

SINGLE REGISTRY OF BIDDERS

Practical Guide | 2024





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1. What is the RUP?

The Sole Registry of Bidders (Registro Único de Proponentes) ("RUP" for its acronym in Spanish) is a legally created public registry administered by the Colombian chambers of commerce in which all natural and legal persons, national or foreign, domiciled in Colombia, interested in participating in contracting processes convened by the State Entities must be registered.

Based on the information provided by the interested parties in the RUP, the chambers of commerce will verify compliance with the following **qualifying requirements**:

- Legal capacity.
- Experience in the provision of goods and services.
- Financial and organizational capacity.

The chambers of commerce must verify that the information submitted by the interested party in the registration, renewal or update form coincides with the information required by law for registration purposes and proceed with the registration. The chambers of commerce may use the information of the registries they manage to carry out this verification.

The RUP certificate constitutes full proof of the information contained therein and allows the verification of the minimum data required by the contracting State Entities.

Notwithstanding the foregoing, the RUP is not required in the following cases, since the contracting entity shall perform the task of verifying the conditions of the bidders:

- Direct contracting.
- Contracts for the provision of health services.
- Minimum amount contracts.
- Disposal of State assets.
- Contracts for the acquisition of products of agricultural origin or destination offered in legally constituted commodities exchanges.
- Acts and contracts having as their direct object the commercial and industrial activities of the industrial and commercial companies of the State and mixed economy companies.
- Concession contracts of any kind.

2. Requisitos habilitantes contenidos en el RUP



2.1. Legal Capacity

This refers to the legal capacity of the bidder to provide the goods, works or services to be offered to the State Entities and the capacity of the legal representative of the legal entities to enter into contracts. Likewise, the legal capacity section in the RUP indicates whether authorizations from corporate bodies are required for the legal representative to act on behalf of the bidder (due to limitations on the amount or type of contract expected to be entered into).

Documents proving legal capacity

Documents	
1.	Copy of the identification document of the bidder.
2.	In the case of an unregistered legal entity, a certificate of existence and legal representation issued by the corresponding entity, with an issue date no more than two (2) months prior to the date of the application in the RUP ¹ .
3.	Certification of compliance with parafiscal contributions signed by the bidder.
4.	Copy of the Single Tax Registry (RUT), issued by the National Tax and Customs Directorate (DIAN).
5.	Certification regarding the size of the company (large, medium, small or micro) issued by the legal representative.
6.	Business group or control situation certification issued by the legal representative and the statutory auditor, if the legal entity is required to have one, or the auditor or accountant, stating the identification of the members of the business group (parent and subordinate), the control situation (controlling and controlled). If the bidder is not part of a business group and/or control situation, it must provide this certification stating that it is not part of a business group, does not exercise control over other legal entities and there is no control situation over the interested party.
7.	In the case of a foreign company, documents proving the existence and legal representation of the foreign company in the country of origin. In the case of the

¹ The certificate must include at least the following information: a. Name or corporate name of the bidder. b. Modifications of the corporate name. c. Type, number and date of the incorporation or creation document. e. Address of the legal entity. f. Name and identification of the legal representative. g. Powers and limitations of the legal representative. Address of the legal entity. In case the certificate issued by the competent entity does not contain the above mentioned information, a copy of the bylaws certified by the entity exercising inspection and surveillance must be attached where the missing information is stated. When the authority does not have within its functions to certify the bylaws of its supervised entities, these shall be accompanied by a certification issued by the legal representative of the bidder stating that they faithfully correspond to the current bylaws of the legal entity. When the duration of the entity is not included in the certificate of existence and legal representation or in the bylaws, it must be accredited with a certification issued by the legal representative of the bidder. Public entities that have been created by law or administrative act and that do not have the documentation indicated in this paragraph, must attach a copy of the law or administrative act of creation and the appropriate document that accredits the appointment, powers and limitations of the legal representative.



powers of the legal representative, he/she must have at least the legal representation of the parent company ²

2.2. Experience

This refers to the contracts entered into by the interested party for each of the goods, works and services that it will offer to the State Entities, identified with the United Nations coding system (known by the acronym UNSPSC) at the third level and its value expressed in current legal monthly minimum wages (SMMLV).

The contracts entered into by consortiums, temporary unions and partnerships in which the interested party has or has had participation, for each of the goods, works and services to be offered to the State Entities, identified with the Goods and Services Classifier at the third level and their value expressed in SMMLV.


2.2.1. Documents proving experience

- Certification issued by the third party (contractor) that received the good, work or service stating: (i) that the contract has been executed; (ii) identification of the parties; (iii) value of the contract in SMMLV as of the date of termination; (iv) date of termination of the contract, and (v) UNSPSC classification codes related to the contractual object. If the above certification does not indicate the UNSPSC codes, it must be accompanied by a statement signed by the legal representative of the bidder.
- In case the above certification cannot be obtained, a copy of the executed contract signed by the parties. The copy of the contract must be accompanied by a statement signed by the legal representative of the bidder of the UNSPSC codes related to the contractual object, the value of the contract expressed in SMMLV at the date of termination and the date of termination of the contract.

Likewise, in accordance with the provisions of the Superintendence of Corporations, the following documents are accepted:

- The minutes of liquidation of the contract signed by the third party contractor accompanied by a statement issued by the bidder certifying that the information in the minutes of liquidation is firm, or a copy of the executed contract signed by the parties containing the aforementioned information,

² The document evidencing the legal capacity of the foreign company must contain at least the following information: Name or complete corporate name of the bidder; Type, number and date of the incorporation or creation document; Date and type of document by which the legal capacity is recognized; Duration. When the document provided proving the existence and legal representation of the foreign legal entity does not contain all the required information, a certification of the legal representative of the foreign company or, in its absence, of the branch office agent with the missing information may be attached.



together with the written statement signed by the bidder, natural person or the legal representative of the legal person, stating the value of the contract at the date of termination expressed in SMMLV, the goods, works or services executed and the classification codes with which they are identified, for which purpose the third level classifier of goods and services shall be used.

- The continuing performance contracts will be considered executed in the portion actually performed. In order to register the experience of an ongoing continuing performance contracts, it is necessary that the third party that received the related goods, works or services expressly certifies the amount and object of the contract actually executed.
- Purchase orders, service orders and acceptance of irrevocable offers, issued by the contracting third party that received the goods, works or services, identifying the value, object, date of completion and the contracting parties.


All documents coming from abroad and in a language other than Spanish must be accompanied by an official translation. Additionally, if the documents are issued by public entities, they must have an apostille or legalization, as the case may be.

2.2.2. Is the experience transferable?

The experience of legal entities is of a personal nature and, in principle, non-transferable. Therefore, it is not possible to transfer the experience from one bidder to another in the event of a spin-off or liquidation of a legal entity, nor is it possible for the experience to be transferred by a legal entity to another legal entity or natural person.

As a general rule, the bidder can only accredit the experience it has obtained and not the experience of its parent company, subsidiaries or members of the same business group.

- As an exception to the general rule, legal entities with less than three (3) years of incorporation may accredit their experience based on the direct experience of their partners or shareholders, associates or constituents.
- Likewise, as an exception to the general rule, in some processes, the State Entities allow accrediting the experience of parent companies or affiliates, with justification in the market studies and contractual needs. The rules for accrediting such experience shall be set forth in the bidding documents of the relevant selection process. In any case, the contracting entities will be the ones



to define whether or not they accept that the absorbing company accredits as its own experience the experience of the absorbed companies.

- **Spin-off:** implies a separation or division of assets in which the spin-off company is maintained without any solution of continuity and retains its business experience. The experience registered in the RUP continues to belong to the splitting company and has effects to the extent that it is renewed within the term established by law. The experience of the spin-off company does not disappear nor can it be transferred to the beneficiary company as a consequence of a spin-off.
- **Merger:** implies a process of integration or consolidation. If the assets and businesses of the participating companies are integrated through the merger, it is possible for the absorbing company to claim the experience of the absorbed company(ies) as its own. Notwithstanding the foregoing, it will be up to the contracting entities to define whether or not they accept that the absorbing company may credit as its own experience the experience of the absorbed companies.

2.3. Financial Capacity and Organizational Capacity

2.3.1. Financial capacity

Financial capacity refers to the indicators that measure the financial strength of the individual registered in the RUP. These indicators are:

Indicators	Content
Liquidity ratio	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$
Debt ratio	$\frac{\text{Total Liability}}{\text{Total Assets}}$
Interest coverage ratio	$\frac{\text{Operating Profit}}{\text{Interest Charges}}$

2.3.2. Organizational capacity

Organizational capacity measures the return on investment and efficiency in the use of assets of the individual registered in the RUP. They are indicators of organizational capacity:

Indicators	Content
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Return on equity	$\frac{\text{Operating Profit}}{\text{Equity}}$
Equity of assets	$\frac{\text{Operating Profit}}{\text{Total Assets}}$

2.3.3. Documents evidencing financial and organizational capacity

The interested person must register the following information with the chamber of commerce of its domicile and, based on this information, the chamber will certify the indicators listed above:

Documents		Applies
1.	Duly certified financial statements.	Natural person obliged to keep accounting records.
2.	Certification signed by the accountant or auditor and the bidder in which each of the financial items that make up its indicators are disclosed in detail.	Natural person not required to keep accounting records.
3.	<p>Audited financial statements of the company as of December 31 with their notes, complying with the requirements of the accounting standards for their preparation and presentation, signed by the legal representative and the statutory auditor, if the legal entity is obliged to have one, or signed by the legal representative and the auditor or accountant if the legal entity is not obliged to have a statutory auditor.</p> <p>Note: if the interested party is not old enough to have audited financial statements as of December 31, it must register with quarterly financial statements, signed by the legal representative and the auditor or accountant or opening financial statements.</p> <p>In addition, in the event that the financial statements submitted by the bidder cannot determine the expected indicators, they must attach along with the financial information, a certification signed by the accountant, auditor or statutory auditor, as the case may be, establishing the different accounts.</p>	Legal entity.
4.	Consolidated financial statements of the corporate group, when required by the applicable standard, that comply with the requirements	A legal entity that is part of a corporate group.

demanded by the accounting standards for their preparation and presentation, audited with their notes, signed by the legal representative and the statutory auditor, if the legal entity is required to have one, or signed by the legal representative and the auditor or accountant if the legal entity is not required to have a statutory auditor. However, the financial and organizational capacity of the bidder will be determined based on its individual financial statements.

Note: if the interested person is not old enough to have audited financial statements as of December 31, it must register with quarterly financial statements, signed by the legal representative and the auditor or accountant or opening financial statements.

5.	Certification signed by the legal representative and accountant or statutory auditor with the following accounts: (a) main detailed accounts of the balance sheet (statement of financial position); (b) main accounts of the statement of profit and loss (income statement), and (c) contingent accounts, debtors and creditors (Annex to the financial statements).	Legal entity
6.	Simple copy of the financial statements of the parent company, presented in accordance with the applicable regulations of the country in which they are issued, without requiring any authentication or apostille, with the cut-off date corresponding to the fiscal closing of the country of origin with the conversion to Colombian currency and the official translation into Spanish, when applicable. In no case will the financial statements of the branch of the company established in Colombia be admissible.	Foreign company with branch registered in Colombia.
7.	Legal entities subject to the inspection, surveillance or control of this Superintendency shall also submit to the chambers of commerce the same required documents.	Legal entity

The documents signed by the accountant or statutory auditor must be accompanied by a copy of the professional card and certification of the central board of accountants on its validity.



3. Registration, renewal, update and cancellation of the RUP

3.1. Registration

Registration in the RUP must be carried out at the chamber of commerce where the main domicile is located.

3.2. Renewal

Every year, no later than **the fifth working day of April**, the persons registered in the RUP must submit the information to **renew** their registration. Otherwise, the effects of the RUP cease.

3.3. Update

The person registered in the RUP may **update** the information registered in the RUP regarding its experience and legal capacity at any time.

Updating the RUP can be done in different ways:

- Automatic updating of information subject to registration before the respective chamber of commerce: corporate name, legal representative and powers.
- Updating by request of the interested party, in which case an update form must be submitted and supporting documents must be provided.

Financial information can only be updated at the time of renewal of the RUP, except in the following cases:

- In the case of a foreign company that closes its accounts on a date other than December 31. In this case, the financial information must be updated on the corresponding date, without prejudice to the obligation to renew the RUP. The financial statements of foreign companies must be presented in accordance with the regulations applicable in the country in which they are issued, with official translation (if applicable) and conversion to Colombian pesos.
- When it is an order of competent authority.

The update must be accompanied by the declaration of compliance with the payment of parafiscal taxes, with the exception of the updates of foreign companies.



3.4. Cancellation

Those registered in the RUP may at any time request the chamber of commerce to **cancel** their registration.

4. Frequently Asked Questions

4.1. When do the actions in the RUP become final?

All actions (registration, renewal and updating) in the RUP become final once the term of ten (10) working days to file appeals has expired, which is counted from the publication of the respective information.

4.2. What experience can newly incorporated companies register?

When the individual registered in the RUP is a legal entity with less than three (3) years of incorporation, it may accredit the experience of its shareholders, partners or constituents. The registration of the experience is made in the same way in which it is intended to accredit the own experience, accrediting the quality of the shareholder, partner or constituent holder of the experience.

4.3. What other information is recorded in the RUP?

In accordance with applicable law, the State Entities must send a monthly report to the chamber of commerce of the domicile of the contractors, which includes all the information related to contracts, their amount, compliance, fines and penalties (of awarded contracts executed and in execution).

This information will be registered in the bidder's RUP automatically by the respective chamber of commerce.

Likewise, the law provides that the accumulation of fines and sanctions registered in a certain period (the last year counted from the date of the respective process) will result in the loss of points (two percent (2%) of the total points) or even the inability to contract with the State for three (3) years, counted from the publication of the administrative act that imposes the registration of the last fine or non-compliance in the RUP.



4.4. Can RUP procedures be carried out virtually?

Yes, the chambers of commerce shall be obliged to enable the necessary technological mechanisms to allow the proponent to carry out the procedures virtually, such as the presentation of the form, the attachment of the required documents and the payment. In any case, in order to make use of this service, the identity of the person performing the non-presential procedure must be verified.



5. Bibliography and links of interest

- Decree 1082 of 2015.
- Law 789 of 2002.
- Law 1474 of 2011.
- Law 2195 of 2022.
- External Circular 100000002 of 2022 of the Superintendence of Corporations.
- Sole External Circular of December 27, 2023 of the National Public Procurement Agency Colombia Compra Eficiente.
- Bogota Chamber of Commerce:
<https://linea.ccb.org.co/rup/Forms/SeleccionTramiteInscripcion.aspx>
- Medellin Chamber of Commerce:
<https://www.camamedellin.com.co/servicios-registrales/registros/rup>
- Cali Chamber of Commerce: <https://www.ccc.org.co/tramites-de-registros/registros-publicos/registro-de-proponentes/>
- Barranquilla Chamber of Commerce:
<https://www.camarabaq.org.co/servicios-registrales/registro-unico-proponentes/>

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