

Preparation of PPPs

Central budgetary authority's approval	Yes	Only before tendering
Fiscal treatment of PPPs	No	
PPPs' prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	No	
Risk Identification	No	
Comparative assessment (value for money analysis)	No	
Financial viability or bankability assessment	No	
Market sounding and/or assessment	No	
Environmental impact analysis	Yes	Specific methodology developed
Assessments included in the RFP and/or tender documents	No	
Draft PPP contract included in the RFP	Yes	Tender documents also available online
Standardized PPP model contracts and/or transaction documents	No	

32

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	40 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	No	
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	No	
Standstill period	No	
Negotiations with the selected bidder restricted	Yes	
Publication of contract	Yes	Available online

72

PPP Contract Management

System to manage the implementation of the PPP contract	No	
System for tracking progress and completion of construction works	Yes	
Monitoring and evaluation system of the PPP contract implementation	Yes	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/renegotiation of the PPP contract (once the contract is signed) regulated	Yes	Approval by an additional government authority required. Unilateral modification by the procuring authority possible. 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. Subcontracting
Dispute resolution mechanisms	Yes	Domestic arbitration. International arbitration. Investor-State Dispute Settlement (ISDS)
Lenders' step-in rights	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated

56

Unsolicited Proposals

Regulation of USPs		Not regulated but do happen in practice
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	Minimum time provided but not explicitly specified

29