



**External Circular Letter No. 17 of the 11<sup>th</sup> of February of 2015**

To: Participants of the public purchasing and procurement system

Subject: Documents in Procurement Processes

The National Public Procurement Agency -Colombia Compra Eficiente- pursuant to its purpose as the governing body of the public purchasing and procurement system issues the following instructions about manner in which the State Entities must handle the documents submitted by the bidders in Procurement Processes:

I. Apostille and legalization before consul of public documents

The State Entities can only require legalization according to the Apostille Convention or the legalization before consul of public documents issued abroad. This type of legalization is not apt for private documents.

When a bidder submits a public document in a Procurement Process that has been legalized according to the Apostille Convention, the State Entity must not request additional legalizations, authentications or ratifications from any national or foreign authority, because the Apostille process is enough to certify, by itself, the authenticity.

According to the Handbook for the practical operation of the Apostille convention<sup>1</sup>, the country of origin of the document may have an authority that verifies and certifies certain public documents (intermediate authority) and another centralizing authority that is the one that issues the Apostille. In consequence, the State Entities must accept the Apostille issued by the respective centralizing authority.

II. Presumption of authenticity of the documents

Public and private documents are presumed authentic. The State Entities must not demand authentications, acknowledgements, personal presentation or additional proceedings for documents submitted to Procurement Processes, excepting when the law expressly requires it.

The special powers to act in the Procurement Processes require a personal presentation note.

III. Evidencing value of copies

The bidders can submit public or private documents in a plain copy when submitting them to the Procurement Processes. The copies of the documents also have a presumption of authenticity and the evidencing

1 Permanent Office of the of The Hague Conference in International Private Law. *Apostille handbook. A handbook on the practical operation of the Apostille Convention.* Section 217, Pg. 50. Document available at [http://www.hcch.net/upload/apostille\\_hbe.pdf](http://www.hcch.net/upload/apostille_hbe.pdf).



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value thereof is the same as that of the original, excepting when, by legal provision, it is necessary to submit the original or a given copy.

In the bidding terms and the invitations to bid in Procurement Processes, the State Entities can request that during the selection stage the documents be submitted in a plain copy, and that for the awarding or the issuance of the acceptance of the offer, the bidder submit the document with the respective legal requirement.

IV. Documents in the hands of the State Entities

The State Entities must not request that the bidder submit documents that the entities already possess.

If a document accredits a circumstance applicable to several or to all the bidders in a Procurement Process, it shall suffice that one bidder submit it for the State Entity to verify the requirement for the bidders said document was required of.

V. Documents in a foreign language

The documents in a language other than Spanish must be submitted in their original language together with its translation into Spanish. The bidder may submit a plain Spanish translation with the offer. If the bidder is successful, it must submit the official (certified) translation into Spanish of the documents filed in foreign language. The official translation must contain the same text as the originally submitted document.

Yours truly,

  
María Margarita Zuleta González  
General Director

Con formato: Español (Colombia)

Regulatory Reference

- Law 455 of 1998.
- Items 3 and 5 del article 9 and article 40 of Law 1437 of 2011.
- Articles 5, 6, 9, 25 and 36 of Decree Law 019 of 2012.
- Articles 244, 245, 246, 251 and 260 of Law 1564 of 2012.
- Resolution 714 del 20 of October of 2014 of the Ministry of Foreign Affairs.

