

Establishment Agreement

Art 01. Establishment and Title: The states that signed this Establishment Agreement create the Inter-American Organization of Public Contracting Institutions (IOPCI), as an organization with international legal personality for exercising its functions in a permanent basis.

Art 02. Object: The Organization object is to promote and facilitate technical cooperation among Member States in the field of Public Contracting.

Art 03. Principles: The organization is ruled by the following principles:

1. Legal equity of the states that join the Organization as Full Member States.
2. Respect for autonomy of its Members.
3. Acceptance of the democratic system for decision making.
4. Technical autonomy.

Art 04. Functions: The functions of the Organization are:

1. Furthering an environment of cooperation and mutual support for information and experience exchange among its Members.
2. Fostering cooperation and mutual support in advice, supervision, dispute settlement actions and similar activities.
3. Driving and leading researches in public contracting matters and professional activities related to this area, spreading the outcomes of these studies among the Organization Members.
4. Facilitate instruction, training and specialization in the field of public contracting and related areas.
5. Support and assist in the use of information technology and communication applied to public contracting.
6. Promote integrity, efficiency, efficacy, and transparency in public contracting.
7. Promote civil society participation in public contracting.
8. Develop specialized technical assistance programs related to particular needs and interests expressed by the member states, through technical cooperation activities of the Organization, facilitating temporary exchange of human resources, the hiring of external technical experts and other means deemed as appropriate.

9. Propitiate, organize and carry out training programs, specialization and post-grade studies, as much as seminars, workshops, conferences and events addressed to training of experts in the field of public contracting.
10. Make possible an adequate handling of information by implementing and making available an information center or an on-line library. The center shall count with papers, lectures, presentations carried out in the General Assembly Sessions, technical conferences, seminars, contests, among others. In this way the bibliography, composed of documents and publications in specialized topics, shall be in conditions to provide solutions for handling information, to the users through internet and other communication means.
11. Sponsor the publishing of books, articles, and in general materials related to the public procurement field.
12. Propitiate and keep scientific and technical contact with institutions and organizations from other regions, specialized in public contracting and management of public resources. Likewise, establish relations with universities, international cooperation organisms, professional unions, and others with similar and compatible objectives to those of this Organization, fostering their participation and cooperation.
13. Serve as a linking organism between state members entities, answering inquires related to public contracting, management of resources and in general related alike matters related to activities inherent to their functions.
14. Organize and carry out contests that promote researches and contributions, giving awards or recognitions in the way and conditions established by the specific regulation.
15. Support the initiatives of member states for fostering local development or sensitive and strategic sectors of the economy through public contracting.
16. Other functions that members agree to include.

Art 05. Membership: The members of the Organization will have the following categories:

1. Full Members
2. Associate Members
3. Permanent Observers

Article 06 Full Members: Participation as a Full Member in OIICP is open to the American States that ratify this Establishment. The aforementioned states will participate in the organization through their public contracting regulatory, governing, coordinating, managing and/or supervisory entities or instances.

In cases where a state member participates through more than one entity or instance, each member will decide in an autonomous way the method to cast its corresponding vote.

Article 07 Associated Members: Participation as an Associate Member in OIICP is open to Non-American States accepted by the General Assembly and legal persons that cooperate with technical and financial support to the development of the Organization.

Article 08 Permanent Observers: Participation as a Permanent Observer in OIICP is open to States and Organizations that pursue purposes and similar objectives, compatible with those of the Organization, and which having requested that category to be accepted by the General Assembly.

Article 09 Rights and Duties of the Full Members: The full members of the Organization will have the following rights and duties:

1. To attend the general assembly with the right to take the floor and the right to vote through the entities and instances accredited for that.
2. To provide technical support to the Organization.
3. To coordinate with other organizations and entities which perform related functions or functions with impact on public contracting of their countries for selecting the matters to be presented in Regular Sessions.
4. To use services furnished by the Organization in the way and conditions established by the provisions concerning to this matter.
5. To be part of the Executive Council of the Organization in the terms provided in this Establishment Agreement.
6. To request to the Presidency for the organization of forums to analyze strategic and specific matters related to public contracting and to attend to these forums.
7. In general terms full members shall carry out all within their reach to provide for fulfillment of the Organization goals.

Article 10 Rights and Duties of the Associated Members: The Associated Members will have the following rights and duties:

1. To attend the technical sessions of the General Assembly with the right to take the floor through their accredited representatives.
2. To provide technical and/or financial support, when applicable, to the Organization as to achieve a suitable development of its functions.
3. To sign Agreements with the Organization to carry out specific projects.
4. To use the services furnished by the Organization in the way and conditions established by the provisions concerning to this matter.
5. In general terms associate members shall carry out all within their reach to provide for fulfillment of the Organization goals.

Article 11 Rights and Duties of the Permanent Observers: The permanent observers will have the following rights and duties:

1. To participate in technical sessions of the General Assembly taking the floor when invited to do so.
2. To use the services furnished by the Organization in the way and conditions established by the provisions concerning to this matter.
3. To be invited to attend the specialized conferences and other events organized by the organization.
4. In general terms permanent observers shall carry out all within their reach to provide for fulfillment of the Organization goals.

Article 12 Structure: The organs of the Organization are:

1. The General Assembly.
2. The Executive Council.
3. The General Secretariat.

Article 13 The General Assembly: The General Assembly is the Supreme Organ of the Organization and it is make up by Full Members, Associate Members and Permanent Observers. The General assembly shall meet at least once a year without prejudice of gathering in Special Sessions requested by the Executive Council or by a decision taken by a majority of Full Members.

The General Assembly will be considered to be validly constituted when the quorum attending the assembly is at least half of the Full Members. Sessions will be conducted by the President of the Executive Council. In the absence of the President a substitute shall be elected by simple majority of the attending members. The substitute shall perform the aforementioned functions only during the absence of the President.

Each Full Member shall have the right to one vote in the General Assembly. In cases when a State participates through more than one entity or instance, the Member shall internally decide the method to cast its corresponding vote.

For decision making consensus shall be sought. When consensus is not reached decision shall be adopted by simple majority of votes of the Full Members in attendance except in special cases established in this Agreement.

Callings for Regular or Special Sessions of the General Assembly shall be done by the President. In the first case call shall be done at least ninety calendar days before the date scheduled for the Session and in the second case at least thirty calendar days before.

Rights and Duties of the General Assembly:

1. To establish the general policy of the Organization.
2. To elect the seat of the Organization whose representative will assume the Presidency
3. To elect the other members of the Executive Council.
4. To determine the location for the Sessions of the General Assembly.
5. To approve the budget for the following year.
6. To establish the ways in which Full, Associate Members or cooperating entities shall contribute to the Organization.
7. To give opinion about the Annual Activities Report submitted by the Executive Council.
8. To give opinion about the Annual Financial Report submitted by the Executive Council.
9. To give opinion about the Working Plan programmed for the following year.
10. To approve or reject the accession of new members.

11. To approve the regulation of this Establishment Agreement, the rules of procedure for the conduction of its sessions, amendments, as well as, the regulations as it deems necessary.
12. To approve amendments to the provisions of this Establishment Agreement.
13. To approve the dissolution of the Organization in accordance with the provisions established in this Agreement.

The reports referred by in this article, which must be submitted to the General Assembly for any kind of pronouncement, shall be distributed among Full Members, thirty calendar days before the relevant Session.

Article 14 The Executive Council: The Executive Council will be composed of a President and four Counselors representatives from Full Members States. The President and the Counselors will perform functions for a four-year term.

The Executive Council shall meet in Ordinary session at least once each semester. The President shall call for the meeting at least thirty calendar days before the date of the session. Special Sessions will carry out when necessary at request of the President or of the request of at least two Counselors.

Adoption of Executive Council decisions shall require the attendance of at least three of its Members. Decisions will be taken by majority of votes. The President will have the casting vote in the event of a tie.

The rights and duties of the Executive Council are the following:

1. To enforce the compliance of Resolutions made by the General Assembly and contribute to their execution.
2. To submit to the General Assembly the working program and the budget of the Organization for the following period.
3. To submit to consideration of the General Assembly the agenda for the next Ordinary Session.
4. To submit to the General Assembly, met in Ordinary session, the report of activities carried out during the previous year.
5. To make the necessary arrangements to obtain a suitable funding that allows the efficient operation of the Organization and submit the financial statement of the previous year to the General Assembly for consideration.
6. To give opinion regarding the regulation drafts that will be submitted to the General Assembly for consideration and approval.

7. To elaborate the necessary regulations for its own operation informing this to the General assembly in the following Session.
8. To appoint and remove the General Secretary at the suggestion of the President of the Organization.
9. To invite to whom it considers necessary to participate in the activities of the Organization.
10. To carry out the functions assigned to it by the General Assembly.

Article 15 Of the General Secretary: The General Secretary shall be appointed by the Executive Council at the suggestion of the President of the aforementioned organ. This position will be performed by a representative of a Full Member State.

The rights and duties of the General Secretary are the following:

1. To carry out the tasks assigned to it by the General Assembly, the Executive Council and the President.
2. To carry out the technical and administrative tasks of the organization establishing the technical commissions that it deems as convenient.
3. To manage the budget of the Organization and submit to the Executive Council the budget for the following period.
4. To elaborate and submit to the Executive Council the financial statement of the Organization.
5. To submit to the Executive Council the completed activities report.
6. To submit to the Executive Council the program for the following year.

Article 16 The Seat of the Organization: The seat of the organization will be established in the country elected by the General Assembly for a (4) four-year term.

Any Full Member will be able to express before the General Assembly, its interest in being seat of the Organization for the following term. For this purpose, a member shall submit its application to the Executive Council. The application will be submitted to the General Assembly for consideration, during the Ordinary Session corresponding to the year before the year when the previous period concludes. It is a duty of the General Assembly to establish the appropriate conditions in order to guarantee equal opportunities in the seat selection process.

Article 17 Official Languages: The official languages of the Organization will be English, French, Portuguese and Spanish.

Article 18 Resources of the Organization:

1. Income generated as payment for services provided by the Organization, such as, publications, training programs, seminars, technical services and other similar activities.
2. The voluntary contributions of the Full Members, Associate Members or Permanent Observers, national or international organizations, governmental and non-governmental organizations, and donations or contributions of any nature provided by natural or legal persons to support the fulfillment of the regular activities of the Organization and/or for the execution of specific projects.
3. Income derived from loans, donations and in general any contribution granted in favor of the Organization.

Article 19 Duties of the Seat Country: The seat country shall provide the necessary conditions for the Organization operation and functioning.

Article 20 Amendments: The General Assembly could amend this Establishment Agreement on a proposal from the Full Members of the Organization. On that purpose, a two-thirds majority of the Full Members is required and that the General Assembly Session has been expressly called to this effect, at the request of the Executive Council or by Resolution of the previous General Assembly.

Amendments shall come into effect after their ratification by two-thirds majority of the Full Members.

Article 21 Withdrawal of Members: Every State Member could withdraw from the Organization by denouncing this Establishment Agreement. Denunciation will come into effect (6) six months after the instrument of denunciation shall be submitted to the General Secretary.

Article 22 Dissolution of the Organization: The Organization could be dissolved by agreement of the General Assembly, provided a two-thirds majority of totality of the Full Members and that the session of the General Assembly has been expressly called to that purpose at request of the Executive Council or by Resolution of the previous General Assembly.

Article 23 Entry Into Force: This Establishment Agreement shall enter into force after its ratification by (6) six American States.