

Preparation of PPPs

Central budgetary authority's approval	Yes	Both before tendering and contract signature
Fiscal treatment of PPPs	Yes	Only specific accounting/reporting treatment
PPPs' prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk Identification	Yes	Specific methodology developed
Comparative assessment (value for money analysis)	Yes	Specific methodology developed
Financial viability or bankability assessment	Yes	Specific methodology developed
Market sounding and/or assessment	Yes	Specific methodology developed
Environmental impact analysis	Yes	Specific methodology developed
Assessments included in the RFP and/or tender documents	Yes	Assessments not available online
Draft PPP contract included in the RFP	Yes	Tender documents also available online
Standardized PPP model contracts and/or transaction documents	Yes	

92

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	Yes	Detailed membership and/or qualifications not regulated
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Foreign companies permitted to participate in PPP bidding	Yes	
Minimum period of time to submit the bids	Yes	52 calendar days
Availability of various procurement procedures for PPPs		Open procedure (single-stage tendering). Restricted procedure (competitive procedure with prequalification stage). Competitive dialogue and/or multi-stage tendering
Direct negotiation not discretionary	Yes	
Tender documents detail the procurement procedure	Yes	
Tender documents specify prequalification/shortlisting criteria (if apl.)	Yes	
Clarification questions for procurement notice and/or the RFP	Yes	Answers publicly disclosed
Pre-bidding conference	Yes	Results publicly disclosed
Financial model submitted with proposal	Yes	
Proposals solely evaluated in accordance with published criteria	Yes	
Treatment when only one proposal is received	Yes	Detailed procedure not regulated
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Grounds for selection included
Standstill period	Yes	15 calendar days. Standstill period set out in the award notice
Negotiations with the selected bidder restricted	Yes	
Publication of contract	Yes	Available online

95

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Establishment of a PPP contract management team. Participation of the team in procurement. Elaboration of a PPP implementation manual. Risk mitigation mechanism. PPP contract management team requires qualifications without specific detail
System for tracking progress and completion of construction works	Yes	
Monitoring and evaluation system of the PPP contract implementation	Yes	Performance assessment against established criteria. Abatement of payments for non-performance. Private partner provides periodic information. Procurement authority gathers information
Foreign companies permitted to repatriate income	Yes	
Change in the structure (stakeholder composition) of the private partner and/or assignment of the PPP contract regulated	Yes	Same qualifications legally required for the replacing entity
Modification/renewal of the PPP contract (once the contract is signed) regulated	Yes	Regulations about: changes in the scope; changes in the economic balance; changes in the price or tariff
Circumstances that may occur during the life of the PPP contract regulated	Yes	Force majeure. Change in the law. Refinancing. Subcontracting
Dispute resolution mechanisms	Yes	Domestic arbitration. International arbitration. Investor-State Dispute Settlement (ISDS)
Lenders' step-in rights	Yes	To be regulated as part of a direct agreement or in the PPP contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated

70

Unsolicited Proposals

Regulation of USPs		Expressly regulated
Assessment to evaluate unsolicited proposals	Yes	
Vetting procedure and/or pre-feasibility analysis of USPs	No	
Evaluation of consistency of USPs with other government priorities	Yes	Detailed procedure not regulated
Competitive PPP procurement procedure for USPs	Yes	
Minimum period of time to submit the bids	Yes	52 calendar days

58