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# Guidelines for Contracts with Public Authorities

5th Edition

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# Guidelines for Contracts with Public Authorities

2023 Update

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Public  
Procurement

5th Edition

Contributions  
from the following

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Portugal

Serbia

South Korea

Spain

Sweden

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# PRIETO

## Prieto Abogados Chile

**1. Does your legal system provide specific procedures for the award of contracts by contracting authorities?**

Definitely yes. In Chile there is a very relevant law on this matter: Law N°19886, called "Ley de Bases sobre Contratos Administrativos de Suministro y Prestación de Servicios".

**2. Do the procedures for the award of contracts depend on the kind of goods, services etc., which are to be procured?**

Yes, the award procedure will depend on the type of good or service to be acquired, and the amount of such goods or services.

**3. Do the procedures for the award of contracts and/or certain procedural regulations depend on the value of the goods, services etc., which are to be procured (thresholds) and if so, what are the thresholds?**

Yes. For example, and in accordance with Article 8 of Law N° 19886, private bidding is allowed for contracts whose value of the goods or services to be awarded does not exceed 1,000 UTM (approximately USD 70,000).

**4. In what way does the contracting authority have to inform the market about the intended procurement?**

Matter regulated by Article 20 of Law N° 19.886. The results of the bids and their awarding, in addition to going through the process of acknowledgment before the Comptroller General of the Republic (Contraloría General de la República), must be published in the information systems established by the Directorate of Public Procurement and Contracting (Dirección de Compras y Contratación Pública).

**5. Are calls for tender from contracting authorities published on a single or on multiple freely accessible website(s)? If yes, please name the website(s).**

Yes, they are published. Fundamentally in the web portal [www.chilecompra.cl](http://www.chilecompra.cl)

**6. Does a potential bidder that is interested in the contract need to have a specific legal form, e.g., corporation, to submit a tender?**

Yes, as a general rule. The specific legal requirements for constitution will be detailed in the Bidding Terms and Conditions.

**7. Are bidders allowed to submit joint offers, e.g., as general contractor and subcontractor or as bidding consortium?**

As a general rule, yes, although it will depend on what is stated in the Bidding Terms and Conditions.

**8. Do potential bidders interested in the contract need to have a registered office or branch office in your country or is it possible to submit a tender for the contract directly from abroad?**

As a general rule, they must be domiciled in Chile, but it will depend on what is stated in the Bidding Terms and Conditions.

**9. If it is possible for foreign bidders to submit a bid for a contract to a contracting authority directly from abroad, does the foreign bidder have to consider certain additional aspects, such as having to provide certain additional supporting documents or whether domestic bidders receive preferences in the award of contracts?**

As a general rule, this is not possible: bidders must have a domicile in Chile.

**10. Is a multinational bidding consortium allowed to submit a bid?**

As a general rule, yes, but it would be necessary to review what is stated in the respective Bidding Terms and Conditions.

**11. In which language do the tenders have to/can be submitted and which form is required, e.g., written form, fax, e-mail, or digital?**

YAs a general rule, in Spanish, but you should check what the respective Bidding Terms and Conditions say.es, the award procedure will depend on the type of good or service to be acquired, and the amount of such goods or services.

**12. Are there any legal regulations governing the time within which bids have to/can be submitted to the contracting authority?**

Yes, as a general rule, they always contain a specific deadline.

**13. Can the bidders claim their costs for preparing their bid? If so what are the conditions for and the maximum amount of reimbursement?**

As a general rule, this is not possible, but it is always necessary to check what is stated in the respective Bidding Terms and Conditions.

**14. Are there any selection criteria set by law that bidders have to satisfy to in order to receive the award of a contract and can the contracting authority establish its own additional selection criteria?**

Yes, there are always pre-established criteria to avoid assignments to bidders that do not meet the requirements and qualifications for the execution of the assignment (good or service) tendered.

**15. Does your legal system provide legal protection against the proposed award of a contract to a competing bidder even before the contract with the competitor is actually awarded (primary legal protection)? If so, please generally explain the proceedings. Is such a primary legal protection available to foreign bidders without any restriction?**

Yes, there is a Public Procurement Court (Tribunal de Contratación Pública), which is a competent jurisdictional agency whose mission is to hear appeals against illegal or arbitrary acts or omissions occurring in administrative procurement procedures with public agencies governed by Law No. 19,886.

**16. If primary legal protection exists in your country, does it depend on certain conditions, i.e., certain thresholds or the kind of goods, services, etc., to be procured? If so, what are the conditions?**

No, the complaint action can always be submitted before the Public Procurement Tribunal (Tribunal de Contratación Pública) and is not limited to certain thresholds.

**17. If there is no primary legal protection, is there legal protection granted after the contract has been awarded, e.g., through damage claims, etc. (secondary legal protection)? If so, what are the principal conditions that have to be presented to a court in order to receive a damage award?**

There is prior and subsequent legal protection in Chile.

**18. Can your office**

**i. give legal advice to foreign clients concerning the relevant formal conditions for preparing a proper bid, etc., and assist in the procurement procedure in your country?**

Absolutely yes, Prieto Abogados has an experienced team specialized in these matters of public procurement with the State and the Administration.

**ii. represent foreign clients seeking primary and secondary legal protection before all public offices/courts in your country?**

Absolutely yes.

**iii. Please name a contact person within your office for questions of public procurement law**

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