

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 established
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	Yes	No specific methodology developed
Market sounding and/or assessment	No	
Environmental impact analysis	No	
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	

27

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	Yes	Detailed membership and/or qualifications 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	45 calendar days
Availability of various procurement procedures for PPPs		Open procedure (single-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	No	
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 not set out in the award notice
Negotiations with the selected bidder restricted	Yes	
Publication of contract	Yes	Available online.

73

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
System for tracking progress and completion of construction works	No	
Monitoring and evaluation system of the PPP contract implementation	Yes	
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	No	
Circumstances that may occur during the life of the PPP contract regulated	Yes	Force majeure
Dispute resolution mechanisms	Yes	International arbitration. Investor-State Dispute Settlement (ISDS)
Lenders' step-in rights	No	
Grounds for termination of a PPP contract	Yes	

31

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	45 calendar days

58