

LEGAL ALERT

CAPE VERDE

ELECTRONIC PUBLIC PROCUREMENT SYSTEM

[Decree-Law No. 11/2023, of 17 February](#), was published, institutionalizing the “Electronic Platform for Public Procurement” and regulating the electronic processing of public procurement procedures on said platform.

The goal is clear: to create an electronic public procurement system that replaces “paper”, promoting procedural speed, transparency, simplification and debureaucratization of procurement procedures, based on the use of electronic, open and non-discriminatory means.

According to the Diploma, the electronic platform must be implemented within a maximum period of one year from the date of its publication, *i.e.*, by 17 February 2024. During the implementation period of the electronic platform, both ways of conducting public procurement procedures coexist: in paper and in electronic format.

The Decree-Law establishes the following principles for electronic public procurement:

- Ensuring permanent access to the electronic platform for all potential interested parties in public procurement procedures registered on the platform;
- Prohibition of demanding compliance with unjustified or disproportionate requirements or with requirements that, in any way, constitute a discriminatory factor in accessing the platform;
- Interoperability between the electronic platform and other State systems and portals;

- Adequate means of technological security, to ensure the confidentiality and integrity of the data submitted; the platform must also be protected against viruses and malicious software, as well as against any vulnerabilities and attacks.

Access of interested parties

Access to the electronic platform presupposes the registration of interested parties, which will be made through pre-registration on the platform, carried out by those interested parties, and subject to confirmation by the Directorate General of Patrimony and Public Procurement (DGPCP), the body responsible for the operational management of the Electronic Public Procurement System.

Registration also depends on prior payment of the platform access fee, which will be subject to later regulation, and will only be due as of 1 January 2026.

The access of registered users presupposes prior authentication through the [Autentika](#) platform.

Public procurement procedures

The diploma provides for the mandatory use of the electronic platform for the processing of contract formation procedures, subject to the Public Procurement Code and the Legal Regime of Administrative Contracts.

The phases of the contract formation procedure will now take place on the electronic platform, and notifications and communications between the awarding entity, jury, interested parties, bidders and contractor will be made through said platform.

Electronic signature

The proposals and candidacies must be submitted through the electronic platform, and the uploads must be signed electronically, using a qualified electronic signature, in accordance with the legislation that regulates the use of electronic signatures, the recognition of their legal effectiveness and the certification activity.

In cases where the digital certificate cannot directly relate the signer to its function and power of signature, the interested party shall submit, via the electronic platform, a document indicating the power of representation and signature of the signer.

It should be noted that failure to comply with the formalities set out above is cause for exclusion of applications and proposals.

With the implementation and regulation of electronic public procurement in Cape Verde, the government aims to promote, on the one hand, the rationalization and optimization of public expenditure and, on the other, increase competition, accuracy, efficiency, effectiveness and transparency in the formation of public contracts.

The introduction of electronic processing of public procurement procedures will simplify domestic operators' access to the public procurement market, as well as create opportunities for foreign companies to participate in Cape Verde's tenders.

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