

ASR 2025

EXECUTIVE SUMMARY



OIReScon

OFICINA INDEPENDIENTE DE REGULACIÓN Y
SUPERVISIÓN DE LA CONTRATACIÓN



The Oficina Independiente de Regulación y Supervisión de la Contratación (OIReScon) aims to ensure the correct application of legislation and, in particular, to promote competition and combat illegalities in relation to public procurement, in accordance with the provisions of Article 332 of Law 9/2017, of 8 November, on Public Sector Contracts.

The Annual Supervision Report, as well as its Executive Summary, were approved by the Plenary Session of OIReScon at its meeting held on 22 December 2025, in accordance with Article 332.9 of the PSCL. The information contained in this document may be used and reproduced in whole or in part, provided that OIReScon is cited as the source.

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ABBREVIATIONS/ACRONYMS

Abbreviation/Acronym	Entity/Unit/Name
AGE	General State Administration
PMC	Preliminary Market Consultation
EMP	In-house arrangement
ENCP	National Public Procurement Strategy
ASR [Spanish IAS]	Annual Supervision Report
LCSP	Law 9/2017, of 8 November, on Public Sector Contracts, which transposes into the Spanish legal system the Directives of the European parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February, 2014
OIReScon	Oficina Independiente de Regulación y Supervisión de la Contratación [Independent Office for Regulation and Supervision of Procurement]
PBL	Base Bidding Budget
PLACSP	Public Sector Procurement Platform
VEC	Estimated Contract Value

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Executive summary of the Annual Supervision Report on public procurement in Spain. December 2025

On 22 December 2025, the Oficina Independiente de Regulación y Supervisión de la Contratación (OIReScon) approved the Annual Supervision Report on public procurement in Spain (ASR 2025), fulfilling the mandate set out in Article 332.9 of [Law 9/2017, of 8 November, on Public Sector Contracts, which transposes Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council of 26 February 2014 into the Spanish legal system](#) (LCSP). This report will be sent to the European Commission, through the State Public Procurement Advisory Board, and will be shared with the public through its publication on the Public Sector Procurement Platform.

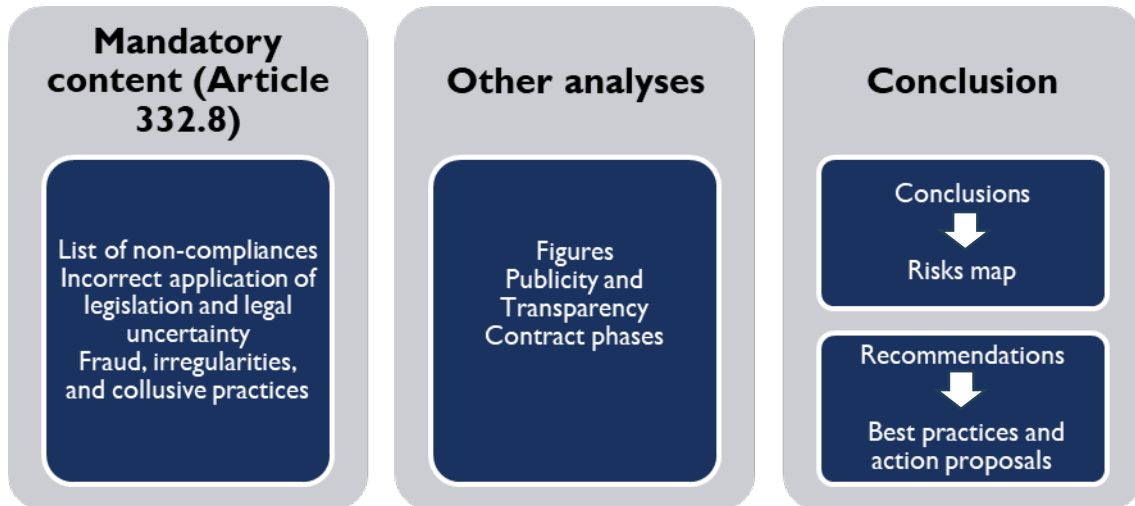
In compliance with the requirements of section 9 of Article 332 of the LCSP in relation to section 8 of the same article, this ASR includes a list of the main instances of non-compliance in public procurement detected by external and internal control bodies, as well as information on the prevention, detection, and proper reporting of detected cases of fraud, corruption, conflict of interest, and collusion problems. It also analyses the most frequent cases of incorrect application of the law or legal uncertainty, detected from the activity of advisory bodies, the activity of special tribunals for public procurement, internal and external control bodies, and the supervision actions carried out by OIReScon.

In addition, ASR 2025 presents the most relevant figures and data on public procurement in 2024; analyses compliance with the principle of publicity and transparency required by the LCSP; and covers the direct supervision activity of the phases of the procurement procedure.

To make its content more accessible and user-friendly, the structure is maintained in Modules, as detailed below:

- I. Public procurement figures in 2024.
- II. Legal uncertainty in public procurement.
- III. Collusive practices in public procurement.
- IV. The prevention of and fight against corruption in public procurement.
- V. Supervision of the principle of publicity and transparency in public procurement.
- VI. The preparatory phase of the contract.
- VII. The contract bidding phase.
- VIII. The contract execution phase.
- IX. Control bodies in public procurement: The special appeal.
- X. Control bodies in public procurement: internal economic-financial control and external control.

Figure 1. Structure of the 2025 ASR.



Notably, it should be highlighted that the ASR modules related to the publicity of in-house provisions and the professionalization of public procurement are not part of the 2025 ASR. This is because the OIReScon multi-year plan, approved by the plenary session on 30 April 2025, indicates that both issues will be the subject of special supervision reports in order to delve deeper into these matters through specific analyses.

Additionally, the module on control bodies, which was structured in two parts—the special appeal in procurement matters and the internal and external control bodies—has been divided into two modules, given the scope and uniqueness of each of the supervision activities.

The following conclusions are drawn from the analysis of all Modules.

I. Conclusions.

1. Module I “Public Procurement Figures in 2024”¹

Figure 2. Public procurement figures in 2024

Volume of Public Procurement in Spain in 2024		
TOTAL Public Sector	206,242 tenders	113,091.40 million euros
State Public Sector	55,753 tenders	40,332.86 million euros
Autonomous Community Public Sector	51,476 tenders	37,840.95 million euros
Local Public Sector	99,013 tenders	34,917.60 million euros

The local Public Sector accounts for the largest number of tenders, 48.01%, although in economic terms the largest percentage weight (35.66%) corresponds to the State Public Sector.

82.40% of the value of Public Sector procurement is managed through the open procedure (76.52%) or the simplified open procedure (5.88%).

The average processing time for all supervised procurement procedures is 117.47 days, continuing the downward trend from the highest figure experienced in 2020. The median duration in 2024 is the lowest in the entire time series, at 89 days.

In terms of competition, the average number of bidders for awarded contracts was 2.94, a figure that shows a downward trend since 2020, the year in which it reached 3.99 bidders, and despite a slight increase compared to 2023. The regional Public Sector achieves higher average competition (3.05 bidders). With regard to competition by contract type, an average of 4.51 bidders submitted for works contracts, this being the highest competition by contract type.

Furthermore, in 2024, 7.63% of tendered lots remained unawarded, a slight decrease compared to 2023 (7.87% in 2023).

Regarding the economic cost reduction obtained from the final award amount of the tender compared to the PBL, the average reduction in awarded contracts in

¹According to data from procurement platforms and not including minor procurement.

2024 was 11.24%. Depending on the procedure used, the specific procedure of a Dynamic Purchasing System (DPS) achieves the largest reduction (28.95%), followed by the restricted procedure with 17.59%. In the simplified open procedure and the open procedure, the average reductions are 14.77% and 11.34%, respectively.

Concession contracts represent only 8.89% of the total amount tendered in 2024 (PBL excluding taxes). The local Public Sector usually allocates the largest volume of procurement to tendering concessions; however, the largest volume in 2024 occurred in the state Public Sector, at 21.85%².

The average competition for concession contracts is 2.03 bidders. The percentage of concession contract procedures that remained unawarded reached 17.60% (17.73% in 2023). This percentage is higher than the aforementioned 7.63% for total public procurement (7.77% in 2023). The main conclusions and recommendations included in the 2022 Special Supervision Report (SSR) on concession contracts, which was published by OIReScon in November 2023, remain valid.

As in previous Annual Supervision Reports (ASR), aggregated data on minor procurement in the public sector is not available, making its systematic analysis impossible.

2. Module II “Legal Uncertainty in Public Procurement”

In 2024, the advisory bodies produced a total of 146 reports. Of these, 75 corresponded to advisory activities and 71 to non-advisory activities. The number of matters submitted for consultation to the various advisory boards amounted to 98.

The most consulted category in 2024 was "Modifications, extensions, and other variations during contract execution" (22.45%), which increased by 37.50% in 2024 compared to 2023. This highlights that the contract execution phase continues to be the phase with the greatest uncertainty. When combined with the other two main categories of the contract execution phase ("Price review" and "Execution, termination, and payment of the contract"), they jointly represent 32.65% of the total consultations in 2024. In any case, there is a 75.00% decrease in consultations on "Price review", which was the most consulted category in 2023, returning to a level similar to that of 2022.

Specific matters consulted on "Minor procurement" have decreased by 28.57% in 2024, with 5 consultations made and no consultations on "Functional unit and

²This figure is due to the tendering of the healthcare agreements of MUFACE and ISFAS during 2024.

splitting of contracts", which was the most consulted issue in 2023 within this main category.

3. Module III "Collusive Practices in Public Procurement"

To prepare this module, OIReScon uses information received from the competition authorities (Comisión Nacional de los Mercados y la Competencia [National Commission on Markets and Competition] and similar autonomous regional bodies).

The most frequent anti-competitive practice in the field of public procurement in 2024 was non-compete agreements or pacts, a practice that includes any type of agreement involving market sharing, such as agreements between companies in the submission of bids, cover bidding, bid rigging, manipulation of tender specifications, boycotting tenders, etc.

The high number of sanctioning proceedings in which anti-competitive practices have been implemented through cartels highlights the importance of detecting and dismantling these organizations for the effective prevention of anti-competitive behavior in the field of public procurement.

Once again, the contract type most affected by collusive practices in public procurement is the service contract, consolidating the trend of the last five years, with the exception of 2022, when these behaviors predominantly affected works contracts.

The economic sectors most affected by collusive practices in 2024 are "wholesale trade of food, beverages, and tobacco," "construction of roads and motorways," and "regular road passenger transport." The latter two have already been detected in previous ASRs, which may indicate that these are sectors with a higher risk of presenting restrictive practices of competition.

Finally, it is worth mentioning that in 2024 there have been improvements in the number and duration of the training sessions provided, and an increase has also been observed in the number of entities participating in the organization of this type of activity. This reflects a strong commitment from the various authorities in promoting and disseminating knowledge on competition and public procurement.

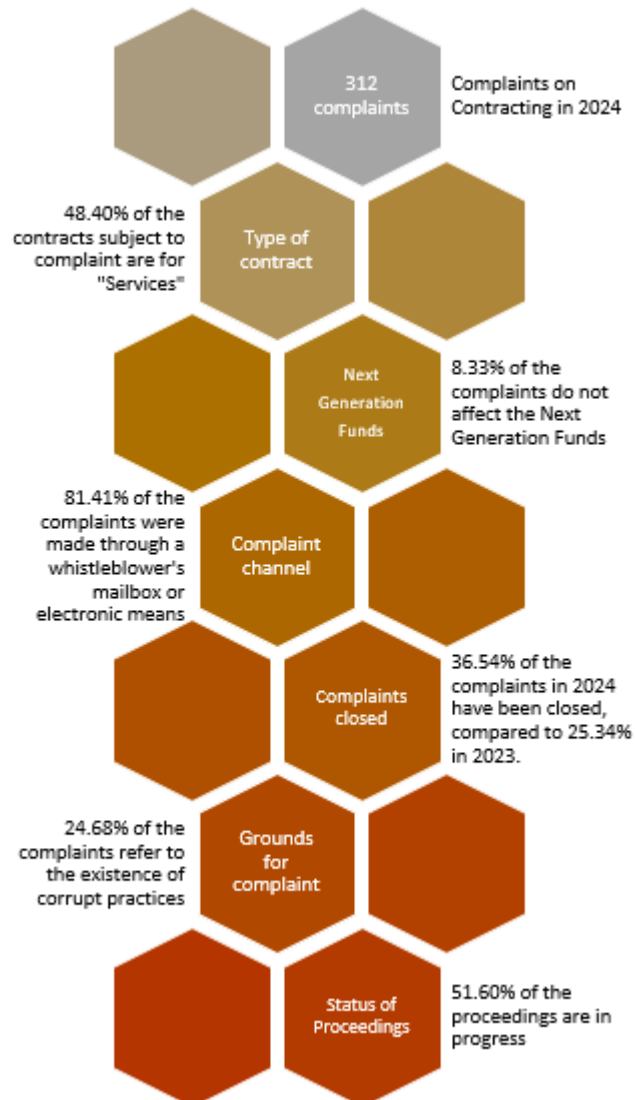
4. Module IV “The Prevention of and Fight Against Corruption in Public Procurement”

For the collection of information, a questionnaire prepared by this Office has been sent to the autonomous regional and local Agencies and Offices with competencies in the prevention of and fight against corruption; to the Servicio Nacional de Coordinación Antifraude (SNCA) [National Anti-Fraud Coordination Service], responsible for protecting the financial interests of the European Union; to the Autoridade Galega de Protección da Persoa Informante [Galician Authority for the Protection of Whistleblowers]; to the Consejo de Transparencia y Protección de Datos de la Comunidad de Madrid [Council for Transparency and Data Protection of the Community of Madrid]; and to the Autoridad Independiente en materia de Corrupción de Castilla y León [Independent Authority on Corruption of Castilla León].

Given the recent creation of the first two whistleblower protection authorities, only the Independent Authority on Corruption of Castilla y León had information for the preparation of Module IV.

The main results of the analysis of the activity are shown in the following figure:

Figure 3. The fraud complaint in public procurement in 2024.



Source: data from the anti-fraud agencies and offices and prepared by OIReScon.

In 2024, issues related to public procurement account for 7.64% of all complaints received by the anti-fraud offices and agencies and other entities with anti-fraud competence. Therefore, levels similar to the previous year are observed.

The main causes for complaints and reports in public procurement have been:

1. The existence of corrupt practices (24.68%).
2. Breach of regulations (24.04%).
3. Splitting of the object of the contract (12.5%).

4. The existence of irregularities in the award of the contract (10.90%), including complaints of alleged irregularities in the processing of the file or tendering of the contract.

On the other hand, actions taken in the area of preventing corruption in procurement are noteworthy, especially regarding training and the holding of conferences, seminars, and congresses by the anti-fraud offices and agencies and other entities with anti-fraud competence, although there is a slight decrease in their number compared to 2023.

Likewise, it is worth mentioning the numerous actions regarding good practices carried out by the anti-fraud offices and agencies and other entities with anti-fraud competence that have been subject to supervision in this Module IV of the 2025 ASR.

5. Module V “Supervision of the Principle of Publicity and Transparency in Public Procurement”

In the analysis of compliance with the principle of publicity included in this module, the indicators already established since the 2020 ASR have been followed, based on the publicity requirements contained in the LCSP.

Despite the growing adaptation of the procurement platforms of the entire public sector to the requirements of the LCSP, a lack of uniform criteria and standardization of information is noted, which directly affects data quality and the possibility of its complete aggregated use. In any case, progress in the amount of information in open and reusable data format is noteworthy.

In terms of transparency and open data, the PLACSP tool "Open PLACSP" allows any interested party to process the procurement data published in aggregate by PLACSP in a simple manner and without the need for complex technological knowledge. However, there is still data and information related to the procurement file that are missing or, if present, are not easily accessible or identifiable.

There continue to be fields with key information for the analysis of public procurement where the data may contain errors or inconsistencies, as they are not mandatory fields and for which there are no quality control or information verification checks.

In this matter, as OIReScon has already pointed out in reports from previous years, it would be desirable to have a single source of procurement data to meet the publicity requirements. It is suggested to enhance and encourage the use of PLACSP.

Overall, it is observed that the detected deficiencies in the publicity of the planning of contractual activity on procurement platforms persist, posing an obstacle to the

transparency and publicity required by the regulation. Also noteworthy is the lack of information on the final phase of the contract and its execution, despite the improvement represented by the contract completion notice.

On the other hand, regarding compliance with the principle of transparency, the data included in the sector-specific regulation on this matter do not correspond with those included in the LCSP in this regard, which are analyzed in the first part of this Module. When combined with the existing diversity in the regulation of proactive disclosure in contractual matters between the Autonomous Communities and the state level, the result is a complex scenario.

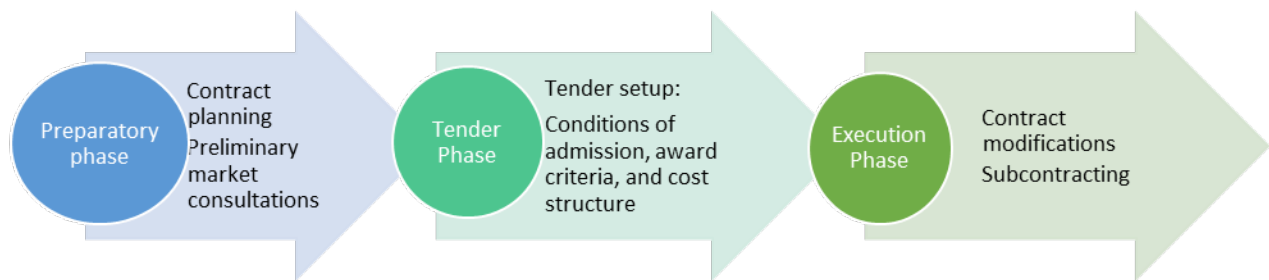
The result of the comparative analysis of these regulations highlights the variety in the regulation of transparency requirements in public procurement, such that the place where the contract was awarded determines the data that can be accessed.

It would be advisable to reflect on the regulatory framework to reduce the differences in the regulation of proactive disclosure among the different public administrations. The data required by transparency regulations should be aligned with that required by the LCSP to reduce the risk of errors and distortions and to streamline the work of contracting authorities.

On the other hand, in 2024, the number of rulings on transparency claims regarding contractual activity has remained almost stable compared to 2023. This facilitates a comparison of the outcome of the rulings in both years and suggests that the percentage of upheld claims has decreased, which could indicate an improvement in compliance with transparency regulations.

6. Modules VI, VII, and VIII “The Contract Preparation, Bidding, and Execution Phases”

Figure 4. The phases of the contract under supervision



In the **contract preparation phase**, a very high level (95.38%) of non-compliance with the obligation to publish the programming of contractual activity continues to be detected. There is also a high rate of failure to publish reports on the conclusions or results following preliminary market consultations (PMCs). In more than half of the PMCs (58.72%), there is no associated file or results report.

On the other hand, regarding the **contract bidding phase**, the trend of adapting solvency requirements to the object of each contract is observed to continue. In view of the data, the adaptation of admission conditions in the supervised contract types is not a determining factor for promoting competition, as a decrease in the number of participants in tenders is observed.

Regarding the award criteria, criteria assessable by formula predominate, with an average weight much higher (81.36%) than those assessed by value judgment.

On the other hand, the economic justification for contracts has improved, as the percentage of tenders lacking it has been considerably reduced. However, a high level of non-compliance is detected regarding the breakdown of the cost structure that must be included in the tender specifications, in accordance with Article 100.2 of the LCSP (49.50% in service contracts and 58.75% in supply contracts).

Regarding the method of determining the budget, a preference for a “lump-sum price” is observed in the service contracts analyzed (51.56%), while in supply contracts there is a clear preference for a “unit price” (96.63%).

The **contract execution phase** is the least documented on the public sector procurement platforms, which prevents proper monitoring and leaves significant room for improvement.

Regarding contract modifications, it is noteworthy that in 93.08% of the supervised SARA works contracts, the modifications were not provided for in the tender specifications, this percentage representing a slight decrease compared to 2023 (94.86%). The published information on the cause of unforeseen

modifications has improved outstandingly, as in 2024 there are no cases without data. The most frequent cause is “unforeseeable circumstances” (50.79%).

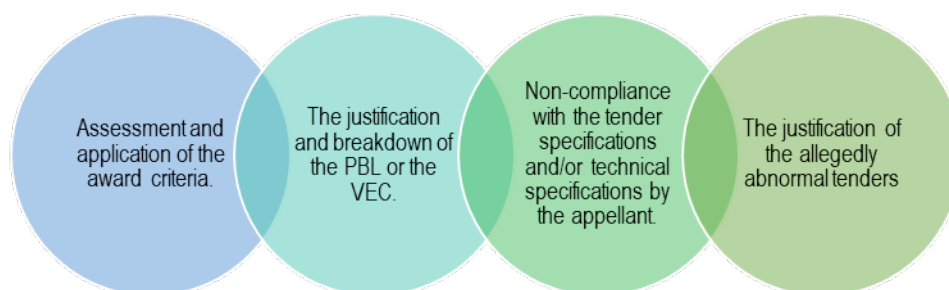
As for subcontracting, the current regulation allows information on subcontracting to be considered “optional” in the tender specifications, in the tender notices, and in the formalization of the contract. Therefore, for another year, the most notable aspect is the lack of information on its real significance, in light of the data accessible through the procurement platforms.

In this regard, it is stressed that the lack of information prevents the supervision of the obligations of public administrations in this matter, such as verifying the payment by the successful tenderer to subcontractors and suppliers in contracts where this is mandatory, in accordance with Article 217 of the LCSP.

7. Module IX “The Control Bodies in Public Procurement: The Special Appeal”

Regarding the analysis of the results of the work of the administrative tribunals in resolving the Special Appeal in Public Procurement (REC), the RECs for 2024 have been analyzed, which amounted to 5,053, with the most identified risk areas in this ASR being those shown in the following figure:

Figure 5. Risk areas identified thanks to the REC



On the other hand, the percentage of appeals (27.96%) that have been dismissed and filed without a ruling on the merits remains significant, due to being out of time, being filed against acts not subject to appeal, for lack of standing, or due to supervening disappearance of the object or acquiescence.

8. Module X "The Control Bodies in Public Procurement: Internal Economic-Financial Control and External Control"

Regarding the analysis of the results of **internal economic-financial control in procurement matters (internal control bodies)**, it is organized based on the different territorial levels of administration.

At the state level, the IGAE report, prepared in compliance with the requirements of Article 332.11 of the LCSP, is incorporated into the module as an annexed document.

In prior control, at the autonomous level, the majority of the objections reported by the Autonomous Communities refer to the recognition of the obligation, reaching 66.71%. At the local level, the recognition of the obligation is also the expenditure phase in which the most objections have been raised, with 48.80%.

In ex-post control, at both the regional and local levels, irregularities associated with minor procurement and its improper use by splitting and concatenating contracts stand out, thereby avoiding the application of award procedures that promote publicity and competition, as well as the generic irregularities in each procurement phase.

Regarding the results of the analysis **of the external control bodies** (Court of Auditors and OCEX), most of the irregularities detected at the state, regional, and local levels are concentrated in the file preparation phase, due to documentary shortcomings in this phase, the lack of justification of the nature and extent of the needs to be met by the planned contract, as well as the suitability of the object and content of the contract to meet them, or the lack of justification for the choice of award criteria, the splitting of minor procurement, or the choice of improper award procedures.

Therefore, the file preparation phase is established as the focus of the irregularities detected by internal and external control bodies in public procurement.

II. Recommendations.

Finally, and in view of the results expressed in this ASR, OIReScon formulates a series of **recommendations**, of which the following are noteworthy:

- The importance is stressed that the actions of all agents involved should be directed towards entering public procurement data **only once**, as having a **single source of data** would facilitate the submission of information to other bodies, such as internal and external control bodies, public contract registries, transparency portals, procurement platforms, special tribunals for contractual appeals, etc. On the other hand, a single source of data will make information more accessible to the public, in addition to minimizing errors.
- The need to establish mechanisms for verifying and validating published information is reiterated, a key action to guarantee the quality of the data offered by the public sector procurement platforms, as well as to offer contractual information in an open and reusable format.
- Regarding **the preparation of the procurement procedure, its tendering, and its execution**, it is recommended to pay special attention:
 - In the publication of **procurement programming**, to the definition of the object and the need, choice of procedure, division into lots, cost structure, and estimated duration of the service, among others.
 - In **the publication** of tender, formalization, and award notices, to the information included and compliance with the minimum deadlines established in the LCSP.
 - In **the drafting of the tender specifications that are to govern the procurement** the classification and solvency appropriate to the subject matter of the contract, the measures to promote the participation of SMEs, the adequate budgeting, the award criteria, and the special performance conditions.
 - In the **justification of the award decision** and of the evaluation reports.
 - In the **justification of the exclusions** of bidders, especially in cases of abnormally low bids.
 - In the establishment of **measures to control payment to subcontracted companies** in the contracts determined by the LCSP, as well as in monitoring that said obligation is fulfilled.

- In having a list of companies subject to a **prohibition from contracting**, as well as the inclusion of information on prohibitions from contracting at the autonomous community level.
- In strengthening **the justification for contract modifications**.
- **Promoting training** is recommended, particularly regarding the detection and correction of irregular, collusive, and fraudulent practices, in order to consolidate the culture of **prevention in the fight against fraud**, where the network of anti-fraud offices and agencies of the Spanish State plays a key role.

Oficina Independiente de Regulación y Supervisión de la Contratación.