
COVERAGE GOVERNMENT CONTRACTING

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The government contracting market is formed by individuals or companies that wish to obtain contracts with the Costa Rican Government.

The government contracting system is currently regulated by Government Contracting Law No 7494 of May 2, 1995 [Ley de Contratación Administrativa – LCA] and its regulations

(RLCA - Decree No. 33411-H) which establishes the mandatory principles and procedures applicable to agencies of the executive, legislative, and judicial branches, as well as the Elections Board, General Comptroller of the Republic, Ombudsman, municipalities, self-governing institutions, non-governmental public entities, and public companies for purposes of contracting services; as well as the Regulations to Government Procurement Act No 33411. Likewise, when partially or fully funded by public resources, contracted services provided by individuals or legal entities are subject to the regulations estab-

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lished in the LCA.

Important changes to the LCA were made by Law No 8511, on May 2, 2006, which has been in effect since January 4,, 2007. Also, new regulations for this law were enacted by Decree No. 33411-H, published on November 2, 2006, which was also amended by the following Decrees: DE 34049-H of September 17, 2007, DE 33860-H of May 29, 2007, DE 33758-H of May 2, 2007, DE-34974-H of November 28, 2008 and DE 35218-H of April 30, 2009.

Exceptions

Article 2 of the LCA states the cases in which bid procedures are excluded. Such cases may include: ordinary activities from the administration, agreements between governments or with public law entities, contractual activities held between public entities, which is stated in Article 131 in the RLCA (for example: one sole supplier or security reasons), purchases made by means of cashier's office, all contracting made for purposes of construction, installation and provision of offices outside the Costa Rican borders, or contracts for small amounts which do not require a competitive bidding process.

Activities that are not covered by the LCA include the following: employer-employee relationships, public loans, and any other activities subject to special contracting regulations. Additionally, non-governmental public entities that are more than fifty percent (50%) funded by their own resources, by union dues or contributions, and public companies in which the majority of shareholders are pri-

vate individuals (instead of public sector agencies) are exempt from the provisions of the LCA.

As part of the modifications to the LCA that took place in 2006, article 2 bis was included. This stipulated the excluding procedures for competitive bidding that are established for the enforcement of this law. The following are sections authorized by the Comptroller's Office of the Republic:

- a) When the property, works and services can only be obtained from a limited number of suppliers or contractors due to their complex or specialized nature.
- b) In cases where the Administration, having acquired technological equipment, decides to acquire more products from the same suppliers based on the need to ensure the compatibility with the technological equipment that is currently in use, provided the price is reasonable and other market offers have been discarded.
- c) Other activities or specific cases in which enough reasons to consider that it is the only way to satisfy the public interest or to prevent damages to the public interest exist.

Government Contracting Principles

The LCA and rulings of the Constitutional Court establish a series of principles that are intended to regulate and guide government contracting procedures. Some of those principles are: a) bidding must be open to maximize bidder participation; b) equal treatment for all potential bidders; c) the request for bid proposals must be openly publicized and full access should be granted to the file,

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reports, resolutions, and, in general, any information related to the process; d) proceedings must be lawful and transparent, meaning that contractor selection procedures must be clearly, specifically, and concretely defined in advance; e) the Government shall be subject to established procedures to ensure bidders of the rule of law and the legal certainty of the process; f) compliance with formal bid procedures; g) the principle of balanced interests shall be upheld; h) the parties shall demonstrate good faith, which means that the actions of both the Government and bidders must reflect clear ethical standards; i) the Government is both entitled and empowered to amend the contracts; j) the Government is required to maintain the economic balance of the contract, either by compensating the joint contractor for any negative repercussions of its decisions, due to the effect of contractual amendments, public interest reasons, or any other general or specific reason that ultimately impacts the initial amount of the contract; k) government contracting activities must be subject to control and supervision.

Regarding the Bidders

In accordance to article 16 of the LCA regulations, all individuals and legal entities with full legal capacity can contract with the Government. They must attest to their legal, technical and financial capabilities regarding the purpose of the contract.

Prohibitions have been established

which extend to the contracting procedures and the execution phase of the corresponding contract.

In this regard, parties that are included in the LCA's article 22 bis and articles 19 and 20 of RLCA, should refrain from directly or indirectly participating in the offer.

Tender Terms and Conditions

The conditions in which the Administration requires to uphold the contracting, constitute the specific ruling for it. In this, all legal technical and financial specifications are included. Its minimum content is regulated by article 52 of the LCA regulations and cannot include requirements that are not indispensable, are of impossible fulfillment or that restrict free participation, include restrictions that are not indispensable or do not result convenient for public interest.

The Bid

According to the LCA, the bid is considered a voluntary and complete manifestation by the participant, addressed to the contracting Administration in accordance to all of the tender's terms and conditions.

The bids may be presented individually, jointly, or as a consortium, at the discretion of the parties.

All bids must be filed in Spanish and by the means approved in the tender's terms and conditions. These can be done by physical or electronic means (these must be previously approved by the administration), and signed by the person responsible for it.

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Additionally, application of the integrity principle is mandatory, which means that the bidders must offer the price for their services taking into consideration the complete purpose of the contract. The sole exception is in case the bid includes independent lines. In this case, offers and pricing can be issued for those of that are of exclusively of the bidders interest and does not require for the tender terms and conditions to authorize it.

In general, specific dispositions regarding the filing of the offer, such as validity, means of presentation, additional documents, among others, are included in the tender's terms and conditions, since the LCA and its regulations establish the minimum requirements, however it is each contracting Administration the one responsible for detailing specific requirements, in accordance to the contract's object.

Representation

Interested parties may participate directly or through a foreign company's representative. In the latter case, an indication must be made that the interested party is filing a proposal through a representative.

Finally, bidders may participate through any form of representation recognized by civil law, such as full (unlimited or limited) power of attorney, specific full power of attorney (for a business, bid or contracting procedure), general power of attorney for day-to-day management functions, and special power of attorney (specific for each act). It is important to bear in mind that full and gen-

eral powers of attorney must be granted through a notarized document and recorded at the Costa Rican Public Registry.

Types of Procedures

The Regulations establish the various types of procurement methods, which include public bidding, public bidding with international advertising, direct contracting, auction, Dutch auction, abbreviated bidding, bidding with financing, bidding with pre-qualification and open types.

The types of contracting procedures regulated by the LCA are the following:

Public bidding: this is a competitive procurement procedure in which the interested parties file their bids before the government office that published the request for proposals. It is the obligatory contracting procedure for the following cases:

- a) Stipulations of article 27 of the LCA (this depends on the authorized budget for each period for the contracting Administration and the specific amount foreseen for the contract).
- b) In all sales or property alienation, real estates or lease of public services, except if an auction procedure is used.
- c) In Public Installation concession procedure.
- d) In contracts in which the price cannot be estimated.
- e) In cases of supply purchases in which the nature concerns demand and execution by consignment.
- f) In "mark agreements" (between legal entities that share the same supplier or acquisition system).

This procedure is the most rigorous

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of all those regulated by means of this Law and its terms are the longest. It is constituted by a previous stage (development of feasibility analysis to execute the contract), that implies the elaboration of the tender's terms and conditions and the bidder evaluation system; an intermediate stage in which the bid is open with the correspondent publication, and a final stage that is completed with the formal assignment of the bid, which must be compliant to the requirements stated in the tender's terms and conditions. The final stage pertains the contracts' assignment and execution.

This contracting procedure can also be executed by means of an international publication, when considered convenient for public interest or when agreed with an international public entity that finances the contracting.

Abbreviated bidding: this contracting procedure is regulated by the LCA's Regulations beginning on article 44 and 97 of the RLCA. This is a competitive bidding procedure whereby the government invites at least five suppliers who have been previously registered in the Suppliers Registry. If there are less than five suppliers, a notice has to be published in the Official Gazette on behalf of the public interest. In case that five or more suppliers are registered, the Administration may choose to publish a notice on the Official Gazette or invite the five suppliers from the Registry list, following the order of registration. In this case, the suppliers that have not been invited to the bid cannot participate, unless the bid terms specifically allow them

to do so in virtue of the public interest. Nonetheless, the government should analyze all offers, even when the bidders are not part of the supplier list.

This procedure also differs from public bidding since the terms are shorter and the contract amounts lower, as shown in the table below.

Other procurement procedures include **bidding with financing and bidding with prequalification for one tender and for several tenders**. In the first case, the government needs to obtain financing for its projects, provision of goods and services. In the second case, a prior study for the public or institutional interest is required either to streamline the process or because the subject of the contract has not been fully defined. Also, the administration can promote this type of contracts when it considers that in order to satisfy the need it has to promote several offerings. In this case, given that it implies several bids, the value of each of the contracts to be awarded, must be published in the Official Gazette and in the electronic means desired, stating the legal, technical and financial requisites of the contract.

Auction: this is the ordinary competitive procedure whereby the government can sell or lease real estate or movable property, whichever is in its best interest. This procedure is regulated by articles 101 and 102.

Dutch auction: both the conventional and the electronic Dutch auction are regulated beginning on article 106, which establishes the parameters for cases in which the govern-

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ment needs to procure generic equipment, supplies, or durable consumer goods.

The RLCA regulates in its Ninth Chapter, the excluded topics for ordinary contracting procedures. This contracting can be utilized directly between the Administration and the contractor, as long as the Administration has the faculty to do so and the contractor can comply with the legal, technical and financial capabilities to fulfill the contract in question.

The following paragraph includes an explanation of scenarios in which direct contracting is authorized:

Direct contracting is used in the following cases:

- a) The Administration's ordinary activity; which included the activities and/or public services that constitute its ultimate purpose.
- b) Agreements between International Public entities, including States.
- c) Agreements between International Public Entities, provided that the prices agreed are established within the reasonable limits. As well, inter-institutional cooperation agreements are not subject to LCA.
- d) Urgent Procedures.
- e) Contracts with petty cash funds.
- f) Properties or services to be contracted outside Costa Rican borders.

Lack of quantity of limited volume and economic transcendence according to the amounts stated on article 27 of the LCA.

- g) Construction or maintenance of education infrastructure.
- h) Contracts authorized by the General Comptroller's Office, in the following cases:

- i. Sole bidder (without the existence of ideal alternatives in the market)
- ii. Artistic or Intellectual services.
- iii. Mass media.
- iv. Formation services (only for trainings destined to the general public)
- v. Urgent attention of Judicial requirements (Legal services, when a not competent officer is available to handle the matter)
- vi. Undefined reparations.
- vii. Purposes that require qualified security.
- viii. Interest to collaborate with the administration (services and supplier contracts with individuals, non governmental organizations or private entities that would like to help the administration pro bono).
- ix. Lease or purchase of unique goods.
- x. Necessary contracting to face unforeseen situations that threaten the rendering of essential public services.
- xi. Car leases.
- xii. Conciliation or arbitration services.
- xiii. Fuel purchase at gas stations.
- xiv. Sponsorships.
- xv. Advisory services to Internal audit departments in cases where confidentiality is required.

Open Types: Article 55 of the LCA regulates the so-called "open types". This implies that the contracting methods mentioned previously mentioned do not constitute a closed list. There are special regulations for public works contracts, property supply, disposal of properties, professional services, requests for concession of public

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services, equipment and property leasing. These contracting types are different due to their purpose and unless a special ruling exists, they are regulated by public or summarized bidding, depending on the amount.

They are filed through direct contracting, only in cases approved by the RLCA, special rules or by CGR authorization. Likewise, these excluded contracts must follow the general

principles and norms of the tender's terms and conditions; nonetheless, it is a more simple and faster process.

This article provides as well the possibility to follow the RLCA when using other contracting forms.

In cases in which the Law doesn't define an specific procedure in regards to the type of contract, the procedure will be determined taking into consideration the budget of each administration and the budget

Table #1 Contracting Procedure (without Public Works) Appeal

Category	Budget for goods and Article 27 LCA	Procurement of Services & 84 RLCA	Public Bid	Summary Bid		Direct Contracting	Appeal
	Greater than		Equal to or less than	Greater than or equal to	Less than	Greater than or equal to	Less than
A	58,800,000,000		353,000,000	353,000,000	49,000,000	49,000,000	176,000,000
B	39,200,000,000	58,800,000,000	304,000,000	304,000,000	15,220,000	15,220,000	125,100,000
C	19,600,000,000	39,200,000,000	213,000,000	213,000,000	13,700,000	13,700,000	89,500,000
D	9,800,000,000	19,600,000,000	152,200,000	152,200,000	12,180,000	12,180,000	65,400,000
E	1,960,000,000	9,800,000,000	106,500,000	106,500,000	10,650,000	10,650,000	47,100,000
F	980,000,000	1,960,000,000	91,300,000	91,300,000	9,130,000	9,130,000	40,400,000
G	588,000,000	980,000,000	60,900,000	60,900,000	7,610,000	7,610,000	27,900,000
H	196,000,000	588,000,000	45,700,000	45,700,000	4,570,000	4,570,000	20,200,000
I	58,800,000	196,000,000	30,400,000	30,400,000	3,040,000	3,040,000	13,450,000
J		58,800,000	15,220,000	15,220,000	1,500,000	1,500,000	6,730,000

*All previously listed amounts are in CR colones.

* Auctions for which the quantity cannot be estimated, may be subject to appeal.

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assigned to each specific contract.

Supplier Registry

Chapter VIII of the Regulations to Government Procurement Act No 33411 contains the Suppliers Registry. The purpose of the Suppliers Registry is to register individuals and legal entities so that they can be invited by the government to participate in abbreviated bidding and direct contracting procedures. Suppliers must fulfill all the conditions necessary to contract with the government and may register at any time.

The registries are to be updated annually and the information is made publicly available in order to ensure transparency. Government institutions are allowed to share their registry information in order to gain access to a larger database of options. The government will take measures to ensure adequate rotation of potential bidders in the Suppliers Registry so that all registered parties can participate and the government has access to the best bids.

Determination of Ordinary Procedures

Determination of the appropriate procedure (in cases where a particular procedure is not indicated by Law) depends on the amount of the contract and the budget made available to the contracting institution for procurement of non-personal goods and services.

The LCA classifies institutions into

different categories (A through J) based on the budget available for procurement of non-personal goods and services, and defines monetary limits for each category (which are adjusted annually by the General Controller of the Republic). Those categories and limits are then used to determine the appropriate contracting procedure, i.e. international public bid, public bid, summary bid, or direct contracting.

Limits established by annual Resolution from the General Controller of the Republic are shown on **Tables #1 and #2**.

The different contracting procedures essentially vary in terms of the method used in the request of proposals, the term for receiving bids, and the required guarantees.

For a description of the various contracting procedures see **Table #3**.

Objections to the Tender's terms and conditions

Objections may be filed by any potential bidder or representative who claims procedure related errors, a breach of the fundamental principles of the contracting process, or a breach of applicable laws. They are filed against the terms of the Bid published in the invitation. The claim must be filed before the Comptroller General of the Republic on Public Bid procedures and in case of Summary Bids, before the Administration that promotes the Bid.

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Appeals

Appeals are filed to challenge the contract award and are admissible, as stipulated in the LCA, based on the budget for procurement of non-personal goods and services, and according to the estimated amount of the transaction (see "Contracting Limits" table). The appeal must be filed before the Comptroller General of the Republic. Appellants must present professional studies to challenge the award.

Motion for Reconsideration

When an appeal is not allowed due to the amount of the contract, the interested party may file for reconsideration of the award through a motion for reconsideration before the same entity that issued the award. (See **Table #4**)

The Government's decision (appeal, motion for reconsideration) concludes the process of recourse through official channels. However,

Table #2 Contracting Procedure (Public Works) Appeal

Category	Budget for goods and Article 27 LCA	Procurement of Services & 84 RLCA	Public Bid		Summary Bid		Direct Contracting	Appeal
	Greater than		Equal to or less than	Greater than or equal to	Less than	Greater than or equal to	Less than	Starting at
A	58,800,000,000		548,000,000	548,000,000	76,100,000	76,100,000	274,000,000	
B	39,200,000,000	58,800,000,000	472,000,000	472,000,000	23,640,000	23,640,000	194,000,000	
C	19,600,000,000	39,200,000,000	331,000,000	331,000,000	21,280,000	21,280,000	138,800,000	
D	9,800,000,000	19,600,000,000	236,200,000	236,200,000	18,920,000	18,920,000	101,500,000	
E	1,960,000,000	9,800,000,000	165,300,000	165,300,000	16,540,000	16,540,000	73,100,000	
F	980,000,000	1,960,000,000	141,700,000	141,700,000	14,180,000	14,180,000	62,600,000	
G	588,000,000	980,000,000	94,500,000	94,500,000	11,820,000	11,820,000	43,200,000	
H	196,000,000	588,000,000	70,900,000	70,900,000	7,100,000	7,100,000	31,400,000	
I	58,800,000	196,000,000	47,200,000	47,200,000	4,720,000	4,720,000	20,860,000	
J		58,800,000	23,620,000	23,620,000	2,300,000	2,300,000	10,420,000	

*All previously listed amounts are in CR colones.

* Auctions for which the quantity cannot be estimated, may be subject to appeal.

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within a year from notification thereof, the interested party may challenge the final decision (without overturning it) before the Superior Court of Administrative Litigation, in accordance with the Administrative Litigation Procedure Code.

Contracts

Under Costa Rican Law, contracts are legitimate when the award is final and the performance bond is paid (if required). Accordingly, the execution of the contract merely represents the formalization of a contract that is already considered to be legitimate.

For contracts to be effective (executable), they must be approved by the Comptroller General’s Office, or receive the internal approval of the

Government, as the case may be. The only contracts that are exempt are those for small monetary amounts, as indicated in the “Contracting Limits” table.

Other contracting procedures

Other regulations that control special procedures for public contracting are the General Law for Public concessions and Public Services, the Private Initiative Rules and the Constitutive Law of the Social Security Authority (“CCSS”), the Law for Modernizing and Empowerment of Public Entities for the Telecommunications Sector, Law N. 8660 dated August 8th, 2008, and its rulings, executive Decree N. 35128 dated February 24th 2009 and National Insurances

Description of the various contracting procedures

Table #3

	Bid Submittal	Bid Analysis	Omission corrections	Award
Public Bid	At least 15 business days	Are established in the tender terms and conditions, the deadline for adjudication must be considered	5 business days are then granted to any bidders that need to correct errors or supply relevant information or documentation that has been omitted.*	Once the bid has been analyzed and evaluated, the contract is awarded within the term stated in the terms and conditions. If no such indication is made, the contract shall be awarded within the term that should never double the submittal term
International Public Bid	Same as Public Tender	Same as Public Tender	Same as Public Tender	Same as Public Tender
Summary Bid	Term: between 5 and 20 days	Same as Public Tender	Same as Public Tender	Same as Public Tender
Direct Contracting Article 27 *The terms vary with each contract	Stated in the contract terms	Stated in the contract terms	Stated in the contract terms	At least 10 business days

T E R M S			
Table #4			
	Filing Term	Notification Term	Resolution Term
Objections	During the first third of the term provided to submit the offer	Audience to the Government for 3 days to address the objection	10 days
Appeals	<p>10 business days as of publication or notification of the award in case of Public Bids</p> <p>5 business days from publication or notification in case of Summary Bids</p>	Within the first 10 business days of filing, the Comptroller General's Office shall determine whether to admit or reject the appeal. If accepted, a court order is issued to open the case file, and the Government and successful bidder are given for a term of 10 days to address the case in Public Bids procedures and 5 business days in case of Summary Bids	In case of Public Bids, appeals must be resolved within 40 business days from the date of the court order to open the case. In case of Summary Bids, appeals must be resolved within 30 business days.
Motion for Reconsideration	Within 5 business days after notification of the award notification	<p>The Government shall notify the successful bidder no later than 48 hours after the motion was filed.</p> <p>The successful bidder then has a term of 3 business days to make a statement on the matter</p>	The Government must reach a decision within 15 business days

Institute and Contracting Rules excepting Ordinary procedures for Administrative contracting, provide more flexible rules for contracting.

The General Law for Public Concessions with Public Services regulates the award as the entity under which the Administration contracts a person which can be public, private or mixed, the design, planning, construction, financing, remodeling or repairing of any public properties, as well as the exploitation of public services in exchange of a fee charged to the works' end-user, to the beneficiary of the service, or to the Administration.

The Private Initiative Rules is an innovative figure, under which the

Administration receives a proposal for private initiative for developing concession projects for public works and public works with public services. Under this figure, any interested party may propose to the Administration's new projects. Eligible projects require:

- a) To invest in matters of public interest.
- b) Must be based on technical, environmental and economic feasibility analysis, and have a construction and exploitation plan, according to each case.

The awarding Administration will then examine the concession proposal, and if considered feasible and of public interest and in accordance to

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the National Development Plan, will proceed and grant them in the period it defines suitable (modification to article 20 on law # 7762, Law # 8643, partial reform on the General Concessions for Public Works with Public services Law that will be instated on October 17, 2008).

Another law that has to be considered in terms of government procurement is the Constitutive Law of the Social Security Authority ("CCSS"). This Law authorizes the Administration to contract directly with different assumptions that manage the RLCA Rules in its article 131, will only require authorization from the Comptroller's Office of the Republic. Articles 71 and 72 of the Constitutive CCSS law establish:

"Article 71 – CCSS is authorized to import, unpack, produce, purchase, sell and export, directly medications listed on the National Form, reactive and biological, as well as raw materials, and packaging, required for their preparation. Equally, it is authorized to supply these same articles to public and private institutions that provide health care services."

"Article 72 – Purchases and negotiations that the previous article refers to can only be performed if approved by of the Comptroller General's Office."

Other more recent laws that negotiate Administrative Contracting procedures in a more expedite manner are the telecommunications and insurances sectors, as previously stated.

Regarding telecommunications, actual norms state that the liquidation of assets and services that the

constituted companies perform for I.C.E as anonymous entities, are excluded from LCA dispositions and its rulings, and shall be applied on an auxiliary manner.

Ordinary Procedures that I.C.E will follow, will be applied to the public bidding, the abbreviated and the direct contract. It also establishes as other modes for contracting the bidding with financing, bidding with pre-qualification and low bid.

In these cases, for 2009, the required quantity for public bidding is approximately \$ 10,500,000.00 or more and for abbreviated bidding, is of \$80,000.00 to \$10,400,000.00 approximately.

In accordance to the previously mentioned Law N. 8660, additionally to the parameters that are stated on chapter IX of the RLCA, the following contracts are exempt from ordinary procedure:

- Agreements with other public companies from other countries.
- Sales, on national and international markets of assessment services, consulting, training and any other product related to its competencies.
- For security reasons, urgency, emergency or opportunity to guarantee the continuity of the services.
- To introduce improvements or new technologies to its products or services.
- Contracts for assistance to people, non governmental entities or private or public entities local or international; acquisition of goods, services or works, that due to its

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high complexity or specialized requirements, can only be obtained when a limited number of suppliers or contractors exist.

- In cases where the Administration, decides to acquire more products from the same contractor under certain conditions stated on the legislation, provided that they have obtained technological equipment.
- Trust contracts.

The resources that proceed on this new form of contracting are the following: the objection against the public bidding or abbreviated in the first quarter of the term to present offers to CGR for public bidding and to the abbreviated bidding administration, it does not proceed any claim against direct contracts. The objection procedure must be resolved within the first 10 business days of its presentation; after this it will be noted as accepted.

The appeal procedure will only proceed in case of public bidding against the adjudication act, in which it shall be presented within the next 5 business days after being published to the CGR in accordance to the LCA stipulations.

For all other ordinary procedures, the revoke procedure will be applied, within the next 5 business days to the notification date to the last of the parties, against the same entity that declared it, this claim will not proceed against direct contracts of low monetary significance.

On the other hand, regarding insurances, the ruling on contracts exempt of ordinary proceedings, establishes that the following contracts are excluded of this ordinary contracting procedure:

- Contracts for the acquisition, updating or rent of technological equipment, hardware, software or information system development.
- Contracts for re-insurance or accessory services for them.
- Trust contracts of any kind, when it appears as trustee, trustor or grantor.
- Contracting intermediation of insurance or financing services including the distribution of auto expendable insurance policies, realization contracting, by third parties, services that are provided regularly by INS or its subsidiaries, such as charging or collecting of money and the insurance auxiliary services, as stated on the Insurance Market Regulation Law.
- Strategic alliances developed with entities, public or private, that have as main goal the development or improvement of activities assigned to INS.
- Contracts between INS and anonymous entities that have participation of its capital.
- Acquisition, leasing or maintenance of real estate needed for the

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development of INS businesses, up to an amount of fifty thousand development units.

- Contracts related to advertising, communication, marketing and corporate image up to an amount of fifty thousand development units.
- Contracting of appraisals and, technical or professional consultations related to INS business up to an amount of fifty thousand development units.
- Contracting of training services up to an amount of fifty thousand development units.

Nonetheless, despite the previously stated rules, excluding ordinary

contracting, all general principles that rule administration contracting must be followed, same previously detailed. Additionally, the application of articles 9, 10, 11, 12 bis, 13, 14, 15,16, 17, 19, 21, 22, 22 bis, 23, 24, 25, 35,37, 38 and 39 of the LCA is mandatory.

Due to details on previous paragraphs it can be stated that the LCA and RLCA constitute the base law to contract with the Public Administration. Nonetheless, its content cannot be isolated from other laws that control special procedures for public contracting.