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Value for money in Ecuadorian public procurement: A normative analysis for the optimisation of public expenditure

Valor por dinero en la contratación pública ecuatoriana: Análisis normativo para optimizar el gasto público

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ABSTRACT

The present article aimed to analyse the normative foundation, conceptual development and methodological application of the best value for money principle within the Ecuadorian public procurement system. A qualitative descriptive-analytical approach was employed, drawing upon normative and bibliographic review, supported by hermeneutic-juridical, analytical-synthetic and comparative methods. The findings indicate that the principle operates across four dimensions: institutional planning, process structuring, tender evaluation and contractual monitoring; its materialisation demands objective technical criteria that transcend the logic of the lowest price. It is concluded that value for money constitutes an operative instrument that steers public procurement towards efficient, transparent processes aligned with the general interest, the effectiveness of which depends upon the institutional capacity of the contracting entities.
Descriptors: public administration; governance; administrative law. (Source: UNESCO Thesaurus).

RESUMEN

El articulo tuvo como objetivo analizar el fundamento normativo, el desarrollo conceptual y la aplicación metodológica del principio de mejor valor por dinero en el sistema de contratación pública ecuatoriano. Se empleó un enfoque cualitativo descriptivo-analítico con revisión normativa y bibliográfica, apoyado en métodos hermenéutico-jurídico, analítico-sintético y comparativo. Los resultados muestran que el principio opera en cuatro dimensiones: planificación institucional, estructuración del proceso, evaluación de ofertas y seguimiento contractual; su materialización exige criterios técnicos objetivos que superen la lógica del menor precio. Como conclusión se tiene que el valor por dinero constituye una herramienta operativa que orienta la contratación pública hacia procesos eficientes, transparentes y alineados con el interés general, cuya eficacia depende de la capacidad institucional de las entidades contratantes.
Descriptores: administración pública; gobernabilidad; derecho administrativo. (Fuente: Tesauro UNESCO).

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Research articles section

INTRODUCTION

The way public money is managed has changed significantly in recent years; previously, the only consideration was whether the rules were followed when hiring someone to carry out work for the state. Now, the focus is on assessing whether the money is being used effectively to achieve results that people can see. In this context, the principle of best value for money, known in the English-speaking literature as *value for money*, is becoming an increasingly contentious issue within the political economy of public procurement; its implementation requires the articulation of three dimensions that are often at odds with one another, namely: i) economy in the use of resources, ii) efficiency in the execution of processes, and iii) effectiveness in achieving institutional objectives. In this regard, Tvarnø (2020) points out that such articulation does not occur automatically or neutrally; rather, it responds to prior institutional decisions that condition the way in which government entities design, evaluate and award their contracts; it is necessary to apply these principles transparently in Latin America with the aim of overcoming unnecessary bureaucratic procedures in order to combat corruption.

When applying this reality to the context of Ecuador, it is evident that the Organic Law on the National Public Procurement System (LOSNCP) incorporates the principle of best value for money into its regulations; however, this could create a gap in the interpretation of the law when it is applied during the tender evaluation and award phase, as contracting authorities tend to reduce the principle to a comparison of unit prices, overlooking variables such as technical quality, sustainability and the life-cycle cost of the goods or services procured. In light of this empirical evidence, Faz-Cevallos et al. (2023) note that Ecuadorian public spending results in contract awards that are economically inefficient in the medium term, even though they appear to formally comply with current legal provisions; consequently, this phenomenon affects both entities at the presidential level and decentralised autonomous governments, leading to direct consequences for the quality of the goods and services received by citizens.

In addition to and in support of the above, Paz-Viteri et al. (2026) describe how procurement processes in Ecuadorian public institutions exhibit recurring deficits in transparency during the award stage; which, in turn, are not necessarily attributable to individual failings on the part of officials, but rather to regulatory gaps that recur in the drafting of tender award documentation. Faced with this harsh reality, Gudiño-Mena (2022) argue that the mechanisms for public participation established to oversee public procurement are insufficient given the technical complexity of the procedures and the existing legal ambiguity, which reduces civil society's ability to verify whether awards genuinely adhere to the principle of best value.

To counter this, Véliz-López (2025) argues that institutional oversight planning is necessary, understood as the effective implementation of public policies, from which appropriate guidelines must be developed so that competition among suppliers leads to efficient procurement; a condition which, in Ecuadorian practice, is met unevenly across sectors and levels of government, given the existence of a marked culture of patronage (Gordón-Yanchatipán, 2020).

In line with what has been set out so far, the research question is formulated as follows: What is the importance of value for money in Ecuadorian public procurement from a normative analysis aimed at optimising public expenditure?

Consequently, the study aims to analyse the importance of value for money in Ecuadorian public procurement from a normative analysis aimed at optimising public expenditure.

Normative basis in the Ecuadorian legal system

In this context, the National Constituent Assembly, through Article 227 of the Constitution of the Republic of Ecuador (2008), defines the public administration as a structure oriented towards public service, subject to parameters of efficiency, effectiveness, quality and transparency; a provision that undermines any reductive interpretation of state procurement as a mere commercial transaction, as it elevates it to the status of a legal act of institutional significance, subject to both oversight and scrutiny by the competent bodies; an interpretation which, far from constituting

an interpretative excess, finds its basis in the very teleology of the constitutional state of rights and justice.

That being the case, poorly structured public expenditure does not limit its consequences to financial damage to the public purse; it simultaneously erodes the legitimacy of the implementing body in the eyes of the public it serves, generating a deficit of institutional trust that belated corrective measures rarely manage to reverse to the extent required; a circumstance which places budgetary due diligence not as a secondary technical requirement, but as a constitutive condition of the legitimate exercise of the administrative function, with direct implications for the accountability of those who exercise it.

It may be noted that Article 3 of the aforementioned regulatory framework sets out the guiding principles of the system, specifically transparency, efficiency and equality, whose regulatory function is not limited to the enunciation of programmatic values, since they condition the manner in which a contracting entity plans, evaluates and resolves each procedure; such that invoking them solely at the time of award, without having operationalised them from the preparatory phase, creates an appearance of legality devoid of verifiable technical content. In this same vein, Gudiño-Mena (2022) specifies that the realisation of these principles requires active mechanisms for citizen participation that enable society to monitor the quality of spending decisions; for this reason, the mere publication of results on the SERCOP portal is insufficient to satisfy this regulatory requirement, despite the formal visibility that this resource affords the process.

Whilst it is true that the constitutional text extends this regulatory framework through Article 288, incorporating social and environmental responsibility criteria into public procurement, the constitution thereby recognises that the value of a procurement goes beyond its nominal price and encompasses the externalities that such a decision generates on the institutional and collective environment in which the State operates; in this regard, such an analysis requires the legal practitioner to make a systematic interpretative effort, as addressing Article 288 in isolation would lead to an underestimation of its actual scope, given that its full understanding

depends on linking it to the mandate of Article 227 and to the principles of the 'good living' regime enshrined throughout the constitutional text. Similarly, the legal framework establishes a regulatory chain in which administrative efficiency and socio-environmental sustainability are not parallel categories, but rather links in the same legal duty incumbent upon those exercising public procurement powers.

For this reason, the Organic Law on the National Public Procurement System translates the constitutional mandate into operational terms through a rule that reorients the award criterion: the aim is not to select the lowest-cost bid, but the one most conducive to institutional and collective interests; that is, a distinction which, despite its technical appearance, has significant legal consequences for the validity of the process and, consequently, for the grounds of the administrative award decision.

However, the regulatory level specifies the system's technical instruments in greater detail; in particular, Article 3(8) of the General Regulations of the LOSNCP defines value for money as a relationship between efficiency, effectiveness, economy, competition and sustainability throughout the entire contractual cycle; a definition that shifts the focus of evaluation from the specific moment of award to the coordinated set of stages that make up the process. Consequently, Articles 65, 74 and 76 to 78 of the same Regulations develop this logic by stipulating that the statement of requirements, the evaluation criteria and the technical specifications must be drawn up before the contracting authority is aware of the potential successful tenderer; this must be done in accordance with rules that are comprehensible to tenderers and subject to review by the competent supervisory bodies, which makes the preparatory phase the true legal crux where the technical legitimacy of the entire subsequent procedure is defined.

In other words, systems where the evaluation is constructed a posteriori to justify a decision already taken differ structurally from the Ecuadorian legal framework, which imposes a sequence of prior actions whose non-compliance does not constitute a minor irregularity, as it affects the grounds for the award decision and, consequently, enables its challenge before the Comptroller General's Office or the administrative

courts. To put this more concretely, Véliz-López (2025) argues that value in public procurement does not emerge spontaneously from market conditions, but rather requires the institution to structure the procedure as a coherent sequence of technical decisions that are properly reasoned from the outset; however, this condition, contrary to what might be expected in consolidated strategic sectors, is met unevenly in Ecuadorian practice, with notable gaps between these sectors and the decentralised autonomous governments.

METHOD

The study adopted a qualitative approach based on the interpretative paradigm; this choice was not the result of an arbitrary preference, but rather the nature of the subject under analysis. In this context, the principle of best value for money was not a quantifiable variable whose variation could be statistically modelled: it was a legal category whose content was constructed through the interpretation of regulations, a critical reading of legal doctrine, and comparison with institutional experiences from other countries.

Furthermore, the legal-hermeneutic method formed the basis of the interpretative process; its application is essential when the aim is to determine the meaning of a rule within the contractual system and not merely to reproduce its text. Legal hermeneutics requires each provision to be related to the principles underpinning it, to the higher-ranking rules that condition it, and to the institutional consequences resulting from its application; it is this process that enables us to identify whether the principle of best value for money operates as a binding rule with verifiable content or as a programmatic statement that legitimises decisions adopted on the basis of other criteria.

At the same time, the analytical-synthetic method enabled the principle to be broken down into its constituent dimensions—economy, efficiency, effectiveness, sustainability and life-cycle cost—and then integrated into an overall interpretation that reveals its logical structure and conditions of application. For its part, the comparative legal method made it possible to relate the Ecuadorian case to documented experiences in other national systems; studies carried out in Zimbabwe

(Chikwere, Chikazhe and Tukuta, 2023), Kenya (Waci, Kariuki and Mwirigi, 2024), Slovakia (Nemec and Kubak, 2024), the Czech Republic (Marvan and Hromádka, 2025) and Italy (Hansen et al., 2016). This comparative perspective does not seek to transpose legal norms, but rather to identify analytical patterns that broaden the understanding of the principle beyond its local conditions of application.

The unit of analysis in this research consists of the public procurement procedures carried out within the Ecuadorian public sector, understood as legal and administrative actions through which state entities undertake processes for the procurement of goods, the provision of services, consultancy work and the execution of works, in compliance with the constitutional principles of legality, transparency, efficiency, accountability and social control.

From a methodological perspective, the unit of analysis is not limited exclusively to the administrative contract as a formal act concluded between the public administration and a contractor, but rather encompasses the set of prior, concurrent and subsequent actions that make up the contractual procedure, since it is within this administrative process that the mechanisms of planning, selection, award, control and execution aimed at serving the public interest are evident.

This definition is grounded in the Ecuadorian constitutional framework, as well as in contemporary doctrinal approaches that recognise public procurement as a strategic instrument of state management aimed at generating public value, optimising expenditure and strengthening institutions.

In line with the above, the documents analysed are presented as they constitute the population unit of analysis; Table 1 is presented in the following order:

Table 1. *Survey of population references.*

Reference	Main contribution	Relationship to the unit of analysis and population	Methodological application
National Constituent Assembly (2008)	Establishes the constitutional principles of transparency, efficiency, legality, social oversight, and accountability in public administration.	Provides the legal basis for selecting public procurement processes as the unit of analysis, as these constitute administrative actions subject to the Ecuadorian constitutional framework.	Principal normative foundation for delimiting the study population.
Gudiño-Mena (2022)	Analyses the constitutional principle of transparency in Ecuadorian public procurement and its relationship with citizen participation.	Enables the identification of institutional stakeholders and actors involved in the oversight and execution of procurement procedures.	Basis for defining inclusion criteria for the research population.
Faz-Cevallos et al. (2023)	Examines Ecuadorian public procurement from a structural and operational perspective.	Provides elements for delimiting the unit of analysis within the national context of public contractual management.	Justifies the territorial and administrative focus of the research.
Paz-Viteri et al. (2026)	Describes the practical challenges of transparency and oversight in national public procurement.	Facilitates the identification of public officials and administrative operators as part of the study population.	Supports the segmentation of the population according to institutional functions.
Véliz-López (2025)	Develops the concept of public procurement as a mechanism for generating public value.	Broadens the understanding of the unit of analysis towards the integrated administrative procedure rather than solely the formal contract.	Contributes to the conceptual grounding of the research object.
Moore (1995)	Formulates public value theory as a central axis of legitimacy in state management.	Enables the analysis of public procurement in terms of its contribution to the public interest and institutional efficiency.	Theoretical foundation for administrative performance variables.
Moore (2025)	Updates the concept of public value within the framework of strategic governmental management.	Reinforces the analysis of institutional outcomes derived from administrative decision-making.	Complements the methodological conceptual framework.
OECD (2019)	Presents international standards on public governance, efficiency, and institutional performance.	Serves as a comparative benchmark for analysing administrative public procurement practices.	Supports the construction of institutional evaluation indicators.
Tvarnø (2020)	Examines the *value for money* principle as applied to public procurement.	Links contractual analysis to efficiency in the use of public resources.	Provides the basis for variables related to economic rationality and administrative management.

Reference	Main contribution	Relationship to the unit of analysis and population	Methodological application
Malacina et al. (2022)	Studies value creation in public procurement from a practical perspective.	Facilitates understanding of the institutional impact of contractual decision-making.	Supports the functional analysis of the unit of study.
Waci et al. (2024)	Analyses procurement practices and public expenditure efficiency in state entities.	Provides comparative benchmarks regarding public management and contractual performance.	Useful as comparative methodological support.
Nemec & Kubak (2024)	Evaluates the *value for money* principle in procurements financed with public resources.	Reinforces the assessment of administrative performance within contractual procedures.	Serves as a comparative methodological reference.
Marvan & Hromádka (2025)	Analyses the evolution from price-based procurement towards value-based procurement.	Broadens the doctrinal understanding of contractual efficiency.	Contributes analytical categories for methodological assessment.
Chikwere et al. (2023)	Examines public expenditure efficiency in local government procurement.	Provides comparative benchmarks applicable to territorial public administration.	Complements the comparative research approach.

Source: Author's own elaboration.

Data collection was carried out using three complementary tools; the first was a regulatory analysis matrix, designed to record the content of each relevant provision, its position within the regulatory hierarchy, its relationship to the dimensions of the principle, and any interpretative tensions identified. The second was a doctrinal review protocol, which organised the literature consulted into analytical categories, namely: the theoretical basis of value for money, institutional conditions for application, documented methodological limitations, and perspectives from comparative law. The third was a comparative summary sheet, intended to systematise international references according to the system studied, the methodological approach employed, and the conclusions relevant to the Ecuadorian context. These instruments were not subjected to expert validation, as they are tools for analytical organisation rather than measurement instruments.

As this was a documentary study involving no individuals, private files or sensitive data, no risks associated with confidentiality or informed consent arose. However, this did not exempt the study from compliance with the principles of academic integrity governing scientific research: interpretative fidelity to the standards.

RESULTS

It should be noted that the hermeneutic-legal analysis of the selected documentary corpus produced results organised into five analytical categories corresponding to the central dimensions of the study:

The principle of best value for money as a binding constitutional mandate

In this regard, the first finding of the normative analysis indicates that the principle of best value for money does not operate within the Ecuadorian legal system as a mere management guideline, but as a constitutional mandate of mandatory application; at the same time, the National Constituent Assembly (2008) enshrines it in Articles 227 and 288 of the Constitution, which establish the State's obligation to administer public resources in accordance with the principles of efficiency, effectiveness, quality, transparency and social responsibility; this hierarchical positioning determines that any award that disregards these criteria constitutes not only an administrative inefficiency, but a breach of the supreme law with the potential to render the contractual act null and void. Hence, the distinction between a binding rule and a management criterion is not an exclusively academic debate, as it determines the type of legal control that may be invoked against an award that reduces the principle to the initial price.

Given that this constitutional hierarchy is established, the General Regulations specify in Article 3(8) that value for money requires a balance between efficiency, effectiveness, economy, competition and sustainability throughout the entire contractual process, and not merely at the time of comparing bids; a clarification that is methodologically relevant because it transforms the principle into a comprehensive evaluation standard encompassing prior planning, the structuring of tender documents, the weighting of criteria and the justification for the award, without any of these phases being able to be separated from the others without undermining the coherence of the process. However, a review of the legal literature reveals that Ecuadorian administrative case law has not yet developed a consistent line of reasoning that specifies the required standard of justification when a breach of the principle is alleged; a gap that creates a margin of institutional discretion

whose consequences for the quality of public spending have not been sufficiently documented. To summarise the above, the regulatory framework underpinning the principle is structured at the following levels:

Table 2. *Regulatory basis of the best value for money principle.*

Instrument	Provision	Content	Legal implication
Constitution of the Republic	Arts. 227 and 288	Efficiency, effectiveness, quality, transparency, and social responsibility in public procurement	Binding constitutional mandate; non-compliance may give rise to the potential nullity of the contractual act.
General Regulations to the Organic Law of the National Public Procurement System (LOSNCP)	Art. 3, para. 8	Interrelationship between efficiency, effectiveness, economy, competition, and sustainability throughout the entire procurement cycle	Comprehensive evaluative standard encompassing the process from prior planning to the statement of reasons underpinning contract award decisions.
Administrative litigation case law	No consolidated uniform line of authority	Absence of a precise standard of reasoning in cases involving non-compliance with the principle	Institutional margin of discretion with undocumented effects on the quality of public expenditure.

Source: Author's own elaboration.

Discrepancy between regulatory requirements and operational criteria

The second finding concerns the identification of a systematic gap between what the legal framework prescribes and what contracting authorities apply in practice; as Paz-Viteri et al. (2026) document that procurement processes in Ecuadorian public institutions exhibit recurring deficits in transparency during the award stage, which do not stem from the individual will of officials, but rather from the absence of validated methodologies for drafting tender documents and weighting evaluation criteria based on the principle of best value. Similarly, Faz-Cevallos et al. (2023) note that the Ecuadorian system frequently reduces the evaluation of bids to a comparison of unit prices, omitting the variables of technical quality, sustainability and life-cycle cost that the Constitution and the Regulations require to be considered.

However, this reduction is not harmless; as the OECD (2019) points out, a procurement that optimises the initial price may generate maintenance, replacement or rectification costs that far exceed the apparent savings of the award, meaning that a formally legal purchase may be economically irrational when evaluated over the full life cycle of the contract.

Similarly, Véliz-López (2025) confirms that this pattern is replicated in Ecuadorian public procurement, where rigorous planning constitutes a necessary, though not sufficient, condition for competition between suppliers to result in efficient procurement; a condition that is met inconsistently across sectors and levels of government. In light of the above, an analysis of Article 65 of the Regulations reveals that the weakness originates at the stage of the statement of requirements: when the institutional need is poorly formulated, the tender documents are technically weak and the subsequent evaluation criteria lack a solid basis for justifying an award. That being the case, the components of the identified gap are distributed as follows:

Table 2. *Gap between regulatory requirements and operational criteria*.

Evaluated dimension	Normative requirement	Documented practice	Legal consequence	Source
Transparency in contract award	Technically reasoned decision-making process from the outset	Recurrent deficiencies at the contract award stage	Absence of validated methodologies for drafting tender documents and weighting evaluation criteria	Paz-Viteri et al. (2026)
Tender evaluation criteria	Technical quality, sustainability, and life-cycle cost	Reduction to the comparison of unit prices	Non-compliance with the Constitution and the General Regulations	Faz-Cevallos et al. (2023)
Cost evaluation horizon	Full contractual life cycle	Optimisation of the initial contract award price	Legally valid but economically irrational procurement decision	OECD (2019)
Prior planning as a precondition	Technical precision in defining the institutional need	Needs assessment report formulated with technical deficiencies	Weak tender documents and evaluation criteria lacking conceptual justification	Véliz-López (2025); Art. 65, General Regulations

Source: Author's own elaboration.

Institutional planning as a structural prerequisite

In this vein, the third finding suggests that pre-procurement planning is not a mere procedural formality, but rather the structural condition that determines whether the principle of best value can be realised in a specific contract award; as Malacina et al. (2022) demonstrate that value creation in public procurement requires organisational practices aligned with institutional objectives, implying that entities initiating a process without having technically defined the need driving it lack the conceptual basis necessary to assess whether a bid offers real value or merely a low

price. At the same time, Chikwere, Chikazhe and Tukuta (2023) confirm this reasoning based on evidence gathered from rural district councils in Zimbabwe, where poor planning and the absence of sustained oversight were the factors that most significantly contributed to the generation of contracts that were formally correct but substantively deficient.

Given the nature of the problem, Articles 74, 76, 77 and 78 of the General Regulations take on an analytical significance that goes beyond their procedural function; these provisions stipulate that the evaluation criteria, technical specifications and procurement strategy must be established before the potential successful tenderer is identified, with attributes including price, quality, sustainability, innovation, life-cycle costs, performance and functionality. However, when this prior formulation is not carried out with sufficient technical rigour, the best value principle loses its guarantee function and becomes a means of formally legitimising decisions already taken; a situation that Nemec and Kubak (2024) identify as one of the most frequent risks in systems with low institutional capacity for technical evaluation.

In other words, the relationship between regulatory provisions, their requirements and the consequences of non-compliance can be represented as follows:

Table 3. *Regulatory provisions relating to preliminary planning and the consequences of non-compliance.*

Provision	Requirement	Required attributes	Effect of non-compliance
Art. 65, General Regulations	Technical report on institutional need	Precise definition of the institutional need giving rise to the procurement process	Technically weak tender documents; evaluation criteria lacking conceptual foundation
Arts. 74 and 76, General Regulations	Evaluation criteria established prior to identifying the prospective awardee	Price, quality, sustainability, innovation, and life-cycle cost	The *best value* principle reduced to a mechanism of formal legitimation
Arts. 77 and 78, General Regulations	Technical specifications and procurement strategy defined during the preparatory phase	Performance, functionality, and characteristics of the good or service	Formally compliant but substantively deficient contracts

Source: Author's own elaboration.

Similarities and differences in a comparative perspective

In turn, the fourth finding emerges from the comparative analysis and enables the identification of both similarities and differences between the Ecuadorian system

and the international benchmarks examined; the most significant convergence lies in the fact that all the systems studied, regardless of their level of institutional development, face the same structural dilemma: the gap between the formulation of the principle in the law and its application in specific award decisions. Such is the case with Marvan and Hromádka (2025), who document this gap in the Czech public sector and identify that the transition to a value-based model requires not only legislative reform but also the development of institutional capacity to formulate criteria, manage technical evaluations and defend awards against challenges; a condition that the Ecuadorian system has not uniformly consolidated across its contracting entities.

Conversely, the most significant divergence is observed at the methodological level; systems with greater maturity in the application of the principle, such as those analysed by Waci, Kariuki and Mwirigi (2024) in Kenya and by Nemec and Kubak (2024) in Slovakia, have developed validated value assessment tools that include life-cycle cost indicators, contractual performance metrics and award justification protocols, the absence of which in the Ecuadorian system constitutes one of the most notable methodological gaps identified in the analysis. In line with this reasoning, Hansen et al. (2016) demonstrate that the clarity of competition rules is the variable that most influences the quality of contractual outcomes; a finding that reinforces the need to specify award criteria prior to the evaluation of tenders, a practice required by the General Regulations but which national doctrine notes is poorly implemented. Hence, the comparative analysis can be systematised as follows:

Table 4. *Comparative analysis: convergences and divergences with international benchmarks.*

Dimension	Ecuadorian system	International benchmark	Country / Context	Authors
Norm–practice gap	Present; not institutionally consolidated across contracting entities and levels of government	Documented in systems with differing levels of institutional development	Czech Republic	Marvan & Hromádka (2025)
Institutional evaluation capacity	Heterogeneous; lacking uniform consolidation	Requires legislative reform and sustained development of technical capacity	Czech Republic	Marvan & Hromádka (2025)
Validated value assessment instruments	Absent or methodologically deficient	Life-cycle indicators, contractual performance metrics, and contract award justification protocols	Kenya / Slovakia	Waci, Kariuki & Mwirigi (2024); Nemec & Kubak (2024)
Clarity of competition rules	Deficient in the structuring of tender documents	The variable with the greatest documented influence on the quality of contractual outcomes	Broader comparative context	Hansen et al. (2016)

Source: Author's own elaboration.

Unresolved doctrinal contradictions

Consequently, the fifth finding stems from the doctrinal analysis and consists of the identification of three contradictions that the existing literature has not adequately resolved; the first is the dilemma between the Anglo-Saxon 'value for money' model, whose theoretical development is more established, and the institutional conditions of the Ecuadorian legal system, as Tvarnø (2020) points out that this model presupposes a capacity for technical evaluation and predictability of the contractual cycle that are not guaranteed in systems with high institutional heterogeneity. Likewise, the second contradiction arises between the principle of economic efficiency, which aims at cost minimisation, and the principle of public value formulated by Moore (1995, 2025), which aims at maximising the collective outcome; both principles coexist in the Ecuadorian legal system without national doctrine having established criteria of priority when they come into conflict during a specific award.

As regards the third doctrinal contradiction, this lies between the requirement for technical justification of the award and the discretion that poorly structured tender documents grant to contracting authorities; in this regard, Gudiño-Mena (2022) notes that transparency in Ecuadorian public procurement requires not only the publication of results, but also sufficient justification for each relevant decision in

the process; however, when the evaluation criteria were not precisely defined during the preparatory phase, subsequent justification cannot retroactively reconstruct the technical rationale that the process never had. Consequently, this finding is consistent with what Faz-Cevallos et al. (2023) document regarding deficiencies in the formulation of technical criteria in Ecuadorian tender documents; this confirms that the problem is not resolved by demanding better justification at the end of the process, but by improving the technical quality of the planning that precedes the call for tenders. In short, the three doctrinal contradictions identified can be represented as follows:

Table 5. *Unresolved doctrinal contradictions in the Ecuadorian legal system*.

Contradiction	Pole A	Pole B	Situation within the Ecuadorian legal framework	Authors
1st	Anglo-Saxon *value for money* model (well-established theoretical development)	Institutional conditions of the Ecuadorian legal framework (high institutional heterogeneity)	Absence of guaranteed technical evaluation capacity and predictability across the contractual cycle	Tvarnø (2020)
2nd	Principle of economic efficiency (cost minimisation)	Principle of public value (maximisation of collective outcomes)	Coexistence without established criteria of precedence in cases of conflict during contract award decisions	Moore (1995, 2025)
3rd	Requirement for technically reasoned contract award decisions	Discretion arising from poorly structured tender documents	Subsequent reasoning cannot reconstruct the technical logic absent from the planning stage	Gudiño-Mena (2022); Faz-Cevallos et al. (2023)

Source: Author's own elaboration.

CONCLUSION

The importance of the principle of best value for money in Ecuadorian public procurement lies, above all, in the fact that it is a constitutional requirement rather than a mere administrative recommendation. As it is enshrined in Articles 227 and 288 of the Constitution of the Republic, the principle obliges every contracting authority to demonstrate that the successful tender represents the most rational use of the available public resources; this obligation is not met merely by procedural compliance with the process, but by providing a verifiable technical justification as to why a particular option best meets the institutional need that gave rise to it. Its importance for the optimisation of public spending lies precisely in this: it transforms

the purchasing decision into a legal act with enforceable substantive content, thereby introducing a standard of rationality that a mere comparison of prices cannot guarantee.

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