



Actividad contractual de entidades territoriales a la luz de los principios de la contratación estatal [

2017

text (article)

Analítica

Contractual activity in Colombia is regulated in nature, therefore objectivity is its main characteristic. Although in other branches of law the application of the rule has become more transversal to include other sources such as the custom and the right of judges at the hierarchical level of the law, administrative law has not been given this phenomenon so absolutely , By virtue of the special principles that govern it and which make it a branch manifestly subject to the norm. This regulated nature has forced public servants and individuals who exercise public functions to subject all their administrative and contractual actions to what the Constitution and the law allow them. Hence, according to Article 6 of the Charter, public servants respond for breach of the Constitution and the Law and also for omission and overstepping their duties. However, some local authorities have chosen to depart from these provisions in the exercise of the contractual activity they carry out in the exercise of their powers and legal powers, which should be aimed at ensuring the provision of public services, Of the general interest and for the fulfillment of the purposes of the State, but in this context its purpose is misrepresented in the violation of the principles and normative values that underlie the actions of public servants. This article seeks to clarify this obligatory subjection of public authorities to the superior legal system in exercise of their contractual powers and in the development of this activity, referring to the regulations that govern today public procurement in Colombia and the challenges facing the Application of this, in the territorial entities in front of the citizen and judicial permissiveness that has been giving to the local representatives exorbitant faculties like the one to constitute smaller boxes, without legal permission for this and to destine its funds to the payment of contracts that do not comply with the Requirements for its validity

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