

FLASH LEGAL # 001197

Key Amendments to the General Regulations to the Organic Law of the National Public Procurement System

Dear Clients and Friends:

Through Executive Decree No. 461, published in the Third Supplement to Official Gazette No. 337 on July 30, 2026, the General Regulations to the Organic Law of the National Public Procurement System were amended. The key amendments are summarized below:

1. New SERCOP Funding Scheme

The funding framework applicable to the National Public Procurement Service (SERCOP) has been amended to incorporate two new sources of revenue:

- A registration fee for the Single Registry of Suppliers (RUP) has been established. The amount of this fee will be determined based on technical studies and progressive criteria, with differentiated fees to be applied.
- A Special Contribution of 0.4% is established on the net value of each invoice corresponding to contracts and purchase orders with a value equal to or greater than US\$1,000,000. This amount will be withheld by the contracting entity and transferred to SERCOP. The percentage may be reviewed by the SERCOP Board of Directors, and it will not exceed 0.5%. In addition, SERCOP is granted coercive authority to enforce the payment of contributions, RUP registration fees, fines, and interest.

2. Mandatory RUP registration

- Suppliers intending to participate in public procurement proceedings must be registered with the Single Registry of Suppliers (RUP) and maintain their registration in an active and eligible status. This requirement also applies to majority partners or shareholders of legal entities registered with the RUP, except for those whose RUP status is "Cancelled."

3. Preparatory Phase

- New definitions have been incorporated into the Regulations, including preliminary market consultations, value for money, technical discretion, preferential criteria,

collusion, related-party relationships, and recurring procurement. These concepts will serve as criteria for SERCOP's application and interpretation of the Regulations.

- Preliminary market consultations are now regulated and may be conducted during the preparatory phase to obtain technical, economic, or commercial information.

4. Key Changes to Procurement Proceedings

The main amendments to the procurement proceedings established under the Regulations include:

- The rules governing the application of preference margins and their order of precedence have been amended.
- The criteria for evidencing bidders' general and specific experience have been updated.
- A Supplier Integrity Profile has been introduced as a tool to assess relevant information regarding suppliers' backgrounds within the National Public Procurement System. Failure to submit the profile, or submission of a profile containing errors, will constitute a non-curable error.
- New requirements for contract execution have been established, including the submission of a sworn declaration by the successful bidder.
- The negotiation procedure applicable to Electronic Reverse Auctions is now regulated for cases in which no bidding takes place or the proceeding is declared unsuccessful.
- The Electronic Catalogue regime has been amended to introduce new rules governing the incorporation, updating, suspension, exclusion, and reinstatement of suppliers.

5. Procurement of Pharmaceuticals and Strategic Healthcare Good

- The procedure for the acquisition of pharmaceuticals based on an exclusivity certificate has been established for cases in which the product is not available in the virtual catalogue and has an exclusive manufacturer.
- Ancillary services have been established to ensure the availability of and access to pharmaceuticals and strategic healthcare goods, including: (i) logistics, (ii) storage, and (iii) inventory control and traceability systems.
- A procedure has been incorporated for intergovernmental procurement cataloguing, whereby the relevant medicinal product will be incorporated into the virtual catalogue.

6. Changes to Contract Performance

- During the contract performance phase, the rules governing extensions and the declaration of a temporary suspension of the contractual term as an exceptional measure have been amended.
- Once the sixty-day period of temporary suspension has elapsed, the contracting entity shall proceed with contract termination.

We hope this information, which is provided for general informational purposes only and does not constitute legal advice, is useful to you. Should you have any specific questions or require further assistance, we will be pleased to assist you.

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