



Exclusion System Summary El Salvador

Yes.

Exclusion decisions are made outside the procurement process and according to national legislation or centralized regulations. Exclusions have government-wide effect.

Governing Policy:

Arts. 25, 158, and 160 of the [Law of the Public Administration Procurement](#)/Ley de Adquisiciones y Contrataciones de la Administración Pública ("LACAP").

Primary Legal Foundation

Statutory Provisions [LACAP](#)

Type of Procedures: Administrative.

Decision Deadline: Decision-maker must make a final determination within nine months.

Provisional Exclusions: None.

Ability to Initiate an Exclusion Proceeding.

The decision-maker cannot initiate an exclusion proceeding without a prior referral.

Non-governmental parties can submit complaints and/or evidence to the decision-maker.

- *Note:* While LACAP does not explicitly authorize third parties to file complaints or submit evidence, there are also no provisions prohibiting such submissions.

Yes & Yes.

Notice:

Suppliers receive notice when the decision-maker decides that grounds exist.

Notice must contain the grounds for exclusion.

Decision-maker must make reasoning available to the supplier only, but the exclusion grounds are included in the publicly available exclusion list.

Opportunity to be Heard:

Suppliers are entitled to present a defense to the decision-maker and may:

- Obtain the evidentiary record;
- Make a written submission to the decision-maker;
- Request an in-person hearing with the decision-maker;
- Call witnesses to an in-person hearing to testify on the supplier's behalf.

Yes.

Based on a criminal or civil judgement against the supplier for the following:

- Corruption;
- Fraud;
- Obstruction of an investigation;
- Theft or embezzlement;
- Money laundering;
- Tax-related offenses;
- Labor-related offenses (specifically related to non-payments of social security).

Based on an administrative finding against the supplier for the following:

- Corruption;
- Fraud;
- Collusion and/or infringing competition;
- Poor performance, non-performance, and/or failure to perform on public contracts.

Other automatic exclusion grounds:

- Illegal incorporation by foreign companies;
- Outstanding and due debt to the municipality;
- Insider trading (*i.e.*, illegally obtaining privileged information that grants the supplier a competitive advantage).

None.

Automatic & None.

Individuals and Corporations.

Extension to Other Agencies and Organizations:

- Exclusions prohibit the supplier from contracting with any federal agency.
- Exclusions automatically extend to subnational governments.
- No known countries or international organizations that automatically recognize and apply exclusions from El Salvador.

Effect on Ongoing Contracts:

- Ongoing contracts are automatically cancelled.
- Subsequent modifications to ongoing contracts are affected by a supplier's exclusion.

Five years:

- Providing false information to obtain a procurement contract; and
- Participating, directly or indirectly, in a procurement process after being excluded.

Discretion to Deviate?

No. The decision-maker does not have discretion to deviate from the duration specified in the legal framework.

No. There is not a legal mechanism whereby a contract might still be awarded to an excluded supplier during the period of exclusion.

Contract termination when a supplier breaches the terms; Monetary damages.

Yes, and it is publicly available.

[Sanctions list](#) on E10.121citxu12.10.6 (c)-6.4 ar1- .nEBT0 gTT2 1 Tf11.0B1.1.BDC q6m(c)-6.9(y)-6.7O2 (u)-2..2 (b