

Informative Note

Main measures in the administrative and public procurement fields included in Royal Decree Law 15/2020

23rd April 2020

Regarding Royal Decree-Law 15/2020 of 21st April on urgent supplementary measures to support the economy and employment

Exemption from public opening of tenders in the simplified open procedure

The seventh final provision modifies article 159.4.d) of the Public Sector Contracts Law 2017, which regulates the simplified open process, by including an express mention of the composition of the contracting table referred to in article 326.6 and by allowing that when the contracting is electronic, the public opening of the electronic file containing the part of the bid that is going to be evaluated by means of objective formulas be exempted. This measure is justified by the need to speed up those tendering procedures that have continued to be processed and have been paralysed as it has not been possible to open the tender publicly.

The special appeal in non-suspended tenders

Also for the tendering procedures, although in this case of any type, which have not been suspended and whose tendering continues to be processed during the state of alarm, section six of the tenth final provision establishes that the period for lodging the special appeal does not begin to be calculated when the state of alert is lifted but in the usual manner, the procedure and its resolution not being suspended either.

Competence titles Qualifications

As the eleventh final provision is a multidisciplinary Royal Decree, it invokes different jurisdictional titles that confer on the State the power to enact commercial legislation; legislation, civil legislation, the customs and tariff regime; the bases of credit management, banking and insurance, and the bases and coordination of the general planning of economic activity; General Treasury and State Debt; basic legislation and economic regime of Social Security, bases of the legal regime of Public Administrations and basic legislation on contracts and administrative concessions; merchant navy and ports of general interest; and basic rules for the development of the right to education. And to close the circle, we also appeal to art. 149.1.1 EC or basic conditions that guarantee equality in the rights and duties of all Spaniards.

We hope the information is useful and of your interest. At Andersen Tax & Legal we have created a multidisciplinary team to attend to all the questions that may arise on this aspect or in relation to the COVID-19.



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