

Preparation of PPPs

Central budgetary authority's approval	Yes	Both before tendering and contract signature
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	Yes	No specific methodology developed
Risk Identification	No	
Comparative assessment (value for money analysis)	Yes	No specific methodology developed
Financial viability or bankability assessment	No	
Market sounding and/or assessment	No	
Environmental impact analysis	Yes	No specific methodology developed
Assessments included in the RFP and/or tender documents	No	
Draft PPP contract included in the RFP	No	
Standardized PPP model contracts and/or transaction documents	No	

22

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Not available online
Foreign companies permitted to participate in PPP bidding	Yes	
Minimum period of time to submit the bids	No	
Availability of various procurement procedures for PPPs		Open procedure (single-stage tendering). Competitive dialogue and/or multi-stage tendering
Direct negotiation not discretionary	No	
Tender documents detail the procurement procedure	Yes	
Tender documents specify prequalification/shortlisting criteria (if apl.)	No	
Clarification questions for procurement notice and/or the RFP	No	
Pre-bidding conference	No	
Financial model submitted with proposal	No	
Proposals solely evaluated in accordance with published criteria	Yes	
Treatment when only one proposal is received	No	
Publication of award notice	No	
Notification of the result of the PPP procurement process	No	
Standstill period	No	
Negotiations with the selected bidder restricted	Yes	
Publication of contract	No	

16

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
System for tracking progress and completion of construction works	Yes	
Monitoring and evaluation system of the PPP contract implementation	Yes	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	
Modification/renegotiation of the PPP contract (once the contract is signed) regulated	Yes	Unilateral modification by the procuring authority possible
Circumstances that may occur during the life of the PPP contract regulated	Yes	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

52

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	No	
Competitive PPP procurement procedure for USPs	Yes	
Minimum period of time to submit the bids	No	

25