ADMINISTRATIVE SANCTIONS IN STATE CONTRACTING PROCESSES: REFLECTIONS ON THE PERUVIAN CASE

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ABSTRACT

Purpose: The framework of the actions of the Peruvian State Contracting Tribunal (TCE), it was proposed to reflect on the causes of the ineffectiveness of the regulatory framework of state contracting processes, seeking to disaggregate them to offer solutions to the problem of increase in the procedural burden in this court.

Methodology: A systematic narrative review was carried out using a qualitative research approach. Using Atlas Ti®, 31 categories were obtained, which were grouped into three groups: Factors associated with the origin of the contract, Concomitant measures to the actions of the TCE, and Deficiency of the jurisprudence in support of the rulings of the TCE.

Result: It was concluded that, to the extent that it takes time for the integration of administrative management systems and systematization of the information generated by the sources associated with the State Procurement Law to guarantee better processes for updating the regulations, the number of cases that are treated in the TEC would continue to increase.

Conclusion: The review and analysis of this work, the authors consulted agree that it is imperative to review and systematize the information generated from the sources associated with the regulations of the state procurement law, as well as the review of the regulatory hierarchies that should be considered to regulate the procedures that are resolved in the TCE.

Keywords: public contracts, administrative court, administrative sanctions.
SANÇÕES ADMINISTRATIVAS EM PROCESSOS DE CONTRATAÇÃO ESTADUAL: REFLEXÕES SOBRE O CASO PERUANO

RESUMO

Objetivo: O quadro das ações do Tribunal Contratante do Estado Peruano (TCE), foi proposto para refletir sobre as causas da ineficácia do quadro regulamentar dos processos de contratação do Estado, buscando desagre-gá-los para oferecer soluções para o problema do aumento da carga processual neste tribunal.

Metodologia: Foi realizada uma revisão narrativa sistemática utilizando uma abordagem de pesquisa qualitativa. Usando o Atlas Ti®, foram obtidas 31 categorias, agrupadas em três grupos: Fatores associados à origem do contrato, Medidas concomitantes às ações do TCE e Deficiência da jurisprudência em apoio às decisões do TCE.

Resultado: Concluiu-se que, na medida em que demora para a integração dos sistemas de gestão administrativa e a sistematização das informações geradas pelas fontes associadas à Lei de Aquisições do Estado para garantir melhores processos de atualização da regulamentação, o número de casos que são tratados no TEC continuaria a aumentar.

Conclusão: Na revisão e análise deste trabalho, os autores consultados concordam que é imperativo rever e sistematizar as informações geradas a partir das fontes associadas às normas da lei estadual de compras, bem como a revisão das hierarquias regulatórias que devem ser consideradas para regular os procedimentos que são resolvidos no TCE.

Palavras-chave: contratos públicos, tribunal administrativo, sanções administrativas.

1 INTRODUCTION

Because of the renewal of the traditional conception of public administration towards a model, with theoretical-practical thinking, more executive and flexible in using resources from government entities (Aucoin, 1990), the search for the effectiveness of public administration in ways to merge the public value of the process implemented with respect for citizens’ rights has intensified not only within the academy but also in the state executive spheres (Denhardt & Denhardt, 2000). In that context, public management provided new approaches to managers who started the implementation of actions to reduce public bureaucratic procedures by strengthening efforts for greater process efficiency based on the outcome (Barzelay, 1992; Osborne & Gaebler, 1992). Although this approach had been previously applied in the private business sector, the adaptation and change of paradigm is still a challenge for Latin American governments, since the traditional administrative thinking of public managers still prevails within the functional structure based on current regulations, despite the announce of multiple state modernization documents, restructure some public entities and even the formulate of strategic plans with a minimum projection of 20 years planned by supra-state institutions.
such as the Organization of American States (OAS) and the ECLAC (Economic Commission for Latin America and the Caribbean) (Castañeda et al., 2020; Peters & Nagel, 2020).

In the framework of the Peruvian State Contracting Law (LCE), the single ordered text of this regulation (Texto Único Ordenado de La Ley No 30225, Ley de Contrataciones Del Estado, 2019) determines the guidelines on which minimum actions of the contracts and modes of execution of these are performed. Likewise, it specifies the bodies in charge of the execution and the procedures to be followed. Although the steps followed in many of the specific processes are questioned, this norm still regulates state contracting, leaving some gaps that generate controversies and recidivism of infractions in many processes. This situation is precisely the main issue on which this document is proposed, since the sanctioning scope only involves the State Contracting Tribunal (TCE) as the highest entity that can settle in cases of disputes that could arise as part of these processes. However, regulating the TCE as a dispute resolution entity, the scope it has only involves administrative sanctions towards the actors involved, the same that at most translate into fines and disqualifications (Romero-Pérez, 2019) without more concrete results that should generate dissuasive conditions of misconduct or misconduct in the processes, or on the contrary, only reprimands to the entities that transgress the regulations.

From the perspective of function ability, Echebarría (1998) pointed out the relevance of the state as the main dynamizing entity of social and economic transformations, for which it makes use of its regulatory capacity by providing and maintaining a general regulatory framework that allows these transformations (Evans, 2019). In many of the public sectors, fulfillment of these transformations is frustrated by the ineffectiveness of the apply of the regulations, resulting in a lack of personnel, but in others, it is attributed to the regulations themselves (Tito et al., 2020). Coincidentally, each time modifications were made to the contracting law, the procedural burden increased considerably, as was noted in 2008 and 2014 (Becerra, 2015), conditions that further complicate the functionality, in contrast to the modernization process that was implemented over 10 years ago. Another important aspect is that within the system of state procurement procedures, the mechanisms of concurrent administrative and economic control are optional, since the current regulations do not specify it as mandatory. This aspect was considered by Asca et al. (2021) as one factor that favor the
permissibility of infractions in these processes, since, for these authors, permanent supervision guarantees better results. However, they specified these supervisions should be carried out by a neutral entity, with no link to the protagonists of the contracting. One justification they specified was the exist of corruption networks, which, although the literature and casuistry have widely reported it, will not be the subject of discussion in this document.

Currently, at the TCE, the number of cases is exploding; however, the speed of resolution remains the same, causing a bottleneck in a waiting line that burdens the staff and generates discomfort in the people who come to this entity. Among the explanations of the causality of this phenomenon, Padilla (2022) pointed out that the best solution to functional problems in the public sector is that preventive actions should be prioritized instead of reactive ones, which are the predominant ones in the texts of national standards. For this purpose, procedures and tools that are permissible under the current rule of law, such as arbitration or the use of the dispute resolution board, which could well make up an integrated system of conflict resolution, should be used. To elucidate these aspects, Alvarez (2022) and Peña (2022) went further, making a detailed analysis of the modifications that should be improved in the current regulations governing Peruvian state contracting, which they point out in the add of articles of a preventive nature, which should be considered of great relevance in the preliminary evaluations of these processes. Likewise, more dissuasive considerations that lead to the recidivism of the same infraction as a serious sanctionable conduct. This could be an interesting management technique that would allow to generate greater social trust, since the discredit and distrust towards those who exercise public functions are more frequently seen in shameful corruption cases involving officials at all levels of government (Culebro & Barragán, 2022; Pérez & Chavarría, 2022). In international spheres, the Peruvian reality is not so dissimilar, since the transparency of contracting processes is recurrently mentioned as a key element to minimize infractions, coinciding in implementing prior control as a guarantee measure (Ríos, 2021; Vivas, 2021; Kusunoki, 2021; Ozor & Nyambane, 2020), however, the omnipresence of corruption protected by the high spheres of political power are one cause that prevent the implement of the mandatory nature of these concurrent supervisions (Ferreira, 2019).

In view of this, if the literature has reported and argued it, it remains to be asked, what would be the ways to facilitate this implementation? Assuming also the need to
propose substantive changes from the normative to analyze the implementation strategies in a Peruvian reality, which is still full of bureaucratic administrative paradigms and, above all, of political suspicions from and towards the concretization of regulations and their implementation. Thus, the aim is to reflect on the causes of the ineffectiveness of the regulatory framework of state contracting processes, seeking to disaggregate them in order to propose ways to solve the problem, justified by the academic need to generate more information to facilitate the visualization of new solutions to new problems that arise in the constant socio-historical change explained within the theory of Prigogine (2004) and, in a more practical way, the study will provide information on the causes of the ineffectiveness of the regulatory framework of state contracting processes, in a more practical way, the study will provide greater approximations in the identification of regulatory shortcomings and their implementation, considering the options to update the legal provisions to improve the application processes of procurement in the framework of the modernization of the state and public management.

2 METHODOLOGY

The study has a qualitative approach, considering the narrative documentary review method (Aguilera, 2014) oriented towards the collect of information related to the proposed topic (Hernández-Sampieri & Mendoza, 2018). For this purpose, Boolean search engines (AND, OR) were used, prioritizing the keywords [public contracting; state contracting; public contracting processes; management of state contracting processes; administrative sanctions in public contracting processes], having as first selection criterion an antiquity no older than 10 years. The PRISMA method (Preferred Reporting Items for Systematic reviews and Meta-Analyses) was then used to select the articles with the greatest thematic relevance linked to the topic proposed in this document (Yepes-Nuñez et al., 2021). The Atlas Ti® tool was used for data processing.

3 RESULTS AND DISCUSSION

After the first review of information, a first filter was made (publications referring to the Peruvian context) and the 124 initial articles were reduced to 37., a second filter was made (contents of the articles in which topics related to state contracting and dispute resolution are explicit) getting 20 references that were used to perform the systematic analysis, the same that were published in 2015 (40% [8]), 2016 (5% [1]), 2018 (5% [1]).
2019 (5% [1]), 2020 (25% [5]), 2021 (10% [2]), 2022 (10% [2]). Initially, 45 categories could be identified in the Atlas Ti®. Subsequently, a detailed analysis was carried out, and some were merged and some others were discarded because they were not related to the proposed aim.

After this procedure, 31 categories were got, which corresponded to the factors associated with the penalties imposed by the State Contracting Tribunal (TCE) in relation to disputes in the processes under its jurisdiction. Linking the sources with the citations made in their contents and with the number of categories to which each of them contributed, it was found that Becerra (2015) was the largest of all, with 32 citations made that contributed to form 13 categories. Although Rojas & Linares (2020) also contributed a close number of citations (28), they made up only a little more than half of the first reference, having seven (7) categories formed. The lowest of all were Calixto, (2020) and Sologuren (2018) with only one citation contributing to a category respectively (Detail Figure 1).

Figure 1. Frequency of citations and categories generated by publication consulted.

Source: Prepared by the Authors, (2023).
3.1 CATEGORIES IDENTIFIED

Regarding the categories generated, two had the highest number of citations that endorsed them, these were: Inconsistencies between law and reality (Gr=26), in which Becerra (2015) contributed with seven (07) citations and Rojas & Linares (2020) with five (5). With the same number of citations there were also: Influence of related [SERVIR/ OSCE] (Gr=26), where Franco (2015) and Terrones & Castillo (2020) contributed six (6) each and, Rojas & Linares (2020) with five (5). In that order we had: Imbalance in sanctions (Gr=17), where Alejos (2019) and Huapaya & Alejos (2021) contributed with five (5) each. Then a: Rulings contradictory to the state contracting law (LCE) of the TCE (Gr=15) in which Rojas & Linares (2020) contributed with nine (9). Continuing we had a: Inaccuracies of court rulings (Gr=10) which had the largest contribution from Huapaya & Alejos (2021); Rojas & Linares (2020) and Rubio (2015) contributed with three (3) each. Then a: Arbitration installation (Gr=10) where Alejos (2019) contributed seven (7).

The category: Accompanying measures and compatibilities with the LCE (Gr=10) had Freitas (2020) with five (5) citations. The category of ethical misconduct (Gr=9) had Torres (2020) with seven (7) citations. The category Punishment excesses (Gr=8) had Huapaya & Alejos (2021) as its maximum contributor of citations, with four (4) of them. According to Gandolfo (2016), seven (7) citations were used in order to systemize a doctrinal corpus (Gr=8). Becerra (2015) and Espino & Llique (2015) contributed the most citations to the agreement between bidder and institution (Gr=7), with two (2) each. Becerra (2015) was the most cited source under the category Corrections of the Constitutional Court (TC) to the State Contracting Court (TCE) (Gr=6), with three (3) citations. For Limitations of arbitration (Gr=6), Alejos (2019) contributed three (3). For Requirements in the project (Gr=6) again Becerra (2015) had four citations. In: Implementation of management measures to streamline processes in ECA (Gr=5) in which Alejos (2019) and Castro (2022) contributed two (2) citations each. In the following category: Cannot exercise diffuse control (Gr=5), Perez (2021) contributed four (4). Becerra (2015) was the only one to contribute citations concerning changes to appellate acts (Gr=4). For Consequences misapplication of judgments (Gr=4) Martinez (2015) added with two (2). For Absence of contractors in arbitrations and subsequent sanctions (Gr=3) only Becerra (2015) contributed with three (3) citations.
Both Freitas (2020); Huapaya & Alejos (2021) and Terrones & Castillo (2020) contributed equally to one (1) citation for: Changes in laws without explanation (Gr=3). With: Referee competencies (Gr=3), Alejos (2019); Castillo & Sabroso (2015) and Espino & Llique (2015) contributed equally with one (1) citation each. For Behavior as a constraint (Gr=3) it was Martinez (2015) who contributed the most, having two (2) citations. For Failures in preparing technical files (Gr=3), Effio (2015); Sologuren (2018) and Zegarra (2015) contributed one (1) citation each. Generate jurisprudence as a mechanism that allows better and faster settlement (Gr=3), Becerra (2015) mostly contributed with two (2). Implement a public procurement system (Gr=3), Ascencios et al. (2022); Becerra (2015) and Effio (2015) contributed with three (3) citations.

In the category: Limits for contracting with the State (Gr=3), Effio (2015); Huapaya & Alejos (2021) and Martinez (2015) contributed with one (1) citation each. Apply duplicity of proceedings for the same facts (Gr=2), Franco (2015) and Rubio (2015) contributed with one (1) citation each. For Absence of arbitration specialists (Gr=2) authors Castillo & Sabroso (2015) with one (1) citation. Impartiality being absent, Castillo & Sabroso (2015) and Franco (2015) each gave one citation. Alejos (2019) and Castillo & Sabroso (2015) each contributed one (1) citation to the Arbitrator obligations (Gr=2). Finally, for Technology Support (Gr=2) had Ascencios et al. (2022) and Becerra (2015) contributed one (1) citation each (Sup. 1.1. and Sup. 1.2.).

3.2 RELATIONSHIPS BETWEEN CATEGORIES

Based on the same bibliography that gave rise to form categories, it was possible to generate a table of large categories inductively. The first of these was generated from the concatenation of the categories ‘Implementation of management measures to streamline the processes in the ECA’ with limitations of arbitration and installation of arbitration that continue with the arbitrator’s obligations, because in the opinion of Alejos (2019) if the current conditions of this instance were improved and made based on the principle of equity, the disputes that reach the court would be considerably reduced. Currently, this does not occur because of the distrust and scarcity of the condition of balance that has been provided. In this same node, another starting point was the category ‘Imbalance of sanctions’, which is linked to the previous drafted category, as it amalgamates the categories of similar intentionality such as ‘Corrections of the Constitutional Court to the ECA’, the consequences of the rulings that often result in
excessive punishments to contractors, which has been almost a constant in the literature consulted (Detail Figure 2.).

At the beginning of the second node, the category ‘Imprecision in the rulings of the State Contracting Tribunal (TCE) was seen, which, together with the category that considers contradictions between the spirit of the contracting law and what is resolved in the tribunal, converge in the category of ‘Inconsistency between the law and reality’, which is observable and also receives input from the category ‘Imbalance in sanctions’, with which it has an important theoretical link detailed in the work of Huapaya & Alejos (2021); Rojas & Linares (2020) and Rubio (2015) who discuss between the impacts of the legal reforms that have been implemented and the contradictions that occur within the framework of the spirit and principles of law that alludes to justice as the ultimate ideal. Starting from the latter, begin the next node is represented by the category ‘Changes in the laws without explanation’, which explains what was noted above, because in all the reforms that are recorded about this law, the changes have been made unidirectionally and without further explanation to the executors of the regulations (Detail Figure 2.).

Figure 2. Inductive organization of the categories generated in the systematic review process.

According to Huapaya & Alejos (2021) and Terrones & Castillo (2020), training on the legal regulatory details that have been incorporated is not enough; rather, a well-founded argumentation is needed why and for what purpose the changes have been made, which should start from a serious situational diagnosis based on documented evidence,
besides keeping pace with the technological evolution that also adds disruptively to the social-historical evolutionary development.

These types of actions cause the ‘Incongruence between law and reality, since it is a recurrent practice not to pay attention to reality as a guiding source of regulatory and procedural change in state procurement. Both Becerra (2015) and Shimabukuro & Alejos (2018) emphasized the imperiousness of aligning the precepts of the state procurement law with the rules of general scope, such as the Law of Administrative Procedures because, in the sanctioning scope they contravene the common provisions stipulated taxatively in the general administrative procedure of the Single Ordered Text (TUO) of this general law (LPAG). In that perspective, the extend this node converges in the category that the ECA ‘Cannot exercise diffuse control’ in the face of many accurate opinions provided by the OSCE (Supervisory Body of State Contracting), which are only taken as referential (Franco, 2015), although in some specific questioned cases they have done so (Pérez, 2021), which would leave open the possibility of having this control, especially in many resolutions in which the need to do so would be contemplated or, failing that, to adopt the most favorable applications for those administered that could also be provided by the LPAG while the TCE is normatively empowered to carry out the diffuse control (Rojas & Linares, 2020).

Precisely, these types of actions cause the ‘Incongruence between the law and reality’ since it is a recurrent practice not to pay attention to reality as a guiding source of regulatory and procedural change in state contracting. Both Becerra (2015) and Shimabukuro & Alejos (2018) emphasized the imperiousness of aligning the precepts of the state procurement law with the rules of general scope, such as the Law of Administrative Procedures because, in the sanctioning scope they declaratively contravene the common provisions stipulated taxatively in the general administrative procedure of the Single Ordered Text (TUO) of this general law (LPAG). In that perspective, extend this node conflates in the category that the TCE ‘Cannot exercise diffuse control’ in the face of many accurate opinions provided by the OSCE (Organismo Supervisor de las Contrataciones del Estado), which are only taken as referential (Franco, 2015), although in some specific questioned cases they have done so (Pérez, 2021), which would leave open the possibility of having this control, especially in many resolutions in which the need to do so would be contemplated or, failing that, to adopt the most favorable applications for those administered that could also be provided by the LPAG
while the TCE is normatively empowered to perform the diffuse control (Rojas & Linares, 2020).

Many cases have been reported in which the applications of the regulations related to procurement collide with the objective reality. Thus, Effio (2015) made his criticism because the current reform questioning the real motivation of the parent regulation because, according to his perspective, the new regulations have not been made with a full awareness of the real solutions that are experienced daily and are the reason for disputes in court. Expanding on this criticism, Pérez et al. (2020) and Rubio (2015) showed that although, as part of the dispute resolution there is the option of resorting to arbitration, the voluntariness of the contracting parties is not subject to the legal balance that should be given, under the equality of law of both actors, since the rule has favored institutions discretionally (Alejos, 2019; Huapaya & Alejos, 2021), although normatively, related bodies - such as the OSCE - have opinion that seek balance, in reality they are not binding with the rulings issued after resolving disputes (Franco, 2015; Castro, 2022).

At the beginning of the fourth node, the category ‘Agreement between the bidder and the institution’ was added to the three remaining ones detailed in the previous paragraph. The norm empowers and approves the internal agreements between the contracting actors, which are interesting in terms of equity because many times satisfaction is got in their results, however, the causality that leads to these agreements is not equitable, since the norm provides many powers to the entity to observe or resolve contracts, which gives rise to generate bilateral agreements. However, it is still important to know these agreements, since they become models that could be part of the academic baggage that would serve as a doctrinal corpus that should be systematized because they are part of the real experiences of public procurement processes and should make up the primary consultation material for updating and/or changing the normative devices in processes of legal reforms in this area (Huapaya & Alejos, 2021; Medina, 2021; Pedreschi, 2015; Terrones & Castillo, 2020).

3.3 GROUPS GENERATED

From the theoretical conception, the categories identified could be grouped into three groups: (i) Factors associated with the origin of the contract, which gathered eight (8) categories rooted in 14 bibliographic references; (ii) Measures concomitant to the actions of the ECA, which was formed by seven (7) categories and also rooted in 14
references; and (iii) Deficiency of the jurisprudence as support of the ECA’s decisions, which was formed by 16 categories and rooted in 27 publications (Sup. 2).

Factors associated with the origin of the contract: This grouped the following categories: Failures in preparing the technical files, which was related to the limitations that contractors show to have to contract with the state and that determines the absence of contractors in the processes. In this order of ideas, this group also included as causes the difficulties identified during the arbitration procedures that contractors resort to in order to resolve disputes with the contracting entities., among the notes found in the literature, the competencies of arbitrators are often questioned, as well as breaches of the code of ethics, misconduct and practices, and often the absence of specialists in the dispute's subject during the procedure (Detail Figure 3.).

Figure 3. Network of categories of the group factors associated with the origin of the contract.

Source: Prepared by the Authors, (2023).

Measures concomitant to the actions of the TCE: The literature provided information about these measures, which range from administrative aspects that are already implemented (arbitration, opinions of related institutions such as SERVIR and the OSCE, agreements between the administrators) but that should be refined and/or improved based on two key elements: the accumulated experience and the awareness that the rules are not static but are concatenated to a space-time that is evolving. Accompanying measures and compatibilities with the State Contracting Law (LCE) that are translated into those regulated by law and that, more and more frequently are being
employed for dispute resolution avoiding going to court (agreements and arbitration) and the adequacy of some processes that would be framed within the General Administrative Procedure Law, although, in the opinion of experts (Alejos, 2019; Becerra, 2015; Espino & Llique, 2015) there are still important aspects to improve within them. The incorporation of management measures that reduce the bureaucratization of the processes and facilitate decision-making in resolving cases that reach the ECA, as well as the add of intelligent public procurement systems supported by technologies, would make the processes transparent, allowing real-time visualization and timely warning of situations that could go against any of the contractors. The latter would be in line with the strategic scheme of e-government which, to date, still has many deficiencies in its application within the context analyzed (Detail Figure 4.).

Figure 4. Network of categories of the group Measures concomitant to ECA actions.

Deficiency of the jurisprudence as support for the TCE’s rulings: This group was the one with the largest number of categories created, all of them sharing the common denominator of shortcomings and weaknesses of the governing regulations and the TUO from which the procedures are derived. Based on the need to build a body of information
that will serve as input for future modifications and updates of the regulations and constitute a doctrinal construct that should be discussed, delving deeper into the philosophy of law and administrative procedure per se and as a tool that allows the dynamics of the effectiveness of state management in the framework of modern governance. Likewise, analyze the relevance of maintaining or changing the current system of state contracting, contrasting it with other regional models, such as the one described by Santos & Júnior (2022), which provide positive evidence in the fight against corruption in public contracting processes.

The current application of the regulations has debatable consequences from different technical and academic perspectives, however, the positive aspects generated should be rescued, which have as their spirit the inalienable custody of the state’s patrimony. In this sense, the systematization of jurisprudence should be organized based on this principle, but without violating or undermining any other natural right derived from the ideal of justice, and discussions can be extended to academic colleagues who should lay the foundations to generate a new generation of professionals specialized in the subject from their higher university education process (Detail Figure 4.). Undoubtedly, the continuous growth of the number of files that enter for resolution in the ECA is much greater than the number of pronouncements or rulings issued by it, so it is essential the concomitant development of concrete management measures with the changes or regulatory reforms promoted by the specialized entities of the state, so that it could considerably reduce the procedural attention periods and could be done, even through a legal provision that regulates the stages of implementation.
Figure 4. Network of categories of the group deficiency of the jurisprudence as support for ECA rulings.

Source: Prepared by the Authors, (2023).

4 CONCLUSION

According to the review and analysis of this work, the authors consulted agree that it is imperative to review and systematize the information generated from the sources associated with the regulations of the state procurement law, as well as the review of the regulatory hierarchies that should be considered to regulate the procedures that are resolved in the TCE. Likewise, in line with technological development, a comprehensive management system should be implemented for this area within the framework of implementing electronic government that the Peruvian state has declared to execute in the Digital Government Plan 2021-2023 because of the declare of national emergency by Covid-19. The initial procedures that determine the conditions for contracting should be fine-tuned, and better preventive measures should be adopted in the requirements needed for public institutions to carry out the bidding processes. Having better rules could ensure greater participation of contractors in the processes as well as considerably reduce the high rate of complaints of corruption and transgressions to the regulations. Thus, there would be better ongoing processes and a greater guarantee of the effectiveness of a system that is important for the country’s development.
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Supplementary Material

Supplement 1.1. Categories generated by publication on which citations were based (Part 1).

Source: Prepared by the Authors, (2023).
Suplement 1.2. Categories generated by publication that supported the citations (Part 2).  

<table>
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<td>Falta de imparcialidad - independencia del árbitro</td>
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<td>Ausencia de especialistas en arbitrajes</td>
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Source: Prepared by the Authors, (2023).
Suplement 2. Groups of categories identified by rooted publication.

Source: Prepared by the Authors, (2023).