régimen provincial de Concesiones de Obra Pública)	Establishes that the Executive Branch may grant fixed-term public works concessions to private or mixed companies or to public charges or subsidized for the operation of public works by means of fee or toll collection according to the procedures established in the norm.	<a href="http://www.legischubut2.gov.ar/digesto/1/1-118.html">http://www.legischubut2.gov.ar/digesto/1/1-118.html</a>	Under-secretariat of Public Works of the Ministry of Infrastructure, Planning and Public Services (Subsecretaría de Obras Públicas del Ministro de Infraestructura, Planeamiento y Servicios Públicos)	Public Works Under-secretary (Subsecretario de Obras Públicas)	Daniel MARTINEZ	contacto@chubut.gov.ar	+54 280 4480200	Fontana 50 Ciudad de Rawson
<b>Law (Ley)</b>	I 616	Legislative Branch	Public-Private Partnership Contracts Law (Ley de Contratos de Participación Público-Privada)	Chubut adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://www.legischubut2.gov.ar/digesto/1/1-616.html">http://www.legischubut2.gov.ar/digesto/1/1-616.html</a>	No data available	No data available	No data available	No data available	No data available	No data available
<b>Law (Ley)</b>	Ley II No. 76 (formerly Law No. 5.447)	Legislative Branch	Financial Administration Law (Ley de Administración Financiera)	Establishes a preference regime in favour of provincial productions and suppliers.	<a href="http://www.legischubut2.gov.ar/digesto/1/11-76.html">http://www.legischubut2.gov.ar/digesto/1/11-76.html</a>	Provincial Procurement Office under the authority of the Ministry of Economy and Public Credit of the Province of Chubut (Oficina Provincial de Contrataciones (OPC) dependiente del Ministerio de Economía y Crédito Público de la Provincia de Chubut)	Financial Coordination Under-secretary (Subsecretario de Coordinación Financiera)	Marcos BENSIMON	comprascontratacioneschubut@gmail.com	+54 279 4482263 Interno 348	Av. 25 de Mayo 550, Planta Alta Ciudad de Rawson



Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	104/09	Legislative Branch	Public-Private Partnership Contracts Law (Ley de Contratos de Participación Público-Privada)	Cordoba adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://web2.dba.gov.ar/web/leyes.nsf/85a69556119ea43003257234006a8594f02a38763d7736480032580b30051e563?OpenDocument">http://web2.dba.gov.ar/web/leyes.nsf/85a69556119ea43003257234006a8594f02a38763d7736480032580b30051e563?OpenDocument</a>	No data available	No data available	No data available	No data available	No data available	
<b>Law (Ley)</b>	9.331 (Year 2006)	Legislative Branch	Local Goods Preference Law (Ley de Preferencia a Bienes de origen local)	Establishes a preference regime in favour of products, consumable goods, capital assets and services produced rendered in the Province of Córdoba.	<a href="http://web2.dba.gov.ar/web/leyes.nsf/0984EC59D9B A3FE7E032572500599725?OpenDocument&amp;Highlight=09331">http://web2.dba.gov.ar/web/leyes.nsf/0984EC59D9B A3FE7E032572500599725?OpenDocument&amp;Highlight=09331</a>	Finance Ministry and Ministry of Industry, Commerce and Mining (Ministerio de Finanzas y Ministerio de Industria, Comercio y Minería)	Finance Minister and Minister of Industry, Commerce and Mining (Ministro de Finanzas y Ministerio de Industria, Comercio y Minería)	Ministro de Finanzas: OSVALDO GIORDANO Ministro de Industria Comercio y Minería: Roberto AVALLE	ministerio.finanzas@cba.gov.ar privadamcym@cba.gov.ar	+54 351 4474830 +54 351 432485795	Concepción Arenal 54, Córdoba Belgrano 347, Córdoba
<b>Decree (Decreto)</b>	405/07	Executive Branch	Implementing Regulations of Law 9.331 (Reglamentación de la Ley No. 9.331)	Establishes the implementing regulations of Law No. 9.331.	<a href="http://web2.dba.gov.ar/web/leyes.nsf/36704c1158c32011032572340058a00272b06a14ee981524f03257d15005c373c?OpenDocument">http://web2.dba.gov.ar/web/leyes.nsf/36704c1158c32011032572340058a00272b06a14ee981524f03257d15005c373c?OpenDocument</a>	Finance Ministry and Ministry of Industry, Commerce and Mining (Ministerio de Finanzas y Ministerio de Industria, Comercio y Minería)	Finance Minister and Minister of Industry, Commerce and Mining (Ministro de Finanzas y Ministerio de Industria, Comercio y Minería)	Ministro de Finanzas: OSVALDO GIORDANO Ministro de Industria Comercio y Minería: Roberto AVALLE	ministerio.finanzas@cba.gov.ar privadamcym@cba.gov.ar	+54 351 4474830 +54 351 432485795	Concepción Arenal 54, Córdoba Belgrano 347, Córdoba



Jurisdiction			Classification		Sub-classification						
Province of Corrientes			General Regime		General Regime						
			Contracts with a Particular Regime		Public Works Contract						
					Investment promotion						
			Public-Private Partnership Contract								
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	5.571 (Year 2004)	Legislative Branch	Procurement Framework of the Administration of Corrientes (Ley de Administración Financiera y de los Sistemas de Control, Contrataciones y Administración de los Bienes del Sector Público Provincial)	In Title VIII "Del Sistema de Contrataciones" the provincial procurements are regulated.	<a href="http://www.ccpccorrientes.gov.ar/busqueda.php?q=contrataciones">http://www.ccpccorrientes.gov.ar/busqueda.php?q=contrataciones</a>	Ministry of Treasury and Finances (Ministerio de Hacienda y Finanzas)	Treasury and Finance Minister (Ministro de Hacienda y Finanzas)	José Enriquez VAZ TORRES	industriacorrientes@gmail.com	No data available	Carlos Pellegrini 1077 Ciudad de Corrientes
<b>Decree (Decreto)</b>	3.056/04	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of Corrientes (Reglamentación de la Ley de la Administración Financiera y de los Sistemas de Control, Contrataciones y Administración de los Bienes del Sector Público Provincial)	Establishes the implementing regulations of Law No. 3.571.	<a href="http://www.uape.org.ar/documentos/corrientes/docs/3056.pdf">http://www.uape.org.ar/documentos/corrientes/docs/3056.pdf</a>	Ministry of Treasury and Finances (Ministerio de Hacienda y Finanzas)	Treasury and Finance Minister (Ministro de Hacienda y Finanzas)	José Enriquez VAZ TORRES	industriacorrientes@gmail.com	No data available	Carlos Pellegrini 1077 Ciudad de Corrientes
<b>Decree (Decreto)</b>	3.079 (Year 1972)	Executive Branch	Public Works Law of the Province of Corrientes (Ley de Obras Públicas de la Provincia de Corrientes)	Regulates the provincial public works procurements.	<a href="http://www.dpo.gov.ar/pdfs/leydec/ley_3079-72.pdf">http://www.dpo.gov.ar/pdfs/leydec/ley_3079-72.pdf</a>	Planning and Works Directorate (Dirección de Planificación y Obras)	Planning and Works Director (Director de Planificación y Obras)	José Luis MATZNER	No data available	+54 379 4470159	Avenida 3 de Abril 1250 Ciudad de Corrientes
<b>Decree (Decreto)</b>	4.800/72	Executive Branch	Implementing Regulations of the Public Works Law of the Province of Corrientes (Reglamentación de Ley de Obras Públicas de la Provincia de Corrientes)	Establishes the implementing regulations of Law No. 3.079.	<a href="http://www.dpo.gov.ar/pdfs/leydec/Decreto_4800-72.pdf">http://www.dpo.gov.ar/pdfs/leydec/Decreto_4800-72.pdf</a>	Planning and Works Directorate (Dirección de Planificación y Obras)	Planning and Works Director (Director de Planificación y Obras)	José Luis MATZNER	No data available	+54 380 4470159	Avenida 3 de Abril 1250 Ciudad de Corrientes
<b>Decree (Decreto)</b>	3.019/73	Executive Branch	General Unique Bidding Terms and Conditions for the Procurement of Public Works (Pliego General Único de Bases y Condiciones para la Contratación de Obras Públicas)	Adopts the General Unique Bidding Terms and Conditions for the Procurement of Public Works.	<a href="http://www.dpo.gov.ar/leydec.php">http://www.dpo.gov.ar/leydec.php</a>	Planning and Works Directorate (Dirección de Planificación y Obras)	Planning and Works Director (Director de Planificación y Obras)	José Luis MATZNER	No data available	+54 380 4470159	Avenida 3 de Abril 1250 Ciudad de Corrientes
<b>Law (Ley)</b>	5.470 (Year 2002)	Legislative Branch	Investment Promotion Regime (Regimen de Promoción de Inversiones)	Establishes an Investment Promotion Regime for private enterprises related to the activities in the sectors of agriculture, agromachinery, industry, tourism, recreation and entertainment.	<a href="https://www.dgcorrientes.gov.ar/remociones/consultarContenido.do?categoria=381&amp;contenido=368">https://www.dgcorrientes.gov.ar/remociones/consultarContenido.do?categoria=381&amp;contenido=368</a>	Industry Under-secretariat of the Industry Ministry (Subsecretaría de Industria del Ministerio de Industria)	Industry Under-secretary (Subsecretario de Industria)	Alfredo VARA	industriacorrientes@gmail.com	No data available	Avenida 3 de Abril 1250 Ciudad de Corrientes
<b>Law (Ley)</b>	6435 (Year 2018)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada)	Corrientes adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://boletoficial.corrientes.gov.ar/assets/articulo_adjuntos/3517/original/19-03-2018-pdf71521543587">http://boletoficial.corrientes.gov.ar/assets/articulo_adjuntos/3517/original/19-03-2018-pdf71521543587</a>	No data available	No data available	No data available	No data available	No data available	No data available

Jurisdiction			Classification		Sub-classification					
Province of Entre Ríos			General Regime	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address	
			Contracts with a Particular Regime							General Regime
										Public Works Contract
			Public-Private Partnership Contract							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)					
<b>Law (Law)</b>	5.140 (Year 1995)	Legislative Branch	Procurement Framework of the Administration of Entre Ríos (Ley de Contabilidad Pública)	In Title III provincial procurements are regulated.	<a href="http://www.juse.entrerios.gov.ar/biblioteca/ley-5-140-t-o-sesun-decreto-no-40495-meosp-b-0-210296-contabilidad-publica/">http://www.juse.entrerios.gov.ar/biblioteca/ley-5-140-t-o-sesun-decreto-no-40495-meosp-b-0-210296-contabilidad-publica/</a>	Central Procurement Unit under the authority of the Ministry of Economy, Treasury and Finance (Unidad Central de Contrataciones dependiente del Ministerio de Economía, Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Pedro GONZALEZ SOLANO direccioncontrataciones@entrieros.gov.ar	+54 343 4208870/71	Victoria 263 Ciudad de Paraná
<b>Regulatory Decree (Decreto Reglamentario)</b>	795/96	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of Entre Ríos (Reglamentación de la Ley de Contabilidad Pública)	Establishes the implementing regulations of Law No. 5.140.	<a href="http://www.entrieros.gov.ar/contrataciones/usefiles/files/795%20Decreto%20alzado%2021-9-15.pdf">http://www.entrieros.gov.ar/contrataciones/usefiles/files/795%20Decreto%20alzado%2021-9-15.pdf</a>	Central Procurement Unit under the authority of the Ministry of Economy, Treasury and Finance (Unidad Central de Contrataciones dependiente del Ministerio de Economía, Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Pedro GONZALEZ SOLANO direccioncontrataciones@entrieros.gov.ar	+54 343 4208870/71	Victoria 263 Ciudad de Paraná
<b>Decree (Decreto)</b>	723/17	Executive Branch	General Bidding Terms and Conditions for Public Tenders (Pliego de Condiciones Generales. Licitaciones públicas)	Adopts the General Bidding Terms and Conditions for Public Tenders.	<a href="http://www.entrieros.gov.ar/contrataciones/idepagina_textosmenu.html#modulo=8accio">http://www.entrieros.gov.ar/contrataciones/idepagina_textosmenu.html#modulo=8accio</a>	Central Procurement Unit under the authority of the Ministry of Economy, Treasury and Finance (Unidad Central de Contrataciones dependiente del Ministerio de Economía, Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Pedro GONZALEZ SOLANO direccioncontrataciones@entrieros.gov.ar	+54 343 4208870/71	Victoria 263 Ciudad de Paraná
<b>Law (Law)</b>	6.351 (Year 1979)	Legislative Branch	Public Works Law (Ley de Obras Públicas)	Regulates provincial public works procurements.	<a href="http://www.sajj.gob.ar/6351-local-entrieros-ley-obras-publicas-lpe0006351-1979-04-03/123456789-0abc-defg-153-6000eovrtye!/">http://www.sajj.gob.ar/6351-local-entrieros-ley-obras-publicas-lpe0006351-1979-04-03/123456789-0abc-defg-153-6000eovrtye!/?</a>	Ministry of Planning, Infrastructure and Services (Ministerio de Planeamiento, Infraestructura y Servicios)	Minister of Planning, Infrastructure and Services (Ministro de Planeamiento, Infraestructura y Servicios)	Luis Alberto BENEDETTO No data available	No data available	Casa de Gobierno - 1º Piso - Oficina 85 Ciudad de Paraná
<b>Decree (Decreto)</b>	958/79	Executive Branch	Implementing regulations of the Public Works Law (Reglamentación de la Ley de Obras Públicas)	Establishes the implementing regulations of Law No. 6.351.	<a href="http://www.sajj.gob.ar/6351-local-entrieros-ley-obras-publicas-lpe0006351-1979-04-03/123456789-0abc-defg-153-6000eovrtye!/">http://www.sajj.gob.ar/6351-local-entrieros-ley-obras-publicas-lpe0006351-1979-04-03/123456789-0abc-defg-153-6000eovrtye!/?</a>	Ministry of Planning, Infrastructure and Services (Ministerio de Planeamiento, Infraestructura y Servicios)	Minister of Planning, Infrastructure and Services (Ministro de Planeamiento, Infraestructura y Servicios)	Luis Alberto BENEDETTO No data available	No data available	Casa de Gobierno - 1º Piso - Oficina 85 Ciudad de Paraná
<b>Law (Law)</b>	10564 (Year 2018)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de Contratación Participación Público-Privada)	Entre Ríos adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="https://www.entrieros.gov.ar/boletin/calendario/Boletin/2018/Marzo/19-03-18.pdf">https://www.entrieros.gov.ar/boletin/calendario/Boletin/2018/Marzo/19-03-18.pdf</a>	No data available	No data available	No data available	No data available	No data available

Jurisdiction		Classification		Sub-classification							
Province of Formosa		General Regime		General Regime							
		Contracts with a Particular Regime		Public Works Contract							
		Preference Regime		Local Preference Regime							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	1.180 (Year 1995)	Legislative Branch	Procurement Framework of the Administration of Formosa (Ley de Administración Financiera, Administración de Bienes, Contrataciones y Sistema de Control del Sector Público Provincial)	In Title VII "De las Contrataciones" the provincial procurement regime is regulated.	<a href="http://www.legislativaformosa.gov.ar/?seccion=verley&amp;nr=1180">http://www.legislativaformosa.gov.ar/?seccion=verley&amp;nr=1180</a>	Central Procurement Unit under the authority of the Ministry of Economy, Treasury and Finance (Unidad Central de Contrataciones dependiente del Ministerio de Economía, Hacienda y Finanzas)	Procurement Director (Director de Contrataciones)	Jorge Augusto CABREBRA	ucapcontrataciones@formosa.gov.ar	+54 370 4434883	Fotheringham 99 - Este Ciudad de Formosa Provincia de Formosa
<b>Law (Ley)</b>	70 (Year 1959)	Legislative Branch	Implementing Regulations of the Procurement Framework of the Administration of Formosa (Ley general de Obras Públicas)	Establishes the regime that applies to provincial public works.	<a href="http://www.legislativaformosa.gov.ar/?seccion=verley&amp;nr=70">http://www.legislativaformosa.gov.ar/?seccion=verley&amp;nr=70</a>	Ministry of Economy, Treasury and Finances (Ministerio de Economía, Hacienda y Finanzas)	Minister of Economy, Treasury and Finances (Ministro de Economía, Hacienda y Finanzas)	Jorge Oscar Ibañez	economia@formosa.gov.ar	+54 370 4426541 / 4433411	Belgrano 878 - Piso 10 Ciudad de Formosa Provincia de Formosa
<b>Law (Ley)</b>	827 (Year 1988)	Legislative Branch	Buy Provincial (Compre Provincial)	Establishes the provincial preference regime.	<a href="http://www.legislativaformosa.gov.ar/?seccion=verley&amp;nr=827">http://www.legislativaformosa.gov.ar/?seccion=verley&amp;nr=827</a>	Buy Provincial Commission within the Ministry of Economy, Treasury and Finances (Comisión de Compra Provincial en el Ambito del Ministerio de Economía, Hacienda y Finanzas)	Minister of Economy, Treasury and Finances (Ministro de Economía, Hacienda y Finanzas)	Jorge Oscar IBANEZ	economia@formosa.gov.ar	+54 370 4426541 / 4433411	Belgrano 878 - Piso 10 Ciudad de Formosa Provincia de Formosa

Jurisdiction			Classification		Sub-classification						
Province of Jujuy			General Regime	Public Works Contract	General Regime						
			Preference Regime	Local Preference Regime	Local Preference Regime						
Hiérarch. y	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	4.958 (Year 1996)	Executive Branch	Procurement Framework of the Administration of Jujuy (Ley de Administración Financiera de la Provincia)	Together with Decree No. 159 H/G-57, regulates the procurements of the Province of Jujuy.	<a href="http://www.ujpe.org.ar/documentos/Jujuy/docs/4958.pdf">http://www.ujpe.org.ar/documentos/Jujuy/docs/4958.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	General Accountant of the Province (Contador General de la Provincia)	Salvador Armando MEYER	No data available	3884239462	Foehningham 99 - Este Ciudad de Formosa Provincia de Formosa
Decree (Decreto)	159 H/G-57	Executive Branch	Procurement Framework of Jujuy (Ley de Contabilidad)	In Chapter VI, together with Law No. 4.958, regulates the procurements of the Province of Jujuy.	<a href="http://www.tribunaesajujuy.gob.ar/Archivos/ley/ley4958contabilidad.pdf">http://www.tribunaesajujuy.gob.ar/Archivos/ley/ley4958contabilidad.pdf</a>	Directorate of the State Contractor and Suppliers Register (Dirección de Registro de Contratistas y Proveedores del Estado)	Director of the State Contractor and Suppliers Register (Director de Registros y Proveedores del Estado)	No data available	No data available	No data available	San Martín 450 Ciudad de San Salvador de Jujuy
Decree (Decreto)	3.716-H-78	Executive Branch	Implementing Regulations of the Procurement Framework of Jujuy (Reglamentación de la Ley de Contabilidad)	Establishes the implementing regulations of the Procurement Framework of the Administration of Jujuy.	<a href="http://www.tribunaesajujuy.gob.ar/Archivos/decreto/Decreto3716h1978.pdf">http://www.tribunaesajujuy.gob.ar/Archivos/decreto/Decreto3716h1978.pdf</a>	Directorate of the State Contractor and Suppliers Register (Dirección de Registro de Contratistas y Proveedores del Estado)	Director of the State Contractor and Suppliers Register (Director de Registros y Proveedores del Estado)	No data available	No data available	No data available	No data available
Law (Ley)	1.864 (Year 1948)	Legislative Branch	General Public Works Law (Ley general de Obras Públicas)	Establishes the provincial public works procurement regime.	<a href="http://www.justicialujuy.gov.ar/informacion/composicion/contaduria/ley41-interna/contaduria/93-legislacion?temaId=67">http://www.justicialujuy.gov.ar/informacion/composicion/contaduria/ley41-interna/contaduria/93-legislacion?temaId=67</a>	Ministry of Infrastructure, Public Services, Land and Housing (Ministerio de Infraestructura, Servicios Públicos, Tierra y Vivienda)	Minister of Infrastructure, Public Services, Land and Housing (Ministro de Infraestructura, Servicios Públicos, Tierra y Vivienda)	Jorge RIZZOTTI	No data available	No data available	San Martín 450 Ciudad de San Salvador de Jujuy
Law (Ley)	6056	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada)	Jujuy adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://boletinasajujuy.gob.ar/2/p=62316">http://boletinasajujuy.gob.ar/2/p=62316</a>	No data available	No data available	No data available	No data available	No data available	No data available
Law (Ley)	5.187 (Year 2000)	Legislative Branch	Buy Provincial (Compra Provincial)	Establishes the provincial preference regime.	<a href="http://www.ujpe.org.ar/documentos/Jujuy/docs/5185.pdf">http://www.ujpe.org.ar/documentos/Jujuy/docs/5185.pdf</a>	Buy from Jujuy Commission (subject to creation) (Comisión del Compra Jujuy)	General Accountant of the Province (Contador General de la Provincia)	Salvador Armando MEYER	No data available	388 4239462/63	San Martín 450 - 3° Piso Ciudad de San Salvador de Jujuy

Jurisdiction			Classification			Sub-classification					
Province of La Pampa			General Regime			General Regime					
Contracts with a Particular Regime Preference Regime			Public Works Contract			Local Preference Regime					
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	3 (Year 1953)	Legislative Branch	Procurement Framework of the Administration of La Pampa (Ley de Contabilidad y Organización de Contaduría General y Tesorería General de la Provincia)	Regulates the procurements of the Province of La Pampa.	<a href="https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Decreto%20No%2095.pdf">https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Decreto%20No%2095.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	General Accountant of the Province (Contador General de la Provincia)	Salvador Armando MEYER	No data available	3884239462	Fotheringham 99 - Este Ciudad de Formosa Provincia de Formosa
Decree (Decreto)	95/54	Executive Branch	Implementing Regulations of the Procurement Framework of La Pampa (Reglamentación de la Ley de Contabilidad y Organización de Contaduría General y Tesorería General de la Provincia)	Establishes the implementing regulations of Law No. 3.	<a href="https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Proveedores/Reglamento_de_Contratacion_No_3.pdf">https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Proveedores/Reglamento_de_Contratacion_No_3.pdf</a>	Directorate of the State Contractor and Suppliers Register (Dirección de Registro de Contratistas y Proveedores del Estado)	Director of the State Contractor and Suppliers Register (Director de Registro de Contratistas y Proveedores del Estado)	No data available	No data available	No data available	San Martín 450 Ciudad de San Salvador de Jujuy
Decree (Decreto)	470/43	Executive Branch	Procurement Rules (Reglamento de Contrataciones)	Adopts the Procurement Rules.	<a href="https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Proveedores/Empleos/Reglamento_de_Contrataciones.pdf">https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Proveedores/Empleos/Reglamento_de_Contrataciones.pdf</a>	Directorate of the State Contractor and Suppliers Register (Dirección de Registro de Contratistas y Proveedores del Estado)	Director of the State Contractor and Suppliers Register (Director de Registro de Contratistas y Proveedores del Estado)	No data available	No data available	No data available	No data available
Law (Ley)	38 (Year 1953)	Legislative Branch	General Public Works Law (Ley general de Obras Públicas)	Establishes the regime that applies to provincial public works procurements.	<a href="https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Ley_38.pdf">https://www.contaduriageneral.lapampa.gov.ar/maes/Archivos/Ley_38.pdf</a>	Ministry of Infrastructure, Public Services, Land and Housing (Ministerio de Infraestructura, Servicios Públicos, Tierra y Vivienda)	Minister of Infrastructure, Public Services, Land and Housing (Ministro de Infraestructura, Servicios Públicos, Tierra y Vivienda)	Jorge RIZZOTTI	No data available	No data available	San Martín 450 Ciudad de San Salvador de Jujuy
Decree (Decreto)	1.159/55	Executive Branch	Implementing Regulations of the General Public Works Law (Reglamentación de la Ley general de Obras Públicas)	Establishes the implementing rules of Law No. 38.	<a href="http://bolet.unofajuy.lujuy.gov.ar/2015/08/23/15">http://bolet.unofajuy.lujuy.gov.ar/2015/08/23/15</a>	No data available	No data available	No data available	No data available	No data available	No data available
Law (Ley)	1863	Legislative Branch	Legal Regime 'Buy Pampas Products and from Pampas Suppliers' (Regimen Legal 'Compre producto pampeano y al Proveedor Pampeano')	Establishes the implementing rules of Law No. 38.	<a href="http://www.uapee.org.ar/documentos/fjuy/docs/5185.pdf">http://www.uapee.org.ar/documentos/fjuy/docs/5185.pdf</a>	Buy from Jujuy Commission (subject to creation) (Comisión del Compre Jujefo)	General Accountant of the Province (Contador General de la Provincia)	Salvador Armando MEYER	No data available	388 4239462/63	San Martín 450 - 3º Piso Ciudad de San Salvador de Jujuy

Jurisdiction				Classification			Sub-classification				
Province of La Rioja				General Regime			General Regime				
				Contracts with a Particular Regime			Public Works Contract				
				Preference Regime			Local Preference Regime				
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	9.341 (Year 2013)	Legislative Branch	Procurement Framework of the Administration of La Rioja (Regimen General de Contrataciones)	Regulates the procurements of the Province of La Rioja.	<a href="http://www.telarjola.gob.ar/Docs/Ley_9341.pdf">http://www.telarjola.gob.ar/Docs/Ley_9341.pdf</a>	Directorate General of Coordination of Procurement Systems under the authority of the Ministry of Treasury (Dirección General de Coordinación de los Sistemas de Contratación, dependiente del Ministerio de Hacienda)	Director General of Coordination of Procurement Systems (Directora General de Coordinación de los Sistemas de Contratación)	María de los Angeles TOKEFF	<a href="mailto:contrataciones.larioja@gmail.com">contrataciones.larioja@gmail.com</a>	+54 380 4453038	Av. San Nicolás de Bari (Oeste) y 25 de Mayo Ciudad de la Rioja
<b>Decree (Decreto)</b>	2.350/13	Executive Branch	Implementing Regulations of the Procurement Framework of La Rioja. Unique General Bidding Terms and Conditions for the Procurement of Goods and Services of the Province of La Rioja (Reglamentación del General Regime de Contrataciones. Pliego Único de Condiciones Generales para la Contratación de Bienes y Servicios de la Provincia de La Rioja)	Establishes the implementing regulations of Law No. 9.341. Adopts the Bidding Terms and Conditions for the Procurement of Goods and Services of the Province of La Rioja.	<a href="http://www.telarjola.gob.ar/Docs/Ley_2350.pdf">http://www.telarjola.gob.ar/Docs/Ley_2350.pdf</a>	Directorate General of Coordination of Procurement Systems under the authority of the Ministry of Treasury (Dirección General de Coordinación de los Sistemas de Contratación, dependiente del Ministerio de Hacienda)	Director General of Coordination of Procurement Systems (Directora General de Coordinación de los Sistemas de Contratación)	María de los Angeles TOKEFF	<a href="mailto:contrataciones.larioja@gmail.com">contrataciones.larioja@gmail.com</a>	+54 380 4453038	Av. San Nicolás de Bari (Oeste) y 25 de Mayo Ciudad de la Rioja
<b>Law (Ley)</b>	21.323/63	Executive Branch	Public Works Law (Ley de Obras Públicas)	Establishes the provincial public works procurement regime.	<a href="http://www.telarjola.gob.ar/Docs/obrasp/Ley_21323.pdf">http://www.telarjola.gob.ar/Docs/obrasp/Ley_21323.pdf</a>	Infrastructure Ministry (Ministerio de Infraestructura)	Minister of Infrastructure, Public Services, Land and Housing (Ministro de Infraestructura, Servicios Públicos, Tierra y Vivienda)	Juan Ramón VELARDEZ	<a href="mailto:ms.infraestructura@gmail.com">ms.infraestructura@gmail.com</a>	+54 380 4453431/337	San Martín 248 Ciudad de La Rioja
<b>Decree (Decreto)</b>	372/88	Executive Branch	General Terms and Conditions for the Tendering and Execution of Public Works (Pliego General de Condiciones para la Licitación y Ejecución de Obras Públicas)	Adopts the General Terms and Conditions for the Tendering and Execution of Public Works.	<a href="http://www.compras.larioja.gov.ar/Docs/obrasp/dec372.pdf">http://www.compras.larioja.gov.ar/Docs/obrasp/dec372.pdf</a>	Infrastructure Ministry (Ministerio de Infraestructura)	Infrastructure Minister (Ministro de Infraestructura)	Juan Ramón VELARDEZ	<a href="mailto:ms.infraestructura@gmail.com">ms.infraestructura@gmail.com</a>	+54 380 4453431/337	San Martín 248 Ciudad de La Rioja
<b>Law (Ley)</b>	7.536 (Year 2013)	Legislative Branch	Buy from La Rioja Law (Ley de Compra Riojana)	Establishes a preferential treatment in favour of goods of provincial origin.	<a href="https://compras.larioja.gov.ar/pdf/Ley_7536.pdf">https://compras.larioja.gov.ar/pdf/Ley_7536.pdf</a>	Directorate General of Coordination of Procurement Systems under the authority of the Ministry of Treasury (Dirección General de Coordinación de los Sistemas de Contratación, dependiente del Ministerio de Hacienda)	Director General of Coordination of Procurement Systems (Directora General de Coordinación de los Sistemas de Contratación)	María de los Angeles TOKEFF	<a href="mailto:contrataciones.larioja@gmail.com">contrataciones.larioja@gmail.com</a>	+54 380 4453038	Av. San Nicolás de Bari (Oeste) y 25 de Mayo Ciudad de la Rioja

Jurisdiction			Classification			Sub-classification					
Province of Mendoza			General Regime Contracts with a Particular Regime	General Regime Public Works Contract Public-Private Partnership Contract Local Preference Regime							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	8.706 (Year 2014)	Legislative Branch	Procurement Framework of the Administration of Mendoza (Ley de Administración Financiera)	In Title III, Section II the provincial public procurements are regulated.	<a href="http://compras.mendoza.gov.ar/sgcp/1506">http://compras.mendoza.gov.ar/sgcp/1506</a>	General Directorate of Public Procurement and Asset Management under the authority of the Ministry of Treasury and Public Finance (Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	Director General of Public Procurement and Asset Management (Director General de Contrataciones Públicas y Gestión de Bienes)	Roberto RETA	<a href="mailto:compras@compras.gov.ar">compras@compras.gov.ar</a>	No data available	Av. L. Pelletier 351, Piso 1º, Ala Este Ciudad de Mendoza
Decree (Decreto)	1.000/15	Executive Branch	Implementing Regulations of the Procurement Framework of Mendoza (Reglamentación de la Ley de Administración Financiera)	Establishes the implementing regulations of Law No. 8.706.	<a href="http://compras.mendoza.gov.ar/sgcp/1502">http://compras.mendoza.gov.ar/sgcp/1502</a>	General Directorate of Public Procurement and Asset Management under the authority of the Ministry of Treasury and Public Finance (Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	Director General of Public Procurement and Asset Management (Director General de Contrataciones Públicas y Gestión de Bienes)	Roberto RETA	<a href="mailto:compras@compras.gov.ar">compras@compras.gov.ar</a>	No data available	Av. L. Pelletier 351, Piso 1º, Ala Este Ciudad de Mendoza
Disposition (Disposición)	1.534/16	General Public Procurement Management Directorate	General Bidding Terms and Conditions (Pliego de Bases y Condiciones Generales)	Adopts the version August 2016: General Bidding Terms and Conditions which shall be applied by the subjects mentioned in article 4 of Law No. 8.706	<a href="http://compras.mendoza.gov.ar/sgcp/1504">http://compras.mendoza.gov.ar/sgcp/1504</a>	General Directorate of Public Procurement and Asset Management under the authority of the Ministry of Treasury and Public Finance (Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	Director General of Public Procurement and Asset Management (Director General de Contrataciones Públicas y Gestión de Bienes)	Roberto RETA	<a href="mailto:compras@compras.gov.ar">compras@compras.gov.ar</a>	No data available	Av. L. Pelletier 351, Piso 1º, Ala Este Ciudad de Mendoza
Decree Law (Decreto Ley)	4.416 (Year 1980)	Executive Branch	Public Works Law (Ley de Obra Pública)	Establishes the provincial public works procurement regime.	<a href="http://economia.mendoza.gov.ar/ley/4416">http://economia.mendoza.gov.ar/ley/4416</a>	General Directorate of Public Procurement and Asset Management under the authority of the Ministry of Treasury and Public Finance (Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	Infrastructure Under-secretary (Subsecretario de Infraestructura)	Daniel CHICAHUALA	<a href="mailto:infra@compras.gov.ar">infra@compras.gov.ar</a>	+54 261 4492642	Av. L. Pelletier 351, Piso 1º, Ala Este Ciudad de Mendoza
Decree (Decreto)	313/81	Executive Branch	Implementing Regulations of the Public Works Law (Decreto Reglamentario de la Ley de Obra Pública)	Establishes the implementing regulations of Law No. 4.416.	<a href="http://www.obras.mendoza.gov.ar/Obra/ObraPublica">http://www.obras.mendoza.gov.ar/Obra/ObraPublica</a>	General Directorate of Public Procurement and Asset Management under the authority of the Ministry of Treasury and Public Finance (Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	Infrastructure Under-secretary (Subsecretario de Infraestructura)	Daniel CHICAHUALA	<a href="mailto:infra@compras.gov.ar">infra@compras.gov.ar</a>	+54 261 4492642	Av. L. Pelletier 351, Piso 1º, Ala Este Ciudad de Mendoza
Law (Ley)	8992 (Year 2017)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada")	Mendoza adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://www.scp.gov.ar/sgcp/1506">http://www.scp.gov.ar/sgcp/1506</a>	General Directorate of Public Procurement and Asset Management under the authority of the Ministry of Treasury and Public Finance (Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	No data available	No data available	No data available	No data available	No data available
Decree (Decreto)	4.257/61	General Public Procurement and Asset Management Directorate	General Bidding Terms and Conditions (Pliego de Bases y Condiciones Generales)	The preference regime of Mendoza grants preferential treatment to bidders domiciled in Mendoza.	<a href="http://compras.mendoza.gov.ar/sgcp/1506">http://compras.mendoza.gov.ar/sgcp/1506</a>	(Dirección General de Contrataciones Públicas y Gestión de Bienes, dependiente del Ministerio de Hacienda y Finanzas Públicas)	No data available	Daniel CHICAHUALA	<a href="mailto:infra@compras.gov.ar">infra@compras.gov.ar</a>	+54 261 4492642	Av. L. Pelletier 351, Piso 1º, Ala Este Ciudad de Mendoza

Jurisdiction		Classification		Sub-classification							
Province of Misiones		General Regime	Public Works Contract	Local Preference Regime							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	VII - No. 11 (formerly Law No. 2.303)	Legislative Branch	Procurement Framework of the Administration of Misiones (Ley de Contabilidad)	In Chapter VII the provincial procurement regime is established.	<a href="http://www.diputadosmisiones.gov.ar/diputados/uridico/documentos/111_p_2303.pdf">http://www.diputadosmisiones.gov.ar/diputados/uridico/documentos/111_p_2303.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	General Accountant of the Province (Contador General de la Provincia)	Ángel Horacio FRANCO	<a href="mailto:contaduria@misiones.gov.ar">contaduria@misiones.gov.ar</a>	+54 376 4447520	Av. Polonia Nº 1223 Ciudad de Posadas
Decree (Decreto)	3.421/86	Executive Branch	Implementing Regulations of the Procurement Framework of Misiones (Reglamentación de la Ley de Contabilidad)	Establishes the implementing regulations of Law VII No. 11 and adopts the Model General Bidding terms and Conditions.	<a href="http://www.ujape.gov.ar/docs/3421.pdf">http://www.ujape.gov.ar/docs/3421.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	General Accountant of the Province (Contador General de la Provincia)	Ángel Horacio FRANCO	<a href="mailto:contaduria@misiones.gov.ar">contaduria@misiones.gov.ar</a>	+54 376 4447520	Av. Polonia Nº 1223 Ciudad de Posadas
Law (Ley)	X - No. 4 (formerly Law No. 83)	Legislative Branch	Public Works Law (Ley de Obras Públicas)	Establishes the provincial public works procurement regime.	<a href="http://www.ujape.gov.ar/docs/8421.pdf">http://www.ujape.gov.ar/docs/8421.pdf</a>	Under-secretariat of Works and Public Services of the Ministry of Treasury, Finance, Works and Public Services (Subsecretaría de Obras y Servicios Públicos del Ministerio de Hacienda, Finanzas, Obras y Servicios Públicos)	Works and Public Services Under-secretary of the Ministry of Treasury, Finance, Works and Public Services (Subsecretario de Obras y Servicios Públicos del Ministerio de Hacienda, Finanzas, Obras y Servicios Públicos)	Marcelo Ricardo BACIGALUPI	<a href="mailto:zmarco.ortiz@bcbuenosaires.com.ar">zmarco.ortiz@bcbuenosaires.com.ar</a>	+54 376 4447531	Rivadavia Nº 1487 (CP 3300) Ciudad de Posadas
Decree (Decreto)	4.257/61	Executive Branch	Implementing Regulations of the Public Works Law (Decreto Reglamentario de la Ley de Obras Públicas)	Establishes the implementing regulations of Law X - No. 4.	<a href="http://www.diputadosmisiones.gov.ar/web_cdm/ar/archivos/diccionario/ley_83/110240.pdf">http://www.diputadosmisiones.gov.ar/web_cdm/ar/archivos/diccionario/ley_83/110240.pdf</a>	Under-secretariat of Works and Public Services of the Ministry of Treasury, Finance, Works and Public Services (Subsecretaría de Obras y Servicios Públicos del Ministerio de Hacienda, Finanzas, Obras y Servicios Públicos)	Works and Public Services Under-secretary of the Ministry of Treasury, Finance, Works and Public Services (Subsecretario de Obras y Servicios Públicos del Ministerio de Hacienda, Finanzas, Obras y Servicios Públicos)	Marcelo Ricardo BACIGALUPI	<a href="mailto:zmarco.ortiz@bcbuenosaires.com.ar">zmarco.ortiz@bcbuenosaires.com.ar</a>	+54 376 4447531	Rivadavia Nº 1487 (CP 3300) Ciudad de Posadas
Law (Ley)	VII - No. 10 (formerly Law No. 2.111)	Legislative Branch	Buy from Misiones Law (Ley de Compra Misionero)	Establishes a preferential treatment in favour of goods and services of provincial origin.	<a href="http://www.diputadosmisiones.gov.ar/diputados/uridico/documentos/4219.pdf">http://www.diputadosmisiones.gov.ar/diputados/uridico/documentos/4219.pdf</a>	Buy from Misiones Commission (subject to creation) (Comisión del Compra Misionero)	General Accountant of the Province (Contador General de la Provincia)	Ángel Horacio FRANCO	<a href="mailto:contaduria@misiones.gov.ar">contaduria@misiones.gov.ar</a>	+54 376 4447520	Av. Polonia Nº 1223 Ciudad de Posadas





Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	3074	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada")	Neuquen adheres to the National Public-Private Partnership Regime (National Law No. 27338)	<a href="http://www.comaduria.neuquen.la.tribuna.ar/lex/3074/">http://www.comaduria.neuquen.la.tribuna.ar/lex/3074/</a>	No data available	No data available	No data available	No data available	No data available	No data available
Law (Ley)	2.755 (Year 2011)	Legislative Branch	Buy from Neuquen (Compra Neuquina)	Implements a local preference regime for the commercialization of hydrocarbons and mining activities.	<a href="https://www.legislatura.neuquen.gov.ar/CONSULTA/leves.aspx">https://www.legislatura.neuquen.gov.ar/CONSULTA/leves.aspx</a>	Ministry of Energy, Public Services and Natural Resources (Ministerio de Energía, Servicios Públicos y Recursos Naturales)	Director General of Purchase and Procurement (Directora General de Compras y	Alejandro Abel NICOLA	<a href="mailto:alejandro.abel@compra.gov.ar">alejandro.abel@compra.gov.ar</a>	+54 299 4495397/4300 5205	Riopa 229 - Piso 12 Ciudad de Neuquén

Jurisdiction		Classification		Sub-classification	
Province of Río Negro	General Regime	General Regime			
	Contracts with a Particular Regime	Public Works Contract	Public Works and Services Concession		
		Private Initiative Regime	Private Initiative Regime		
		Public-Private Partnership Contract	Local Preference Regime		

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	3,186 (Year 1997)	Legislative Branch	Procurement Framework of Río Negro (Ley de Administración Financiera y Control Interno del Sector Público Provincial)	In Title VII the provincial procurement regime is established.	<a href="http://www.legisrn.gov.ar/LIGESCON/DESPLIEGUE/0912/19962020011.PDF">http://www.legisrn.gov.ar/LIGESCON/DESPLIEGUE/0912/19962020011.PDF</a>	Under-secretariat of Purchases and Supplies of the Ministry of Economy (Subsecretaría de Compras y Suministros del Ministerio de Economía)	Under-secretary of Purchases and Supplies (Subsecretario de Compras y Suministros)	Silvia DINOLFO	<a href="mailto:sdinolfo@suministro.riog Negro.gov.ar">sdinolfo@suministro.riog Negro.gov.ar</a>	+54 2920 422653	Alvaros Barros 641 Viedma Provincia de Río Negro
<b>Decree (Decreto)</b>	H No. 1.737/98	Executive Branch	Implementing Regulations of the Procurement Framework of Río Negro (Reglamentación parcial de la Ley de Administración Financiera y Control Interno del Sector Público Provincial)	Establishes the implementing regulations of the provincial procurement regime.	<a href="http://www.legisrn.gov.ar/LIGESCON/DESPLIEGUE/0912/19962020011.PDF">http://www.legisrn.gov.ar/LIGESCON/DESPLIEGUE/0912/19962020011.PDF</a>	Under-secretariat of Purchases and Supplies of the Ministry of Economy (Subsecretaría de Compras y Suministros del Ministerio de Economía)	Under-secretary of Purchases and Supplies (Subsecretario de Compras y Suministros)	Silvia DINOLFO	<a href="mailto:sdinolfo@suministro.riog Negro.gov.ar">sdinolfo@suministro.riog Negro.gov.ar</a>	+54 2920 422653	Alvaros Barros 641 Viedma Provincia de Río Negro
<b>Law (Ley)</b>	286 (Year 1961)	Legislative Branch	Public Works Law (Ley de Obras Públicas)	Establishes the provincial public works procurement regime.	<a href="http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/5912/1962020011.PDF">http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/5912/1962020011.PDF</a>	Works and Public Services Ministry (Ministerio de Obras y Servicios Públicos)	Public Works and Services Minister (Ministro de Obras y Servicios Públicos)	Carlos VALERI	<a href="mailto:info@obraspublicas.riog Negro.gov.ar">info@obraspublicas.riog Negro.gov.ar</a>	+54 2920 424227	Buenos Aires 4 (8500) Viedma Provincia de Río Negro
<b>Decree (Decreto)</b>	686/62	Executive Branch	Implementing Regulations of the Public Works Law (Reglamentación Ley de Obras Públicas)	Establishes the implementing regulations of Law No. 286.	<a href="http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/5912/1962050007.PDF">http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/5912/1962050007.PDF</a>	Works and Public Services Ministry (Ministerio de Obras y Servicios Públicos)	Public Works and Services Minister (Ministro de Obras y Servicios Públicos)	Carlos VALERI	<a href="mailto:info@obraspublicas.riog Negro.gov.ar">info@obraspublicas.riog Negro.gov.ar</a>	+54 2920 424227	Buenos Aires 4 (8500) Viedma Provincia de Río Negro
<b>Decree (Decreto)</b>	1.313/14	Executive Branch	Price Redetermination (Redeterminación de precios)	Establishes that the Public Tender Bidding Terms and Conditions have to contain clauses - during the emergency phase - that allow for the monthly redetermination of prices.	<a href="http://www.obraspublicas.riog Negro.gov.ar/decreto/1313.pdf">http://www.obraspublicas.riog Negro.gov.ar/decreto/1313.pdf</a>	Works and Public Services Ministry (Ministerio de Obras y Servicios Públicos)	Public Works and Services Minister (Ministro de Obras y Servicios Públicos)	Carlos VALERI	<a href="mailto:info@obraspublicas.riog Negro.gov.ar">info@obraspublicas.riog Negro.gov.ar</a>	+54 2920 424227	Buenos Aires 4 (8500) Viedma Provincia de Río Negro
<b>Law (Ley)</b>	1,444 (Year 1980)	Legislative Branch	Public Works and Services Concession Regime (Regimen de concesiones de obras y servicios públicos)	Establishes the public works concession regime.	<a href="http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/8912/1980040014.PDF">http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/8912/1980040014.PDF</a>	Works and Public Services Ministry (Ministerio de Obras y Servicios Públicos)	Public Works and Services Minister (Ministro de Obras y Servicios Públicos)	Carlos VALERI	<a href="mailto:info@obraspublicas.riog Negro.gov.ar">info@obraspublicas.riog Negro.gov.ar</a>	+54 2920 424227	Buenos Aires 4 (8500) Viedma Provincia de Río Negro
<b>Decree (Decreto)</b>	466/80	Executive Branch	Implementing Regulations of the Public Works and Services Concession Regime (Reglamento del Regimen de concesiones de obras públicas)	Establishes the implementing regulations of Law No. 1.444.	<a href="http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/8912/1980060013.PDF">http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D19/8912/1980060013.PDF</a>	Works and Public Services Ministry (Ministerio de Obras y Servicios Públicos)	Public Works and Services Minister (Ministro de Obras y Servicios Públicos)	Carlos VALERI	<a href="mailto:info@obraspublicas.riog Negro.gov.ar">info@obraspublicas.riog Negro.gov.ar</a>	+54 2920 424227	Buenos Aires 4 (8500) Viedma Provincia de Río Negro
<b>Law (Ley)</b>	3,484	Legislative Branch	Private Initiative Regime / Special Commission (Regimen de Iniciativa Privada. Procedimiento. Comisión Especial)	Regulates the private initiative.	<a href="http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D20/0912/2001010027.PDF">http://www.legisrn.gov.ar/DIGESCON/DEFINITIVO/D20/0912/2001010027.PDF</a>	Secretariat General of Governance (Secretaría General de la Gobernación)	Secretary General of Governance (Secretario General de la Gobernación)	Matias Rulli	No data available	+54 2920 431533 / 431186 / 425700 / 420301 / 428937	Laprida 212 (8500) Viedma
<b>Law (Ley)</b>	894 (Year 2017)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de National Partnership Regime "Contratos de Participación Público-Privada)	Río Negro adheres to the National Public-Private Partnership Regime (National Law No. 27328)	The official text has not yet been published	No data available	No data available	No data available	No data available	No data available	No data available

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	4.187 (Year 2007)	Legislative Branch	Buy from the Province Law (Ley de Compra Provincial)	Regulates preferential treatment according to article 98 of the Provincial Constitution.	<a href="http://www.legism.gov.ar/L/EG/SCON/despliegowp.php">http://www.legism.gov.ar/L/EG/SCON/despliegowp.php</a>	Under-secretariat of Purchases and Supplies of the Ministry of Economy (Subsecretaria de Compras y Suministros del Ministerio de Economía)	Under-secretary of Purchases and Supplies (Subsecretario de Compras y Suministros)	SILVIA DINOLFO	No data available	+54 2920 423653	Alvaros Barros 641 Viedma Provincia de Rio Negro

Jurisdiction		Classification		Sub-classification							
Province of Salta		General Regime	General Regime	Public Works Contract							
		Contracts with a Particular Regime	Public Works Concession Contract								
		Preference Regime	Local Preference Regime								
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	6.838 (Year 1995)	Legislative Branch	Procurement Framework of the Administration of Salta (Sistema de Contrataciones de la Provincia)	Establishes the provincial procurement regime.	<a href="http://200.68.105.23/cds-salta-digesto.gov.ar/ordenanza-s/L-1996-06838.htm">http://200.68.105.23/cds-salta-digesto.gov.ar/ordenanza-s/L-1996-06838.htm</a>	Central Procurement Unit of the Ministry of Treasury and Finances (Unidad Central de Contrataciones dependiente del Ministerio de Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Javier Marcelo CAMPONOVO	No data available	+54 387 4324200	Av. Los Incas S/N - 3er. Block Planta Alta, Centro Cívico Grand Bourg Ciudad de Salta
Decree (Decreto)	1.448/1996	Executive Branch	Implementing Regulations of the Procurement Framework (Reglamentación del Sistema de Contrataciones de la Provincia)	Establishes the implementing regulations of the provincial procurement regime.	<a href="http://digesto.diputados.gov.ar/leyes/6838.pdf">http://digesto.diputados.gov.ar/leyes/6838.pdf</a>	Central Procurement Unit of the Ministry of Treasury and Finances (Unidad Central de Contrataciones dependiente del Ministerio de Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Javier Marcelo CAMPONOVO	No data available	+54 387 4324200	Av. Los Incas S/N - 3er. Block Planta Alta, Centro Cívico Grand Bourg Ciudad de Salta
Law (Ley)	6.424 (Year 1986)	Legislative Branch	Public Works Law (Ley de Obra Pública)	Establishes the provincial public works procurement regime.	<a href="http://www.sajj.gob.ar/6424-local-salta-ley-obras-publicas-provincia-salta-1986-10-30/123456789-0abc-defg-424-6000avorpdel">http://www.sajj.gob.ar/6424-local-salta-ley-obras-publicas-provincia-salta-1986-10-30/123456789-0abc-defg-424-6000avorpdel</a>	Public Works Secretariat of the Province of Salta under the authority of the Ministry of Treasury and Finances (Secretaría de Obras Públicas de la Provincia de Salta, dependiente del Ministerio de Hacienda y Finanzas)	Public Works Secretary (Secretario de Obra Pública)	D. Sergio ZORRUDES	No data available	+54 387 4324384	1º Block Planta Alta - Centro Cívico Grand Bourg Ciudad de Salta
Law (Ley)	6.838 (Year 1995)	Legislative Branch	Procurement System of the Province (Sistema de Contrataciones de la Provincia)	Establishes the public works concession regime.	<a href="http://200.68.105.23/cds-salta-digesto.gov.ar/ordenanza-s/L-1996-06838.htm">http://200.68.105.23/cds-salta-digesto.gov.ar/ordenanza-s/L-1996-06838.htm</a>	Central Procurement Unit of the Ministry of Treasury and Finances (Unidad Central de Contrataciones dependiente del Ministerio de Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Javier Marcelo CAMPONOVO	No data available	+54 387 4324200	Av. Los Incas S/N - 3er. Block Planta Alta, Centro Cívico Grand Bourg Ciudad de Salta
Law (Ley)	7.645 (Year 2010)	Legislative Branch	Buy and Contracts Work from Salta (Régimen de Compra y Contrate Trabajo Salterío)	Establishes the preference regime.	<a href="http://digesto.diputados.gov.ar/leyes/7645.pdf">http://digesto.diputados.gov.ar/leyes/7645.pdf</a>	Central Procurement Unit of the Ministry of Treasury and Finances (Unidad Central de Contrataciones dependiente del Ministerio de Hacienda y Finanzas)	Director General of the Central Procurement Unit (Director General de la Unidad Central de Contrataciones)	Javier Marcelo CAMPONOVO	No data available	+54 387 4324200	Av. Los Incas S/N - 3er. Block Planta Alta, Centro Cívico Grand Bourg Ciudad de Salta

Jurisdiction		Classification		Sub-classification							
Province of San Juan		General Regime	General Regime								
		Contracts with a Particular Regime	Public Works Contract								
		Preference Regime	Local Preference Regime								
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	603-I (formerly Law No. 6.905) (Year 1998)	Legislative Branch	Procurement Framework of the Administration of San Juan (Ley de Administración Financiera)	In Title VI (Del sistema de contrataciones del Estado provincial) the provincial public procurement system is established.	<a href="http://www.digesosantjuan.gob.ar/#/buscador">http://www.digesosantjuan.gob.ar/#/buscador</a>	Central Procurement Office under the authority of the Ministry of Treasury and Finance (subject to creation) (Oficina Central de Contrataciones de la Provincia dependiente del Ministerio de Hacienda y Finanzas)	Treasury and Finance Minister (Ministro de Hacienda y Finanzas)	Roberto GATTONI	No data available	+54 264 4305000	Centro Cívico - Av. Lib. Gral. San Martín 750 Oeste Ciudad de San Juan
<b>Law (Ley)</b>	128 - A (anterior Law 3,734) (Year 1972)	Legislative Branch	Public Works Law (Ley de Obras Públicas)	Establishes the provincial public works procurement regime.	<a href="http://www.digesosantjuan.gob.ar/#/buscador">http://www.digesosantjuan.gob.ar/#/buscador</a>	Public Works Secretariat under the authority of the Ministry of Infrastructure and Public Services (Secretaría de Obras Públicas dependiente del Ministerio de Infraestructura y Servicios Públicos)	Public Works Secretary (Secretario de Obra Pública)	Jorge DEIANA	No data available	+54 264 4305300	Centro Cívico - Av. Lib. Gral. San Martín 750 Oeste Ciudad de San Juan
<b>Law (Ley)</b>	6.697 (Year 1996)	Legislative Branch	Public Works Concession Law (Ley de Concesión de Obras Públicas)	Establishes the public works concession regime.	<a href="http://www.digesosantjuan.gob.ar:81/normas/les/caneadas/47116/JP-6697-1996.pdf">http://www.digesosantjuan.gob.ar:81/normas/les/caneadas/47116/JP-6697-1996.pdf</a>	Public Works Secretariat under the authority of the Ministry of Infrastructure and Public Services (Secretaría de Obras Públicas dependiente del Ministerio de Infraestructura y Servicios Públicos)	Public Works Secretary (Secretario de Obra Pública)	Jorge DEIANA	No data available	+54 264 4305300	Centro Cívico - Av. Lib. Gral. San Martín 750 Oeste Ciudad de San Juan
<b>Law (Ley)</b>	158-A (formerly Law No. 3.369) (Year 1974)	Legislative Branch	Local Preference Regime (Régimen preferencia local)	Establishes the provincial preference regime.	<a href="http://www.digesosantjuan.gob.ar/#/buscador">http://www.digesosantjuan.gob.ar/#/buscador</a>	Central Procurement Office of the Province under the authority of the Ministry of Treasury and Finance (subject to creation) (Oficina Central de Contrataciones de la Provincia dependiente del Ministerio de Hacienda y Finanzas)	Treasury and Finance Minister (Ministro de Hacienda y Finanzas)	Roberto GATTONI	No data available	+54 264 4305000	Centro Cívico - Av. Lib. Gral. San Martín 750 Oeste Ciudad de San Juan

Jurisdiction		Classification		Sub-classification							
Province of San Luis		General Regime Contracts with a Particular		General Regime Public Works Contract							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	VIII-0256-2004 (5-492) (Year 2013)	Legislative Branch	Procurement Framework of the Administration of San Luis (Ley de Contabilidad, Administración y Control Público de la Provincia de San Luis)	In Title VI Section II ('De las contrataciones') provincial public procurements are regulated.	<a href="http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:">http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:</a>	Purchase and Procurement Program, Control of Funds of Specific Entities and Residual Programs under the authority of the Ministry of Treasury (Programa de Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales dependiente del Ministerio de Hacienda)	Chief of the Purchase and Procurement Program (Jefe del Programa de Compras y Contrataciones)	Miguel Sebastián ANZULOVICH	No data available	+54 266 4452000 int. 3121	Edificio de Descentralización Administrativa "Terrazas del Portezuelo" Edificio Conservador, Bloque I, Piso 2 Autopista Serranías Puntanas. Km 785 CP 5700 - Ciudad de San Luis
<b>Decree (Decreto)</b>	2.863 MC 2004 (modified by Decree 784-MHP-2009)	Executive Branch	Implementing Regulations of the Procurement Framework of San Luis (Reglamentación de la Ley de Contabilidad, Administración y Control Público de la Provincia de San Luis)	Establishes the implementing regulations of Law No. VIII-0256-2004 (5492).	<a href="http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:">http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:</a>	Purchase and Procurement Program, Control of Funds of Specific Entities and Residual Programs under the authority of the Ministry of Treasury (Programa de Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales dependiente del Ministerio de Hacienda)	Chief of the Purchase and Procurement Program (Jefe del Programa de Compras y Contrataciones)	Miguel Sebastián ANZULOVICH	No data available	+54 266 445 2000 int. 3086	Edificio de Descentralización Administrativa "Terrazas del Portezuelo" Edificio Conservador, Bloque I, Piso 2 Autopista Serranías Puntanas. Km 785 CP 5700 - Ciudad de San Luis
<b>Decree (Decreto)</b>	4.248/13	Executive Branch	Implementing Regulations of the Sanctioned Suppliers Register (Reglamento del Registro de Proveedores Sancionados)	Adopts the Sanctioned Suppliers Register.	<a href="http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:">http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:</a>	Purchase and Procurement Program, Control of Funds of Specific Entities and Residual Programs under the authority of the Ministry of Treasury (Programa de Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales dependiente del Ministerio de Hacienda)	Chief of the Purchase and Procurement Program (Jefe del Programa de Compras y Contrataciones)	Miguel Sebastián ANZULOVICH	No data available	+54 266 4452000 int. 3086	Edificio de Descentralización Administrativa "Terrazas del Portezuelo" Edificio Conservador, Bloque I, Piso 2 Autopista Serranías Puntanas. Km 785 CP 5700 - Ciudad de San Luis
<b>Decree (Decreto)</b>	8.161/2015	Executive Branch	Unique Bidding Terms and Conditions (Pliego General Único de Condiciones)	Adopts the Unique Bidding Terms and Conditions.	<a href="http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:">http://www.sistematica.com.ras.sanluis.gov.ar/plis/apse/x_prod/f?p=90012:1:</a>	Purchase and Procurement Program, Control of Funds of Specific Entities and Residual Programs under the authority of the Ministry of Treasury (Programa de Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales dependiente del Ministerio de Hacienda)	Chief of the Purchase and Procurement Program (Jefe del Programa de Compras y Contrataciones)	Miguel Sebastián ANZULOVICH	No data available	+54 266 4452000 int. 3086	Edificio de Descentralización Administrativa "Terrazas del Portezuelo" Edificio Conservador, Bloque I, Piso 2 Autopista Serranías Puntanas. Km 785 CP 5700 - Ciudad de San Luis

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Resolution (Resolución)</b>	587/08	Ministry of Finance	No data available	Sets out the requirements to register in the Provincial Suppliers Register.	<a href="http://www.sistemacompras.sanluis.gov.ar/ds/ane_x_prod/?p=90012:1:">http://www.sistemacompras.sanluis.gov.ar/ds/ane_x_prod/?p=90012:1:</a>	Purchase and Procurement Program, Control of Funds of Specific Entities and Residual Programs under the authority of the Ministry of Treasury (Programa Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales dependiente del Ministerio de Hacienda)	Chief of the Purchase and Procurement Program (Jefe del Programa de Compras y Contrataciones)	Miguel Sebastián ANZULOVICH	No data available	+54 266 4452000 int. 3086	Edificio de Descentralización Administrativa "Terrazas del Portezuelo" Edificio Conservador, Bloque 1, Piso 2, Autopista Serranías Puntanas. Km 785 CP 5700 - Ciudad de San Luis
<b>Resolution (Resolución)</b>	255/09	Head of the Purchase and Procurement Program	No data available	Sets out the requirements to register in the Provincial Contractors and Suppliers Register.	<a href="http://www.sistemacompras.sanluis.gov.ar/ds/ape_x_prod/?p=90012:1:">http://www.sistemacompras.sanluis.gov.ar/ds/ape_x_prod/?p=90012:1:</a>	Purchase and Procurement Program, Control of Funds of Specific Entities and Residual Programs under the authority of the Ministry of Treasury (Programa Compras y Contrataciones, Control de Fondos Específicos Entes y Programas Residuales dependiente del Ministerio de Hacienda)	Chief of the Purchase and Procurement Program (Jefe del Programa de Compras y Contrataciones)	Miguel Sebastián ANZULOVICH	No data available	+54 266 4452000 int. 3086	Edificio de Descentralización Administrativa "Terrazas del Portezuelo" Edificio Conservador, Bloque 1, Piso 2, Autopista Serranías Puntanas. Km 785 CP 5700 - Ciudad de San Luis
<b>Law (Ley)</b>	VIII - 0257 - 2004	Legislative Branch	Provincial Public Works Law (Ley de Obras Públicas de la Provincia)	Establishes the provincial public works procurement regime.	<a href="http://www.diputadosanluis.gov.ar/diputadosas/dajinas/NormalDetalle.asp?NormalID=358">http://www.diputadosanluis.gov.ar/diputadosas/dajinas/NormalDetalle.asp?NormalID=358</a>	Public Works and Infrastructure Ministry (Ministerio de Obras Públicas e Infraestructura)	Public Works and Infrastructure Minister (Ministro de Obras Públicas e Infraestructura)	Felipe TOMASEVICH	<a href="mailto:miobraspublicas@sanluis.gov.ar">miobraspublicas@sanluis.gov.ar</a>	+54 266 4452000	Edificio de Descentralización Administrativa "Terrazas del Portezuelo", Autopista Serranías Puntanas. Km 785 CP 5700 Ciudad de San Luis



Jurisdiction		Classification		Sub-classification	
Province of Santa Cruz	General Regime	General Regime			
		Public Works Contract			
		Procurements with IESC			
		Public-Private Partnership Contract			
	Preference Regime	Local Preference Regime			

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	760 (Year 1972)	Legislative Branch	Procurement Framework of the Administration of Santa Cruz (Ley de Contabilidad)	In Chapter II, Title III (Procurements) the provincial (public procurements are regulated.	<a href="http://www.tuenteas.gov.ar/index.php/leves-provinciales">http://www.tuenteas.gov.ar/index.php/leves-provinciales</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	Secretary of the General Accounting Office (Secretario de la Contaduría General)	Mónica Mabel MORANDI	No data available	+54 2966 422202/420569	Av. Pte. Dr. Nestor Carlos Kirchner 690 Ciudad de Río Gallegos
<b>Decree (Decreto)</b>	1.847/72	Executive Branch	Implementing Regulations of the Procurement Framework of Santa Cruz (Decreto Reglamentario del sección 25 del Ley No. 760)	Defines the contracts regulated by Law No. 760.	<a href="http://www.hcdcaletaolivi.a.gov.ar/pdf/archivos/lp/1847.pdf">http://www.hcdcaletaolivi.a.gov.ar/pdf/archivos/lp/1847.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	Secretary of the General Accounting Office (Secretario de la Contaduría General)	Mónica Mabel MORANDI	No data available	+54 2966 422202/420569	Av. Pte. Dr. Nestor Carlos Kirchner 690 Ciudad de Río Gallegos
<b>Decree (Decreto)</b>	263/82	Executive Branch	Implementing Regulations of the Procurement Framework of Santa Cruz (Reglamento de Contrataciones del Estado)	Establishes the implementing regulations of articles 25 and 34 of Law No. 760.	<a href="http://www.uape.org.ar/documentos/santacruz/00cs7263.pdf">http://www.uape.org.ar/documentos/santacruz/00cs7263.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	Secretary of the General Accounting Office (Secretario de la Contaduría General)	Mónica Mabel MORANDI	No data available	+54 2966 422202/420569	Av. Pte. Dr. Nestor Carlos Kirchner 690 Ciudad de Río Gallegos
<b>Law (Ley)</b>	3.092 (Year 2009)	Legislative Branch	Promotional and Industrial Development System (Sistema promocional y desarrollo industrial)	Establishes the Promotional and Industrial Development System.	<a href="http://parques.industria.gov.ar/descargas/Ley_n_3092.pdf">http://parques.industria.gov.ar/descargas/Ley_n_3092.pdf</a>	Ministry of Production	Minister of Production, Commerce and Industry (Ministro de la Producción Comercio e Industria)	Leonardo ALVAREZ	privada@mipro.gob.ar	+54 2966 425713	Avellaneda 801 Ciudad de Río Gallegos
<b>Decree (Decreto)</b>	2.135/10	Executive Branch	Implementing Regulations of Provincial Law No. 3.092 (Reglamento de la Ley Provincial No. 3.092)	Establishes the implementing regulations of Law No. 3.092.	<a href="http://mipro.gob.ar/eqi/solucionindustria/ley-reglamentacion-promocion-industrial.pdf">http://mipro.gob.ar/eqi/solucionindustria/ley-reglamentacion-promocion-industrial.pdf</a>	Ministry of Production	Minister of Production, Commerce and Industry (Ministro de la Producción Comercio e Industria)	Leonardo ALVAREZ	privada@mipro.gob.ar	+54 2966 425713	Avellaneda 801 Ciudad de Río Gallegos
<b>Law (Ley)</b>	2.743 (Year 2004)	Legislative Branch	Public Works Law (Ley de Obra Pública)	Establishes the provincial public works procurement regime.	<a href="http://www.hcdcaletaolivi.a.gov.ar/pdf/archivos/lp/2743.pdf">http://www.hcdcaletaolivi.a.gov.ar/pdf/archivos/lp/2743.pdf</a>	Ministry of Economy, Finance and Infrastructure (Ministerio de Economía, Finanzas e Infraestructura)	Minister of Economy, Finance and Infrastructure (Ministerio de Economía, Finanzas e Infraestructura)	Juan Franco DONNINI	No data available	+54 2966 422202/420569	Av. Pte. Dr. Nestor Carlos Kirchner 690 Ciudad de Río Gallegos
<b>Decree (Decreto)</b>	2.960/05	Executive Branch	Implementing Regulations of Law No. 2.743 (Reglamentación de la Ley No. 2.743)	Establishes the implementing regulations of the provincial public works procurement regime.	<a href="http://www.santacruz.gov.ar/boletin/05/nov/embr_e05/10nov05.pdf">http://www.santacruz.gov.ar/boletin/05/nov/embr_e05/10nov05.pdf</a> (página 2)	Ministry of Economy, Finance and Infrastructure (Ministerio de Economía, Finanzas e Infraestructura)	Minister of Economy, Finance and Infrastructure (Ministerio de Economía, Finanzas e Infraestructura)	Juan Franco DONNINI	No data available	+54 2966 422202/420569	Av. Pte. Dr. Nestor Carlos Kirchner 690 Ciudad de Río Gallegos

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	3.177 (Year 2010)	Legislative Branch	Procurement Rules: General Clauses for all Procurement of the Energy Institute of the Province of Santa Cruz (Reglamento de Contrataciones: Clausulas generales para toda contratación del Instituto de Energía de la Provincia de Santa Cruz)	Establishes the procurements regime of the del. de Energy Institute of the Province of Santa Cruz (Instituto Energía de la Provincia de Santa Cruz (IESC)).	<a href="http://www.iesc.gov.ar/iesz/legales.php">http://www.iesc.gov.ar/iesz/legales.php</a>	Energy Institute of the Province of Santa Cruz (Instituto de Energía de la Provincia de Santa Cruz (IESC))	IESC President (Presidente IESC)	Jaime ALVAREZ	info@iesc.gov.ar	+54 2966 436653/ 4374657437455	Presidente Dr. Raúl Ricardo Alfonsín 146 Ciudad de Río Gallegos
<b>Law (Ley)</b>	3566 (Year 2017)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada)	Santa Cruz adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://www.saii.gob.ar/3566-local-santa-cruz-contratos-participacion-publico-privada-lpz0003566-2017-10-26/123456789-0abc-defg-565-3000xvorpvel7utm_sourc-e=newsletter-mail&amp;utm_term=semanal&amp;utm_campaign=ley-provincial">http://www.saii.gob.ar/3566-local-santa-cruz-contratos-participacion-publico-privada-lpz0003566-2017-10-26/123456789-0abc-defg-565-3000xvorpvel7utm_sourc-e=newsletter-mail&amp;utm_term=semanal&amp;utm_campaign=ley-provincial</a>	No data available	No data available	No data available	No data available	No data available	No data available
<b>Law (Ley)</b>	2.738 (Year 2004)	Legislative Branch	Provincial Procurements Preference Regime (Régimen de preferencia contrataciones provinciales)	Establishes the provincial preference regime.	<a href="http://www.hcdcaletalivila.gov.ar/pdf/archivos/lp/2738.pdf">http://www.hcdcaletalivila.gov.ar/pdf/archivos/lp/2738.pdf</a>	General Accounting Office of the Province (Contaduría General de la Provincia)	Secretary of the General Accounting Office (Secretario de la Contaduría General)	Mónica Mabel MORANDI	No data available	+54 2966 422202/420569	Av. Pte. Dr. Nestor Carlos Kirchner 690 Ciudad de Río Gallegos

Jurisdiction		Classification		Sub-classification							
Province of Santa Fe	General Regime Contracts with a Particular Regime Preference Regime	General Regime		General Regime							
		Public Works Contract		Public Works and Services Concession							
Preference Regime		Local Preference Regime									
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	12.510 (Year 2005)	Legislative Branch	Procurement Framework of the Administration of Santa Fe (Ley de Administración, Eficiencia y Control del Estado)	In Title III (Subsistema de Administración de Bienes y Servicios) the provincial public procurements are regulated.	<a href="http://www.santafe.gov.ar/index.php/web/content/download/228864/11984/77/file/Compliaci%C3%B3n%20Ley%2012510%20-%20Modificatorias%20-%20Normas%20regulame%20-%20de%20comple%20mentarias.pdf">http://www.santafe.gov.ar/index.php/web/content/download/228864/11984/77/file/Compliaci%C3%B3n%20Ley%2012510%20-%20Modificatorias%20-%20Normas%20regulame%20-%20de%20comple%20mentarias.pdf</a>	Under-secretariat of Procurements and Asset Management under the authority of the Ministry of Economy (Subsecretaría de Contrataciones y Gestión de Bienes, dependiente del Ministerio de Economía)	Under-secretary of Procurement and Asset Management (Subsecretario de Contrataciones y Gestión de Bienes)	Juan Martín ATIENCIÓN (or Manuel Paredes Rodríguez)	jtencio@santafe.gov.ar (mparedes@santafe.gov.ar)	+54 342 4506600/700/ 800	3 de Febrero 2649 Ciudad de Santa Fe
<b>Decree (Decreto)</b>	1.104/16	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of Santa Fe	Establishes the implementing regulations of Title III (Subsistema Administración de Bienes y Servicios). Chapter I (Administración de Bienes y Servicios) of Law No. 12.510.	<a href="https://www.santafe.gov.ar/normativa/item.php?id=141285&amp;cod=3848195&amp;d11993445f0daeb1681213add">https://www.santafe.gov.ar/normativa/item.php?id=141285&amp;cod=3848195&amp;d11993445f0daeb1681213add</a>	Under-secretariat of Procurements and Asset Management under the authority of the Ministry of Economy (Subsecretaría de Contrataciones y Gestión de Bienes, dependiente del Ministerio de Economía)	Under-secretary of Procurement and Asset Management (Subsecretario de Contrataciones y Gestión de Bienes)	Juan Martín ATIENCIÓN (or Manuel Paredes Rodríguez)	jtencio@santafe.gov.ar (mparedes@santafe.gov.ar)	+54 342 4506600/700/ 800	3 de Febrero 2649 Ciudad de Santa Fe
<b>Decree (Decreto)</b>	2.809/79	Executive Branch	General Bidding Terms and Conditions (Pliego de Bases y Condiciones Generales)	Adopts the General Bidding Terms and Conditions.	<a href="https://www.santafe.gov.ar/index.php/web/content/download/64109/3210438/file/2809-79.pdf">https://www.santafe.gov.ar/index.php/web/content/download/64109/3210438/file/2809-79.pdf</a>	Under-secretariat of Procurements and Asset Management under the authority of the Ministry of Economy (Subsecretaría de Contrataciones y Gestión de Bienes, dependiente del Ministerio de Economía)	Under-secretary of Procurement and Asset Management (Subsecretario de Contrataciones y Gestión de Bienes)	Juan Martín ATIENCIÓN (or Manuel Paredes Rodríguez)	jtencio@santafe.gov.ar (mparedes@santafe.gov.ar)	+54 342 4506600/700/ 800	3 de Febrero 2649 Ciudad de Santa Fe
<b>Decree (Decreto)</b>	2.808/79	Executive Branch	Rule for the Reception and Control of Merchandise and Services destined for the Provincial State (Reglamento para la Recepción y Control de Mercaderías y Servicios con destino al Estado Provincial)	Regulates the definitive reception of goods and services contracted by the Provincial State.	<a href="http://www.uaape.org.ar/docs/2808.pdf">http://www.uaape.org.ar/docs/2808.pdf</a>	Under-secretariat of Procurements and Asset Management under the authority of the Ministry of Economy (Subsecretaría de Contrataciones y Gestión de Bienes, dependiente del Ministerio de Economía)	Under-secretary of Procurement and Asset Management (Subsecretario de Contrataciones y Gestión de Bienes)	Juan Martín ATIENCIÓN (or Manuel Paredes Rodríguez)	jtencio@santafe.gov.ar (mparedes@santafe.gov.ar)	+54 342 4506600/700/ 800	3 de Febrero 2649 Ciudad de Santa Fe
<b>Decree (Decreto)</b>	1.247/08	Executive Branch	Procedural Handbook on the Management of Direct Contractings (Manual de Procedimiento para la Gestión de Contrataciones Directas)	Adopts the Procedural Handbook on the Management of Direct Contractings.	<a href="https://www.santafe.gov.ar/index.php/web/content/download/964798/item=48663&amp;cod=a55dff794f4fd54392c43239ae5b0928d">https://www.santafe.gov.ar/index.php/web/content/download/964798/item=48663&amp;cod=a55dff794f4fd54392c43239ae5b0928d</a>	Under-secretariat of Procurements and Asset Management under the authority of the Ministry of Economy (Subsecretaría de Contrataciones y Gestión de Bienes, dependiente del Ministerio de Economía)	Under-secretary of Procurement and Asset Management (Subsecretario de Contrataciones y Gestión de Bienes)	Juan Martín ATIENCIÓN (or Manuel Paredes Rodríguez)	jtencio@santafe.gov.ar (mparedes@santafe.gov.ar)	+54 342 4506600/700/ 800	3 de Febrero 2649 Ciudad de Santa Fe
<b>Law (Ley)</b>	5.188 (Year 1960)	Legislative Branch	Public Works Law (Ley de Obras Públicas)	Establishes the provincial public works procurement regime.	<a href="https://www.santafe.gov.ar/normativa/item.php?id=58590&amp;cod=e578133fb630a7f003c16caaa130188">https://www.santafe.gov.ar/normativa/item.php?id=58590&amp;cod=e578133fb630a7f003c16caaa130188</a>	Public Works Ministry (Ministerio de Obras Públicas)	Public Works Minister (Ministro de Obras Públicas)	Julio SCHNEIDER	privmop@santafe.gov.ar	+54 342 4573570	3 de Febrero 2649 Planta Baja Ciudad de Santa Fe
<b>Decree (Decreto)</b>	195/06	Executive Branch	No data available	Establishes requirements for prospective bidders in public works procurements.		Public Works Ministry (Ministerio de Obras Públicas)	Public Works Minister (Ministro de Obras Públicas)	Julio SCHNEIDER	privmop@santafe.gov.ar	+54 342 4573570	3 de Febrero 2649 Planta Baja Ciudad de Santa Fe
<b>Decree (Decreto)</b>	822/61	Executive Branch	Implementing Regulations of the Public Works Law (Reglamentación de la Ley de Obras Públicas)	Establishes the implementing regulations of the provincial public works procurement regime.	<a href="http://santafeciudad.gov.ar/media/files/digesto/fe-ma-159.pdf">http://santafeciudad.gov.ar/media/files/digesto/fe-ma-159.pdf</a>	Public Works Ministry (Ministerio de Obras Públicas)	Public Works Minister (Ministro de Obras Públicas)	Julio SCHNEIDER	privmop@santafe.gov.ar	+54 342 4573570	3 de Febrero 2649 Planta Baja Ciudad de Santa Fe

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	12.510 (Year 2005)	Legislative Branch	Procurement Framework of the Administration of Santa Fe (Ley de Administración, Eficiencia y Control del Estado)	In article 148 regulates the provincial public works concession regime.	<a href="http://www.santafe.gov.ar/index.php/web/content/download/228864/1198477/file/Complicac%3%20n%20Ley%2012510%20y%20Modificatorias%20-%20Normas%20relativas%20a%20realizaci%20n%20de%20obras%20p%20blicas.pdf">http://www.santafe.gov.ar/index.php/web/content/download/228864/1198477/file/Complicac%3%20n%20Ley%2012510%20y%20Modificatorias%20-%20Normas%20relativas%20a%20realizaci%20n%20de%20obras%20p%20blicas.pdf</a>	Public Works Ministry (Ministerio de Obras Pùblicas)	Public Works Minister (Ministro de Obras Pùblicas)	Julio SCHNEIDER	privmop@santafe.gov.ar	+54 342 4573570	3 de Febrero 2649 Planta Baja Ciudad de Santa Fe
<b>Decree (Decreto)</b>	1.104/16	Executive Branch	Implementing Regulations of the Procurement Framework of the Administration of Santa Fe	Establishes the implementing regulations of the provincial public works concession regime.	<a href="https://www.santafe.gov.ar/normativa/item.php?id=1412858&amp;cod=38468195d119934fd0aeb1681213add">https://www.santafe.gov.ar/normativa/item.php?id=1412858&amp;cod=38468195d119934fd0aeb1681213add</a>	Public Works Ministry (Ministerio de Obras Pùblicas)	Public Works Minister (Ministro de Obras Pùblicas)	Julio SCHNEIDER	privmop@santafe.gov.ar	+54 342 4573570	3 de Febrero 2649 Planta Baja Ciudad de Santa Fe
Law (Ley)	13.505 (Year 2015)	Legislative Branch	Buy from Santa Fe Law (Ley de Compra Santafesino)	Establishes the provincial preference regime.	<a href="https://www.santafe.gov.ar/normativa/item.php?id=1349898&amp;cod=348fe696cfac54dcf0be76f0fc98cd">https://www.santafe.gov.ar/normativa/item.php?id=1349898&amp;cod=348fe696cfac54dcf0be76f0fc98cd</a>	Under-secretariat of Procurements and Asset Management under the authority of the Ministry of Economy (Subsecretaria de Contrataciones y Gestión de Bienes, dependiente del Ministerio de Economía)	Under-secretary of Procurement and Asset Management (Subsecretario de Contrataciones y Gestión de Bienes)	Juan Martín ATENCIO	ministeriodeeconomia@santafe.gob.ar	+54 342 4506600/700/ 800	3 de Febrero 2649 Ciudad de Santa Fe



Jurisdiction		Classification		Sub-classification							
Province of Tierra del Fuego, Antártida e Isla del Atlántico Sur		General Regime		General Regime							
		Contracts with a Particular Regime		Public-Private Partnership Contract							
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
Law (Ley)	1.015 (Year 2014)	Legislative Branch	Procurement Framework of the Province of Tierra del Fuego (Ley de Compras y Contrataciones)	Establishes the provincial public procurement regime.	<a href="http://compras.tierradelafuego.gov.ar/contenidos/contenidos/2015/02/Contrataciones-Ley-Provida-1.015.pdf">http://compras.tierradelafuego.gov.ar/contenidos/contenidos/2015/02/Contrataciones-Ley-Provida-1.015.pdf</a>	Provincial Procurement Office under the authority of the Provincial Government (Provincial de Contrataciones, dependiente del Ministerio de Economía)	Director General of Procurements of the Province	Gustavo PIETROBON	webmaster@tierradelfuego.gov.ar	+54 2901 441100	San Martín N°450 Ciudad de Ushuaia
Decree (Decreto)	79/15	Executive Branch	Implementing Regulations of the Procurement Framework of the Province of Tierra del Fuego (Reglamentación parcial de la "Ley de Compras y Contrataciones")	Establishes the provincial procurement regime with regard to publication and dissemination of procurements.	<a href="http://www.tierradelfuego.gov.ar/contenidos/contenidos/Ley-1015-DTO-79-2015.pdf">http://www.tierradelfuego.gov.ar/contenidos/contenidos/Ley-1015-DTO-79-2015.pdf</a>	Provincial Procurement Office under the authority of the Provincial Government (Provincial de Contrataciones, dependiente del Ministerio de Economía)	Director General of Procurements of the Province	Gustavo PIETROBON	webmaster@tierradelfuego.gov.ar	+54 2901 441100	San Martín N°450 Ciudad de Ushuaia
Decree (Decreto)	415/15	Executive Branch	Implementing Regulations of the Procurement Framework of the Province of Tierra del Fuego (Reglamentación parcial de la "Ley de Compras y Contrataciones")	Establishes the provincial procurement regime with regard to procurement amounts.	<a href="http://www.tierradelfuego.gov.ar/contenidos/contenidos/Ley-1015-DTO-415-2015.pdf">http://www.tierradelfuego.gov.ar/contenidos/contenidos/Ley-1015-DTO-415-2015.pdf</a>	Provincial Procurement Office under the authority of the Provincial Government (Provincial de Contrataciones, dependiente del Ministerio de Economía)	Director General of Procurements of the Province	Gustavo PIETROBON	webmaster@tierradelfuego.gov.ar	+54 2901 441100	San Martín N°450 Ciudad de Ushuaia
Law (Ley)	1161 (Year 2017)	Legislative Branch	Public-Private Partnership Contracts Law (Ley de "Contratos de Participación Público-Privada")	Tierra del Fuego adheres to the National Public-Private Partnership Regime (National Law No. 27328)	<a href="http://www.legislativ.gov.ar/leyes/ind.aspx?libro=provinciales&amp;f...LE...Y1161.pdf">www.legislativ.gov.ar/leyes/ind.aspx?libro=provinciales&amp;f...LE...Y1161.pdf</a>	No data available	No data available	No data available	No data available	No data available	No data available

Jurisdiction		Classification		Sub-classification							
Province of Tucumán	General Regime	General Regime									
	Contracts with a Particular Regime	Private Initiative Regime									
	Preference Regime	Public Works Contract									
		Local Preference Regime									
Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	6.970 (Year 1999)	Legislative Branch	Procurement Framework of the Administration of Tucumán (Ley de Administración Financiera)	In Section II the provincial public procurement regime is established.	<a href="http://rig.tucuman.gov.ar/leyes/filtrar2.php">http://rig.tucuman.gov.ar/leyes/filtrar2.php</a>	Directorate General of Purchases and Procurements under the authority of the Under-secretariat of Modernization of the Secretariat General of Governance (Dirección General de Compras y Contrataciones dependiente de la Subsecretaría de Modernización de la Secretaría General de la Gobernación)	Normally Director General of Purchases and Procurements (Director General de Compras y Contrataciones) which has not yet been assigned. Thus, Modernization Under-secretary of the Secretariat General of Governance (Subsecretario de Modernización de la Secretaría General de la Gobernación).	Sergio Edgardo EPSTEIN	compras@tucuman.gov.ar	+54.381.4844000 Int (455)	25 de Mayo 90 Ciudad de San Miguel de Tucumán
<b>Decree (Decreto)</b>	22.1/2009	Executive Branch	Implementing Regulations of the Procurement Framework of Tucumán (Decreto Reglamentario de la "Ley de Administración Financiera")	Establishes the implementing regulations of Law No. 6.970. Adopts the Provincial State Goods and Services Purchase and Procurement Rules (Reglamento de Compras y Contrataciones de Bienes y Servicios del Estado Provincial) and the Unique General Bidding Terms and Conditions.	<a href="http://rig.tucuman.gov.ar/zobras_publicas/compras/2009/normativa_archivo/s/DA-22-1-23042009.pdf">http://rig.tucuman.gov.ar/zobras_publicas/compras/2009/normativa_archivo/s/DA-22-1-23042009.pdf</a>	Directorate General of Purchases and Procurements under the authority of the Under-secretariat of Modernization of the Secretariat General of Governance (Dirección General de Compras y Contrataciones dependiente de la Subsecretaría de Modernización de la Secretaría General de la Gobernación)	Normally Director General of Purchases and Procurements (Director General de Compras y Contrataciones) which has not yet been assigned. Thus, Modernization Under-secretary of the Secretariat General of Governance (Subsecretario de Modernización de la Secretaría General de la Gobernación).	Sergio Edgardo EPSTEIN	compras@tucuman.gov.ar	+54.381.4844000 Int (455)	25 de Mayo 90 Ciudad de San Miguel de Tucumán
<b>Decree (Decreto)</b>	1.90/03	Executive Branch	Procedural Handbook on Procurements (Manual de Procedimiento de Contrataciones)	Reglamenta como realizar las compras y como confeccionar las contrataciones	<a href="http://rig.tucuman.gov.ar/leyes/scan/scan/dcreto_s/2010/D-190-3-ME-05022010.pdf">http://rig.tucuman.gov.ar/leyes/scan/scan/dcreto_s/2010/D-190-3-ME-05022010.pdf</a>	Provincial Budget Directorate (Dirección Provincial de Presupuesto)	Normally Director General of Purchases and Procurements (Director General de Compras y Contrataciones) which has not yet been assigned. Thus, Modernization Under-secretary of the Secretariat General of Governance (Subsecretario de Modernización de la Secretaría General de la Gobernación).	Sergio Edgardo EPSTEIN	compras@tucuman.gov.ar	+54.381.4844000 Int (455)	25 de Mayo 90 Ciudad de San Miguel de Tucumán
<b>Law (Ley)</b>	8.984 (Year 2017)	Legislative Branch	Investment Promotion System (Sistema de fomento a la inversión)	Establishes the Investment Promotion System for the field of health care and safety.	<a href="http://rig.tucuman.gov.ar/leyes/filtrar2.php">http://rig.tucuman.gov.ar/leyes/filtrar2.php</a>	Ministry of Economy (Ministerio de Economía)	Economy Minister (Ministro de Economía)	Eduardo Samuel GARVICH	mecon@tucuman.gov.ar	+54.381.4844000 Int.(519 - 488)	25 de Mayo 90 Ciudad de San Miguel de Tucumán

Hierarchy	No.	Adopting Body	Name	Summary	URL (Source)	Competent Administrative Authority	Role of the Functionary	Name of the Functionary	Email	Telephone	Address
<b>Law (Ley)</b>	5.854 (Year 1987)	Legislative Branch	Public Works Law (Ley de Obra Pública)	Establishes the provincial public works procurement regime.	<a href="http://rio.tucuman.gov.ar/obras_publicas/obras_publicas_web/archivos_notmativas/D-1334F-3-SO-03071987.pdf">http://rio.tucuman.gov.ar/obras_publicas/obras_publicas_web/archivos_notmativas/D-1334F-3-SO-03071987.pdf</a>	State Secretariat of Public Works under the authority of the Ministry of Economy (Secretaría de Estado de Obras Públicas dependiente del Ministerio de Economía)	State Secretary of Public Works (Secretario de Estado de Obras Públicas)	Cristina Ines BOSCARINO DE SANCHEZ	mecon@tucuman.gov.ar	+54 381 422667/75	Corrientes 1015 Ciudad de San Miguel de Tucumán
<b>Decree (Decreto)</b>	1.534/3	Executive Branch	Implementing Regulations of the Public Works Law (Reglamentación de la Ley de Obra Pública)	Establishes the implementing regulations of Law No. 5.854.	<a href="http://rio.tucuman.gov.ar/obras_publicas/obras_publicas_web/archivos_notmativas/D-1334F-3-SO-03071987.pdf">http://rio.tucuman.gov.ar/obras_publicas/obras_publicas_web/archivos_notmativas/D-1334F-3-SO-03071987.pdf</a>	State Secretariat of Public Works under the authority of the Ministry of Economy (Secretaría de Estado de Obras Públicas dependiente del Ministerio de Economía)	State Secretary of Public Works (Secretario de Estado de Obras Públicas)	Cristina Ines BOSCARINO DE SANCHEZ	mecon@tucuman.gov.ar	+54 381 422667/76	Corrientes 1015 Ciudad de San Miguel de Tucumán
<b>Law (Ley)</b>	6.697 (Year 1994)	Legislative Branch	Buy from Tucumán Preference (Preferencia Compre Tucumán)	Establishes the provincial preference regime.	<a href="http://rio.tucuman.gov.ar/obras_publicas/obras_publicas_web/archivos_notmativas/D-1334F-3-SO-03071987.pdf">http://rio.tucuman.gov.ar/obras_publicas/obras_publicas_web/archivos_notmativas/D-1334F-3-SO-03071987.pdf</a>	Directorate General of Purchases and Procurements under the authority of the Under-secretariat of Modernization of the Secretariat General of Government (Dirección General de Compras y Contrataciones dependiente de la Subsecretaría de Modernización de la Secretaría General de la Gobernación)	Normally Director General of Purchases and Procurements (Director General de Contrataciones) which has not yet been assigned. Thus, Modernization Under-secretary of the Secretariat General of Government (Subsecretario de Modernización de la Secretaría General de la Gobernación).	Sergio Edgardo EPSTEIN	compras@tucuman.gov.ar	+54 381 4844000 Int (455)	25 de Mayo 90 Ciudad de San Miguel de Tucumán



