

Benchmarking Public-Private Partnerships Procurement 2017

Benchmarking PPP Procurement: Assessing Government Capability to Prepare, Procure and Manage PPPs

WORLD BANK GROUP

PPIAF
Enabling Infrastructure Investment

Benchmarking Public-Private Partnerships Procurement

2017

Assessing Government Capability
to Prepare, Procure, and Manage PPPs

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Contents

Foreword	5
Acknowledgments	6
Glossary	8
Abbreviations	9
Executive Summary	11
About Benchmarking PPP Procurement 2017	14
Regulatory Framework and Institutional Arrangements for PPPs	22
Thematic Areas Covered and Scored in Benchmarking PPP Procurement	26
Preparation of PPPs	26
PPP Procurement	32
Unsolicited Proposals	38
PPP Contract Management	44
Economy Data Tables	50
Annex 1: Typology of PPP Regulatory Framework	139
Annex 2: Scoring Methodology	141
Contributors	153



Foreword

Governments, the private sector, and the international development community agree that quality infrastructure plays a key role in fostering economic growth and supports efforts to reduce poverty. The Sustainable Development Goals (SDGs) expressly seek to "Develop quality, reliable, sustainable, and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all." There is increased recognition of the key role that the private sector can play in partnering with governments to support the efficient and timely provision of infrastructure. The SDGs also recognize the importance of such relationships when emphasizing the need to "encourage and promote effective public, public-private, and civil society partnerships."

Public-private partnerships (PPPs)—long-term contractual agreements for the delivery of infrastructure or provision of services in which the private sector bears a significant amount of risk and management responsibility—can play an important role in closing the infrastructure gap. But PPPs can be complex to procure and manage. Governments need proper frameworks and capacity to identify the projects that are best done as PPPs, to procure them transparently and efficiently, and to undertake contract management and regulation so as to achieve the expected value-for-money for government and consumers and sustain investment.

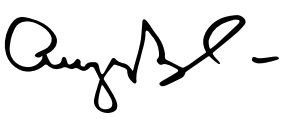
Benchmarking Public-Private Partnerships Procurement 2017 assesses important aspects of government capabilities to prepare, procure, and manage PPPs and informs evidence-based decision making on the design of PPP procurement policies and regulations. It is the first attempt to collect systematic data on PPP procurement by providing comparable data on the regulatory frameworks governing the PPP procurement processes in 82 economies and to evaluate these data against internationally recognized good practices.

The methodology was developed with extensive feedback from an expert group representing PPP experts, academia, and the private sector. It focuses on issues such as feasibility, value for money, transparency, competition, and provisions for PPP implementation and covers the main stages of the PPP project cycle (preparation, procurement, and contract management). It also explores the treatment of unsolicited proposals (USPs).

As the international development community continues its efforts to assist governments in delivering quality infrastructure, *Benchmarking PPP Procurement* aims to support our clients' efforts to enhance their regulatory environment to foster PPPs that successfully support infrastructure provision and contribute to the achievement of the SDGs.



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Funding for this publication was provided by PPIAF. PPIAF, a multi-donor trust fund housed in the World Bank Group, provides technical assistance to governments in developing countries. PPIAF's main goal is to create enabling environments through high-impact partnerships that facilitate private investment in infrastructure. For more information, visit www.ppiaf.org

Glossary

Public-Private Partnership (PPP)

Any contractual arrangement between a public entity or authority and a private entity for providing a public asset or service in which the private party bears significant risk and management responsibility. For the purpose of this survey, this definition applies irrespective of the terminology used in the particular economy or jurisdiction.

Procuring authority

The ministry, department, or agency responsible for ensuring that the relevant assets or services are provided. It is the authority in charge of the PPP (that is, the authority responsible for identifying, preparing, procuring, awarding, and managing the PPP contract).

PPP unit

The specialized government entity or team that is responsible for facilitating the PPP program.

Regulatory framework

A framework encompassing all laws, regulations, policies, binding guidelines or instructions, other legal texts of general application, judicial decisions, and administrative rulings governing or setting precedent in connection with PPPs. In this context, the term *policies* refers to other government-issued documents that are binding on all stakeholders, that are enforced in a manner similar to laws and regulations, and that provide detailed instructions for the implementation of PPPs. It should not be confused with policy in the sense of a government's statement of intent to use PPPs as a course of action to deliver public services. The regulatory framework includes but is not limited to those laws, regulations, policies, and other government actions specifically dealing with PPPs. (For example, procurement of PPPs may be governed by the general procurement framework.)

Special purpose vehicle (SPV)

Also special purpose company (SPC) or special purpose entity (SPE), a company specifically formed to undertake a specific project (in this case the PPP project).

Financial model

An analytical tool that enables the user to assess the financial robustness of a project by representing its expected financial performance, including cash flows, returns, and the like. A financial model should not be confused with a financial proposal.

Unsolicited proposal (USP)

A proposal made by a private party to undertake a PPP project that is submitted at the initiative of the private firm rather than in response to a request from the government.[2]

Abbreviations

ABFO	Access to the Best and Final Offer
BOT	Build-Operate-Transfer
BPP	Benchmarking Public Procurement
CMU	Country Management Unit
CCSA	Cross-Cutting Solutions Area
EAP	East Asia and Pacific
ECA	Europe and Central Asia
ECG	Expert Consultative Group
ICRC	Infrastructure Construction Regulatory Commission (Nigeria)
IFLR	International Financial Law Review
LAC	Latin America and the Caribbean
MDA	Ministry, Department, or Agency
MENA	Middle East and North Africa
OECD	Organisation for Economic Co-operation and Development
PPIAF	Public-Private Infrastructure Advisory Facility
PPP	Public-Private Partnership
SDGs	Sustainable Development Goals
SPC	Special Purpose Company
SPE	Special Purpose Entity
SPV	Special Purpose Vehicle
SAR	South Asia (Region)
SNIP	National Investment System (Peru)
SSA	Sub-Saharan Africa
USP	Unsolicited Proposals



Executive Summary

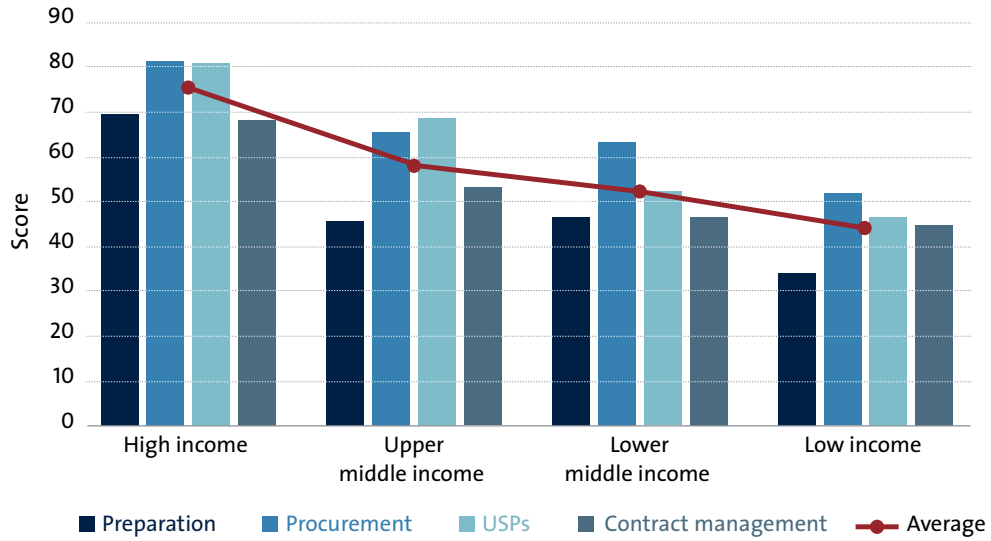
Public-private partnership (PPP) projects are gaining momentum globally as a means for delivering infrastructure. Government capabilities to prepare, procure, and manage such projects are important to ensure that the expected efficiency gains are achieved. No systematic data currently exist to measure those capabilities in governments. ***Benchmarking PPP Procurement 2017*** **is the first attempt to collect and present comparable and actionable data on PPP procurement on a large scale, by providing an assessment of the regulatory frameworks and recognized practices that govern PPP procurement across 82 economies.**

Benchmarking PPP Procurement 2017 **presents an analysis of targeted elements aggregated into four areas that cover the main stages of the PPP project cycle: preparation, procurement, and contract management of PPPs, and management of unsolicited proposals (USPs).** Using a highway transport project as a case study to ensure cross-comparability, it analyzes the national regulatory frameworks and presents a picture of the procurement landscape at the end of March 2016.

The average performance in each area varies across regions and income levels. Figure ES.1 shows that the higher the income level of the group, the higher the performance in the four areas. The data also show that the Organisation for Economic Cooperation and Development (OECD) high income and Latin American and Caribbean regions perform at or above average.

Benchmarking PPP Procurement 2017 **shows that across the four areas measured, most economies fall short of good practice.** In particular, a significant number of economies have low scores in two areas: project preparation and contract management. Consequently, there is room for improvement specially in regulating the activities to be undertaken before launching the PPP procurement process as well as in preparing for those that will follow after the signature of the PPP contract, as illustrated in the examples below.

Figure ES.1 ***Benchmarking PPP Procurement*** **scores by area and income-level group (score 1–100)**



Source: *Benchmarking PPP Procurement 2017*.
Note: PPP = public-private partnership; USP = unsolicited proposal.

The 82 economies reflect a range of regulatory frameworks and institutional arrangements for PPPs. All have in place specific frameworks for regulating PPPs, with 71 percent either having a concession or a specific PPP law (25 percent of which coexist with a concession law), 11 percent having PPP guidelines or policies, and the remaining 18 percent resorting to the general procurement law to govern their PPP contracts. Although regulatory frameworks may differ, the fact that an economy uses a general procurement law does not prevent it from doing PPP projects. In fact, 13 out the 15 economies that use general procurement law had committed investments in PPPs in the past five years. PPP units are very common (85 percent of the economies measured have them), but only 16 percent of them play a leading role during the PPP procurement phase by for example conducting the tendering process.

The findings reveal a mixed picture in terms of approaches to ensuring that PPPs are fiscally sustainable and consistent with national investment programs. PPP fiscal management and assurance of the consistency of PPP projects with investment priorities are two means for ensuring that projects are fiscally sustainable and are selected on the basis of their strategic importance and impact rather than because of any expectation of savings through off-budget reporting. Nearly three-quarters of the economies require the ministry of finance's approval before launch of a PPP procurement process. Yet only 55 percent legally require consistency between the prioritizations of PPPs and other public investments—and only a quarter have detailed procedures for ensuring that consistency.

Rigorous assessments are essential for the preparation of sound projects, but many economies have not adopted specific appraisal methodologies. One of the main challenges that emerging markets face in attracting private sector investments is preparing a well-structured PPP project. Approximately two-thirds of the economies surveyed require socioeconomic impact, affordability, risk identification, bankability, and comparative assessments (PPP versus traditional procurement) of a potential PPP project. However, only about one-third of these economies have adopted specific methodologies for conducting such assessments. In almost half of the economies, a market assessment is not required at all, and only about 10 percent have adopted a methodology for such an assessment. Thus, many economies are likely taking projects to market without having systematically measured market interest.

In conducting PPP procurement, many economies perform closer to recognized good practices. Yet there is still room for improvement in two areas: (a) the minimum time granted to potential bidders to submit their bids and (b) the approach to handling sole bidders. PPP projects are complex and require onerous efforts—and consequently sufficient time—to prepare strong, sensible bids. Nonetheless, 40 percent of the economies surveyed either do not specify a minimum period for the preparation of bids or require a period of fewer than 30 days. Moreover, only 15 percent of the economies have a detailed process to address cases when only one bid is received, hence leaving it to the discretion of the procuring authority to set the process.

There is considerable scope to improve practices related to the disclosure of information on PPPs. A transparent, competitive process is essential to achieving better outcomes for projects and efficiency gains in infrastructure. Having a transparent process requires making publicly available all the information relevant to ensuring a competitive process. Most of the economies do so for the tender notice (93 percent) and the PPP award (74 percent), but only 23 percent publish the PPP contract, and very few publish it online.

Furthermore, a transparent information system is essential during the contract management phase of PPP, yet only 16 percent of the economies require data to be made publicly available. Although in most of the economies the private partner must periodically provide performance information and the procuring authority must gather it (60 percent and 73 percent, respectively), in only 16 percent of economies is this information required to be made publicly available.

Renegotiation and disputes of contracts may be inevitable in some cases, but one-third of the economies do not regulate them comprehensively. Renegotiations and disputes can erode the achievement of the expected benefits of a PPP project—and if frequent, can trigger opportunistic behavior in future PPP projects. The economies measured handle renegotiations differently, with 31 percent either not addressing this issue in the regulatory framework or considering it solely a contractual matter. Although the regulatory frameworks of most of the economies (85 percent) mention dispute resolution mechanisms for PPPs, only 27 percent of those economies establish specific mechanisms to address the disputes.

A significant number of economies do not regulate USPs. Among those that do, very few have a clear process for evaluating them. The difficulty with USPs lies in getting the right balance between encouraging private companies to submit innovative project ideas and maintaining the transparency and efficiency gains of a competitive tender process. Of the economies measured, 32 percent have no provisions that specifically regulate USPs. Even among economies where such provisions exist, only 21 percent provide a detailed framework for ensuring consistency with government priorities, and only 13 percent guarantee a period of more than 90 days for proposal submission—that is, a sensible length of time to introduce competitive tension, challenging the original proponent in a competitive tendering process.

About *Benchmarking PPP Procurement 2017*

The links between infrastructure and economic growth are well established. They include the impact of infrastructure on poverty alleviation, growth, and specific development outcomes.[3] As economies face growing demand for infrastructure, Public-Private Partnerships (PPPs) continue to play a crucial role in improving efficiencies in delivering public services, one of the key elements to narrowing the infrastructure gap.[4,5] A PPP is defined as a contractual arrangement between a public entity or authority and a private entity for providing a public asset or service in which the private party bears a significant risk and assumes management responsibilities.[6] During the past 25 years, more than 5,000 infrastructure projects in 121 low- and middle-income economies were delivered through PPPs, representing investment commitments of $1.5 trillion. PPPs have supported the development of crucial infrastructure such as roads, bridges, light and heavy rail, airports, power plants, and energy and water distribution networks.[7]

The United Nations' Sustainable Development Goals (SDGs) recognize both the relevance of quality infrastructure and the role of partnerships with the private sector in the post-2015 development agenda. In particular, the quality of the procurement process is a driver of PPP efficiency. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development states the intent to "build capacity to enter into public-private partnerships, including with regard to planning, contract negotiation, management, accounting, and budgeting for contingent liabilities." Corrupt procurement practices continue to obstruct the delivery of quality infrastructure. Moreover, the design of the procurement process itself has an impact on the ability of governments to take full advantage of the potential benefits of PPPs for delivering infrastructure.[8] This includes their ability to identify which projects are best done as PPPs and also to manage contracts in a transparent and effective way.

Benchmarking Public-Private Partnerships Procurement (*Benchmarking PPP Procurement*) was launched in 2015 with the goal of supporting a better policy-making decision process by highlighting key aspects of an economy's regulatory framework for the procurement of PPPs. The exercise was inspired by the methodology of the World Bank Group's *Doing Business* report, which assesses the business climate in 189 economies and has a track record of leveraging more than 2,500 reforms to date. By assessing economies' laws, regulations, and practices against recognized good practices, *Benchmarking PPP Procurement* offers data to fuel academic research, helps governments assess the performance of their procurement systems, and delivers a unique information tool for the private sector and civil society. We expect that the *Benchmarking PPP Procurement* exercise will help identify areas for reform to achieve more transparent, competitive, and efficient PPP procurement systems and increase private sector participation in infrastructure and service delivery.

What Does Benchmarking PPP Procurement 2017 *Measure?*

Thematic Coverage

Benchmarking PPP Procurement presents cross-economy analysis of 82 economies on issues affecting the procurement of PPPs. The standardized survey instrument includes 50 questions organized by areas, which were selected with guidance from a review of academic literature[9] and input from the expert consultative group (ECG).

The areas covered by the survey instrument are as follows:

- *Regulatory and institutional framework for PPPs:* This introductory section aims to identify the extent to which the regulatory frameworks in the measured economies cover PPPs. It highlights alternative approaches to regulate PPPs that different economies have adopted. It also attempts to capture a general understanding of the overall institutional arrangement for PPPs, such as who the procuring authorities are and whether a specific PPP unit or other government agency with similar functions exists.

- *Preparation of PPPs:* This section covers the period and activities that precede and inform the decision to launch a PPP procurement process. It explores whether the identification of a potential PPP project happens within the broader context of public investments and thereby its consistency with government priorities. It also examines which assessments are required or conducted to define key features of the PPP project and its feasibility. In addition, it considers other activities that lead to the procurement of the PPP project (that is, activities undertaken before publishing the public tender notice, such as preparing the draft contract or obtaining land and permits).

- *Procurement of PPPs:* This section focuses on the process for selecting a private partner to undertake the responsibility of developing the PPP project. The range of topics in this section reflects recognized good practices in selecting private partners and examines whether different regulatory frameworks adhere to them. The transparency and fairness of the process, evaluation criteria for bids, and specific provisions regarding lack of competition are major themes in this section.

- *Unsolicited proposals for PPPs:* This section first defines whether the regulatory framework allows for the submission of unsolicited proposals (USPs). When applicable, it examines whether a specific procedure is in place to evaluate their feasibility and their consistency with other government priorities. In addition, it assesses whether a competitive procedure is required to select the private partner. It also explores what compensation mechanisms are in place for USPs.

- *PPP contract management:* This section considers the existence of a well-established and comprehensive contract management framework to facilitate smooth implementation of a PPP project. It assesses the monitoring and evaluation systems for PPPs, as well as the regulatory provisions regarding PPP contract modification and renegotiation, dispute resolution, lender step-in rights, and termination.

Benchmarking PPP Procurement provides de jure and de facto data:

- *De jure* data capture the characteristics of laws and regulations encompassing PPP procurement rules, other legal texts of general application, and judicial decisions and administrative rulings setting precedents in the procurement of PPPs.
- *De facto* data assess actual practice in connection with some of the de jure data points covered in the survey. A subset of relevant regulatory questions is followed by questions that capture the extent to which the legal requirements are respected in practice, according to the survey respondents. A number of questions capture contributors' perceptions of the time required to complete relevant stages of the PPP procurement process, based on their significant and routine experience in PPP transactions.

On the basis of the lessons learned from the pilot exercise released in June 2015, which covered 10 economies, the *Benchmarking PPP Procurement* team refined the methodology.[10] Since its inception, the team has relied on extensive research regarding the latest PPP practices, along with frequent consultations with PPP experts. An extensive review of the academic literature was conducted to identify internationally accepted good practices as well as recognized issues that private operators face when entering into PPP transactions. Concurrently, the team consulted with and was guided by the project's ECG,[11] which includes renowned PPP specialists, academics, and representatives from private organizations. The consultation process, along with the academic literature review, enabled the team to refine the survey instrument, generating a set of questions that measures the good practices and allows for a valid cross-economy analysis.

PPP procurement is usually carried out by different levels of government within each economy and is sometimes carried out along sectoral lines. Because of resource considerations, the study has looked at situations in which the procuring authority is national or federal (with two exceptions; figure 1) and has used the transport sector (highways) where sector-specific considerations are assumed (box 1). In addition, some economies have separate regimes for concessions (usually defined as *user-pays projects*) and PPPs (defined as *government-pays projects*). In such cases (Brazil, France, Senegal, Togo, and the Russian Federation), both regimes were evaluated.

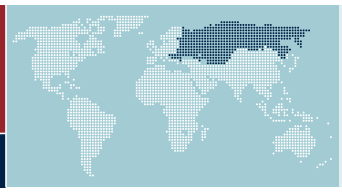
Figure 1 Economies covered in Benchmarking PPP Procurement 2017

East Asia and Pacific
12 economies



Cambodia
China
Indonesia
Malaysia
Mongolia
Myanmar
Papua New Guinea
Philippines
Singapore
Thailand
Timor-Leste
Vietnam

Europe and Central Asia
13 economies



Albania
Armenia
Bosnia and Herzegovina
Bulgaria
Kazakhstan
Kyrgyz Republic
Lithuania
Moldova
Romania
Russian Federation
Tajikistan
Turkey
Ukraine

Latin America and Caribbean
14 economies



Argentina
Brazil
Colombia
Costa Rica
Dominican Republic
Ecuador
Guatemala
Honduras
Jamaica
Mexico
Nicaragua
Panama
Peru
Uruguay

Middle East and North Africa
7 economies



Algeria
Egypt, Arab Rep.
Iraq
Jordan
Lebanon
Morocco
Tunisia

OECD High income
10 economies



Australia*
Canada
Chile
France
Italy
Korea, Rep.
Poland
Portugal
United Kingdom
United States **

* State of New South Wales ** Commonwealth of Virginia

Sub-Saharan Africa
20 economies



Angola
Benin
Cameroon
Congo, Dem. Rep.
Congo, Rep.
Côte d'Ivoire
Gabon
Ghana
Kenya
Madagascar
Malawi
Mauritius
Mozambique
Nigeria
Senegal
South Africa
Tanzania
Togo
Uganda
Zambia

South Asia
6 economies



Afghanistan
Bangladesh
India
Nepal
Pakistan
Sri Lanka

Note: Benchmarking PPP Procurement uses the World Bank Group regional and income group classifications, available at http://data.worldbank.org/about/country-and-lending-groups. Regional averages presented in figures and tables in the Benchmarking PPP Procurement 2017 report include economies from all income groups (low, lower middle, upper middle and high income), though high income OECD economies are assigned the "regional" classification OECD high income.
PPP = public-private partnership. The scope of the assessment is limited to infrastructure projects developed by procuring authorities at the national or federal level. However, in the cases of Australia and the United States, the study focuses on measuring only the State of New South Wales and the Commonwealth of Virginia, respectively.

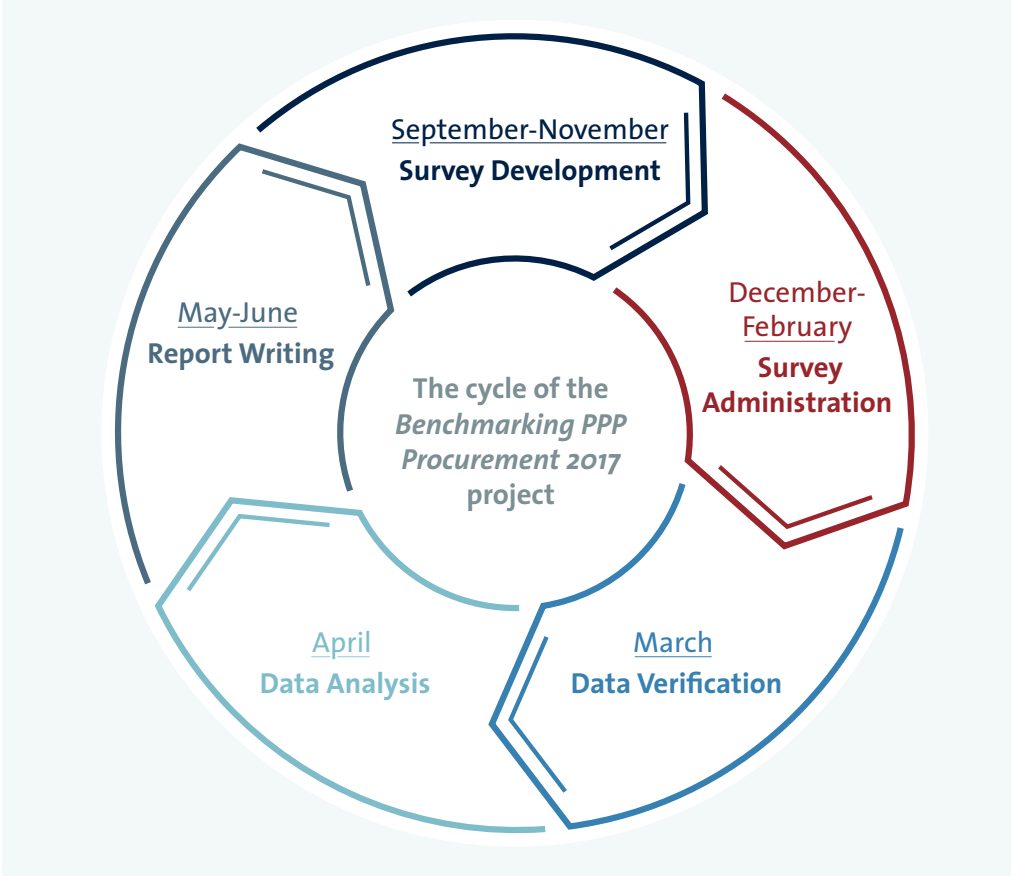
Source: Benchmarking PPP Procurement 2017

Geographic Coverage

The pilot exercise conducted in 2015 covered 10 economies: Cameroon, Ghana, Kenya, Nigeria, South Africa, and Tanzania; the Arab Republic of Egypt and Tunisia; and Colombia and Peru. For *Benchmarking PPP Procurement 2017*, the geographic coverage has been scaled up to cover 82 economies spanning seven World Bank Group Regions: 12 in East Asia and Pacific (EAP), 20 in Sub-Saharan Africa (SSA), 7 in Middle East and North Africa (MENA), 13 in Europe and Central Asia (ECA); 14 in Latin America and the Caribbean (LAC), 6 in South Asia (SAR), and 10 in OECD high income (Organisation for Economic Co-operation and Development) economies (figure 1).

The *Benchmarking PPP Procurement* assessment is based on primary data collected using a standard questionnaire, which was administered to approximately 8,400 contributors in the 82 economies included in this year's edition. Data collection was conducted until the end of April 2016. Consequently, any legal or regulatory reforms that have taken place after March 31, 2016, are not taken into account in this year's report. Once the preliminary analysis is completed, a follow-up round is conducted, through conference calls and written correspondence, to address and rectify any discrepancies in the responses provided by the contributors. The preliminary data are then finalized and shared with governments or the World Bank Group's Country Management Units (CMUs) for validation (figure 2).

Figure 2



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

How Are the Data Collected?

Selection of Expert Contributors

The questionnaire was completed by practitioners who have a wealth of knowledge related to PPP systems. The main contributors were law firms that have extensive experience advising clients on PPP transactions, laws, and regulations; public officials involved with PPP transactions; chambers of commerce, consultants, and academics familiar with PPPs; and private operators and other PPP experts.

Respondents were selected on the basis of their expertise with PPP transactions, as well as their willingness and availability to contribute. The following sources were used to identify the expert contributors:

- International guides identifying leading providers of legal services, including their specialization, in each economy. The guides include Chambers and Partners guides, the International Financial Law Review (IFLR), The Legal 500, Martindale-Hubbell, HG Lawyers' Global Directory, Who's Who Legal Directory, Lexadin, and country-specific legal directories.
- Large international law and accounting or consulting firms that have extensive global networks, whether through offices or local partner groups.
- Members of the American Bar Association, country bar associations, chambers of commerce, and other membership organizations.
- Government entities that undertake PPPs, such as ministries of finance, PPP units, and PPP procuring authorities.
- Professional service providers identified through embassy websites, business chambers, and other sources and recommended by World Bank Group staff.

Lawyers and professional services providers are in an ideal position to complete the survey and provide the most up-to-date information on the basis of their experience advising clients and working on PPP transactions. Involving PPP experts and practitioners from different sectors increases the accuracy of the data by normalizing potential biases held by different stakeholders. Furthermore, reaching out to both the public and the private sectors helps reveal the views and insights of the various stakeholders involved in the PPP procurement process.

Standardized Data and Comparability

Standardized and comparable data are indispensable for valid cross-economy analysis; this is the core principle of *Benchmarking PPP Procurement*. The set of questions selected for the questionnaire is sent to all of the economies covered. Furthermore, comparability is achieved through use of standard case-study assumptions, which provide a hypothetical scenario that guides local respondents in completing the questionnaire. Use of a standard case study makes data collection easily replicable and can compensate for deep structural differences that could jeopardize cross-economy comparisons. In addition, the case study can easily be applied to a larger set of economies in cost-efficient manner.

Box 1 Case-study assumptions for *Benchmarking PPP Procurement*

- The private partner (the project company) is an SPV[a] established by a consortium of *privately* owned firms, which operate in the surveyed economy.
- The procuring authority is a *national or federal authority*[b] *in the economy* that is planning to procure the design, building, financing, operation, and maintenance of, for example, an infrastructure project in the *transportation* sector (a highway) with an estimated investment value of *$150 million (or the equivalent in the relevant economy's local currency)*.
- To this end, the procuring authority initiates a public call for tenders, following a *competitive PPP procurement procedure*. The call for tender attracts six bids, including the private partner's bid. The private partner's offer is complete and includes all required documents. It is unambiguous and provides a price quotation free from errors on the part of the private partner.
- For section D on unsolicited proposals (USPs), *before initiating any procurement activities*, the procuring authority receives a USP from the consortium of companies to be integrated in the private partner.

a. The special purpose vehicle (SPV)—also known as a special purpose company (SPC) or special purpose entity (SPE), is a company specifically formed to undertake a specific project—in this case, the public-private partnership (PPP) project.

b. Except for the cases of Australia and United States, where most of the PPPs are done at the subnational level. There, the study focuses on measuring only the State of New South Wales and the Commonwealth of Virginia, respectively.

Aggregating the Data

The *Benchmarking PPP Procurement 2017* data are aggregated by thematic area, with the aim of assisting policymakers in evaluating their economies' PPP frameworks in thematic areas: PPP preparation, PPP procurement, USPs, and PPP contract management. The PPP practices and regulations that are recognized and considered as good practices are the only areas that are scored and aggregated at the thematic area level.[13] Other data are collected and included in the report for contextual purposes. The scoring methodology (annex 2) allocates an identical weight to all of the benchmarks addressed in the survey. The scores are presented on a range from 0 to 100.

The economies at the top of the range (score approaching 100) are considered to have a PPP regulatory framework that closely aligns with internationally recognized good practices. The economies at the bottom of the range (scores closer to 0) have significant room for improvement as they do not adhere closely to international good practices and principles as measured by *Benchmarking PPP Procurement*. Each economy's scores for the four thematic areas appear in the "Economy Data Tables" section at the end of this report and should be assessed individually. All of the data points used in aggregating *Benchmarking PPP Procurement* are identified and made publicly available, along with the other data points, on the project's website (http://bpp.worldbank.org).

A Word of Caution

Understanding the data's scope of coverage is fundamental to its interpretation. In fact, when using this report, readers need to keep in mind both its strengths and its limitations. The project has the major advantage of the comparability of its data across the world's economies covered by the assessment, thanks to the use of standardized case scenarios with well-specified assumptions. By compiling more than 50 data points in a comparative manner, the report highlights relevant regulatory aspects for governments and firms engaging in PPP projects and helps governments identify well-defined areas of action and design reform agendas. The majority of the data points covered are based on the regulatory framework, which makes them "actionable"—as the law is well within the sphere of influence of policy makers and thus amenable to change.

Although this method has the advantage of transparency, it has one inevitable shortcoming: it is not feasible to design a case-study assumption that covers all possible PPP projects across the world's economies. Moreover, the data used to conduct this exercise were gathered during a specific time frame. This method reflects only the regulatory framework in force and general practice at that point. Data collection for *Benchmarking PPP Procurement 2017* closed on March 31, 2016. Consequently, any regulatory reforms enacted and any practice adopted since that date are not taken into account in this year's edition.

Benchmarking PPP Procurement does not cover all the regulatory issues related to PPP procurement. The report does not measure some aspects of PPP frameworks that matter to firms, policy makers, and the overall development of the projects. For example, it does not attempt to capture a number of dimensions, such as macroeconomic stability or the prevalence and perception of corruption in an economy, despite their importance. It is complementary to other activities developed by the multilateral development banks (for example, Infrascope, which provides a broader assessment of the enabling framework for PPPs).

What's Next?

Improving the methodology is an ongoing process that is highly dependent on continuous consultations, and the team welcomes feedback on the methodology and the results shown in this report.

Future expansions of themes covered in the *Benchmarking PPP Procurement* project may take place. Consideration could be given to including subnational data and collecting data from more than one sector, which is the example reflected in the current case-study assumption.

Subject to resource availability, in the next phase the geographic scope of the project could be expanded. This expansion would enhance the illustration of more global experiences from different regions and consequently add value to the dataset and serve a broader audience.

Regulatory Framework and Institutional Arrangements for PPPs

Benchmarking PPP Procurement collects information on the different types of regulatory frameworks and institutional arrangements for PPPs adopted in each of the 82 economies. The diversity of legal traditions and PPP types shows that there is no single best way to document and give force to a PPP framework. Rather, the right way to establish a PPP depends on the administrative and legal traditions in the jurisdiction and the government's objectives.[14] Therefore, *Benchmarking PPP Procurement* does not assume that a regulatory framework is better or worse simply because it takes a particular form.

This section describes the various approaches taken to establish PPP frameworks and institutional arrangements without scoring them. This information is intended to provide a better understanding of the assessment of the four thematic areas in which data are scored with respect to good practices.

PPP Regulatory Framework

The type of legal system (common law versus civil law) weighs heavily on the type of PPP regulatory framework that exists in a given economy. Economies with "common law" legal systems tend to rely on policy documents and administrative guidance materials, whereas economies with "civil law" legal systems are more likely to set up a detailed PPP framework in a binding legal document or statute or law, and to spell it out in detailed rules and regulations with legal force.

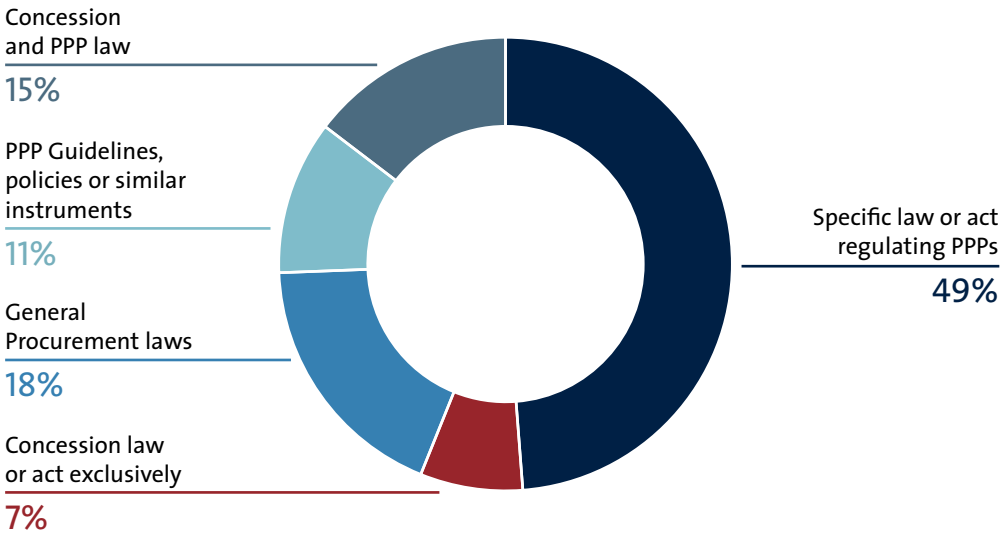
Even among economies with similar legal systems, there is a wide range in how PPPs are regulated. In part, this variation arises from the fact that PPPs are seldom regulated exclusively by a single legal document but rather by a set of legal instruments, including laws, regulations, decrees, enacted policies, and guidelines. Furthermore, other laws and regulations, although not exclusively focused on PPPs, might have an impact on them when regulating matters such as land ownership or public financial management. The regulatory framework for PPPs varies from one economy to another, depending on how all these elements are combined.[15]

From the analysis conducted, it is possible to devise a sort of typology of regulatory frameworks on the basis of how each economy has chosen to regulate PPPs. In addition to its illustrative and descriptive purpose, the presentation of this typology also helps better describe both the scope and some of the limitations of the analysis in the next sections of this report. Annex 1 provides an overview of the typologies of PPP regulatory frameworks adopted in the 82 economies analyzed.

Almost half (49 percent) of the economies measured by *Benchmarking PPP Procurement* have adopted a law or act that specifically regulates PPPs (figure 3). In the sample of economies measured, this form is the most common way of establishing a regulatory

framework for PPPs. Even within these economies, there is some heterogeneity in the coverage and name used (for example, the Philippines adopted a Build-Operate-Transfer [BOT] law rather than a PPP law) and even in the hierarchy of the adopted legal instrument (for example, Vietnam regulates PPP through an executive decree rather than a law). In addition, 7 percent of the economies (Cambodia, Chile, Costa Rica, Mongolia, Nicaragua, and Panama) have enacted only concession laws.

Figure 3 Type of PPP regulatory framework adopted *(percentage, N = 82)*



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

In 15 percent of the economies surveyed, a PPP law coexists with a concession law. In 7 of those economies, the PPP law and the concession law are complementary. For example, in Argentina, the PPP law is supplemented by the concession law, which, in turn, is supplemented by the public procurement law. For those seven economies (Argentina, Bosnia and Herzegovina, Bulgaria, Moldova, Poland, Tunisia, and Ukraine), a single analysis has been conducted attending to the provisions of both legal instruments as appropriate. In the other five economies (Brazil, France, Senegal, Togo, and the Russian Federation), however, our contributors expressly distinguished between two regimes, one for PPPs and one for concessions, according to specific features of the contract. For example, in Brazil, for PPPs the government remunerates the private partner for the availability of the infrastructure whereas concessions involve no government payment.[16] In France, the differentiation depends on the risk transferred to the private sector, with concessions requiring the transfer of a proportion of the risk that involves real exposure to market fluctuations (but not completely excluding government payments).[17] For these five economies, the analysis conducted for the *Benchmarking PPP Procurement* is disaggregated between concessions and PPPs, providing an understanding of the differences that both regimes entail.[18]

Instead of adopting a specific PPP or concession law, in 18 percent of the economies PPPs are governed by the general public procurement laws. In some of these economies, PPPs or concessions are specifically mentioned in the law or included as a specific type of contract (for example, the Dominican Republic includes in its public procurement law

a specific section on concessions). Finally, 11 percent of the economies mainly regulate PPPs through guidelines, policies, or similar instruments (Australia, Canada, China, India, Jamaica, Malaysia, Singapore, South Africa, and Sri Lanka).[19] Not surprisingly, this is mostly the case in common law economies. The distinction between alternative methods for regulating PPPs is sometimes blurry. For example, in the United Kingdom, a large number of provisions detailing the development of PPPs are contained in guidelines and policy documents, but the public procurement law also applies to the procurement procedure.

Closely related to the regulatory modality chosen to introduce PPPs in the regulatory framework, some economies impose restrictions on the sector in which PPPs may be used. In some of these cases, as in Chile, there is no formal restriction, but PPPs are not used in a number of sectors (electricity and telecommunications) that are operated completely by the private sector under the regulatory authority of the government. In other cases, private participation in the provision of infrastructure for specific sectors is regulated by the sectoral laws and regulations and is excluded from the application of the general PPP or concession law. This is the case in Colombia, for example, for telecommunications, ports, and public power-generating utilities. Finally, in a few economies, for some activities within an area, use of PPPs is restricted. In Uruguay, whereas the infrastructure for health and education centers can be delivered through PPPs, health services and education services cannot.[20]

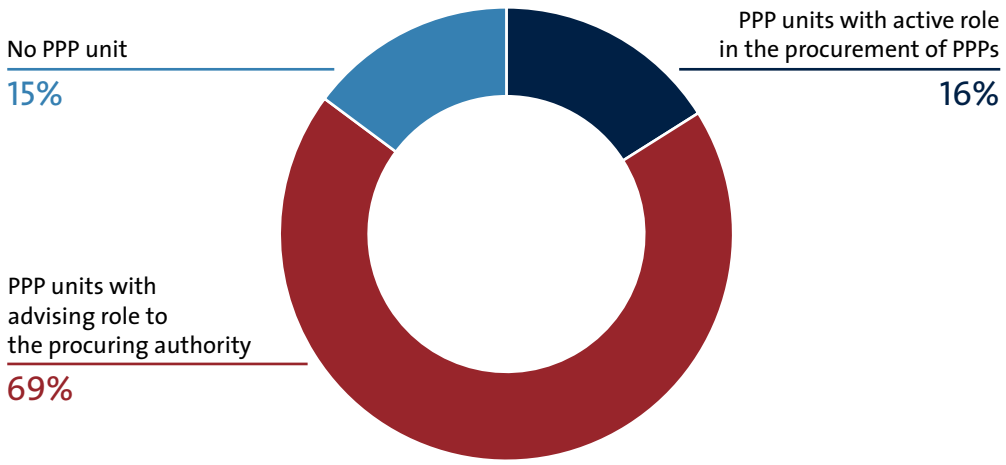
Institutional Arrangements

Just as PPPs are regulated in different ways, the development of PPPs can take place within different institutional arrangements. A typical consideration when assessing the PPP institutional framework is whether a PPP unit exists. A *PPP unit* is defined as "any organisation set up with full or partial aid of the government to ensure that necessary capacity to create, support, and evaluate multiple public-private partnerships agreements [is] made available and reside[s] in the government."[21]

Given the complexity of PPPs, establishing a PPP unit may support the development of PPPs but in itself is not a guarantee of success. Consequently the analysis does not score an economy on the basis of whether it has not created a PPP unit. Nonetheless, the analysis found that PPP units are common among the surveyed economies, being present in 85 percent of them.

The functions and roles of PPP units (figure 4) vary across the economies surveyed. It is particularly interesting that in 16 percent of the economies, the PPP unit not only provides advice to the procuring authorities on the stages of the procurement process but also takes a more active role in the procurement of PPPs. In those cases, a PPP unit can either be exclusively responsible for PPP procurement (as in Honduras, where Coalianza is the only public agency that can procure PPPs)[22] or conduct it jointly with the procuring authority (as in the Arab Republic of Egypt).[23]

Figure 4 Type of PPP institutional arrangement adopted *(percentage, N = 82)*



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

Thematic Areas Covered and Scored in *Benchmarking PPP Procurement 2017*

The following sections present the four thematic areas covered in *Benchmarking PPP Procurement:* preparation, procurement, unsolicited proposals, and contract management. The survey includes questions to assess each of the thematic areas. However, only questions for which there is consensus on good practices are scored. The scoring methodology is presented in annex 2.

The exercise relies on a broad interpretation of the term *regulatory framework* and includes laws, regulations, enacted policies, guidelines, and even case law where appropriate. It also accounts for generally followed practices when contributors confirmed those practices. In sum, the assessment and scoring of the four thematic areas presented in the following sections results from the coverage and soundness of regulations compared with recognized good practices.

Preparation of PPPs

Before deciding whether to launch a PPP procurement process, procuring authorities need to devote time and resources to ensure that such a choice is justified and that the project is ready for market. This effort includes the identification and appraisal of projects suitable to be developed as PPPs and the structuring and design of a draft PPP contract and approvals. This process is crucial to attain properly structured PPP projects that are more likely to both provide value for money to the government and be commercially viable. However, PPPs are often hastily formulated, with little financial means or technical help.[24] The dearth of well-prepared PPP projects is one of the main challenges faced by emerging markets in attracting private sector operators and better leveraging private financing.

This PPP preparation phase includes several stages, starting with the identification of strategic infrastructure projects that could be developed as PPPs. For this purpose, projects must be identified and prioritized on the basis of an integrated infrastructure plan and rigorous economic cost-benefit analysis. Then feasibility studies should be conducted to ensure that a particular project can succeed as a PPP. Further assessments should be undertaken to inform the structure of the PPP project, including assessing and deciding on the allocation of risks and studying the market's appetite and capacity to accept them.[25] Finally, on the basis of the PPP structure resulting from the appraisal process, the procuring authorities must formulate the documentation required to launch the PPP procurement process, including the draft PPP contract. Within all of this work, it is also important to understand the approval process—in particular whether there is a role for the ministry of finance or other government agencies or ministries that have a cross-cutting mandate. The recognized good practices that emerge during PPP project preparation are summarized in box 2.

Box 2 Good practices in the preparation of PPPs

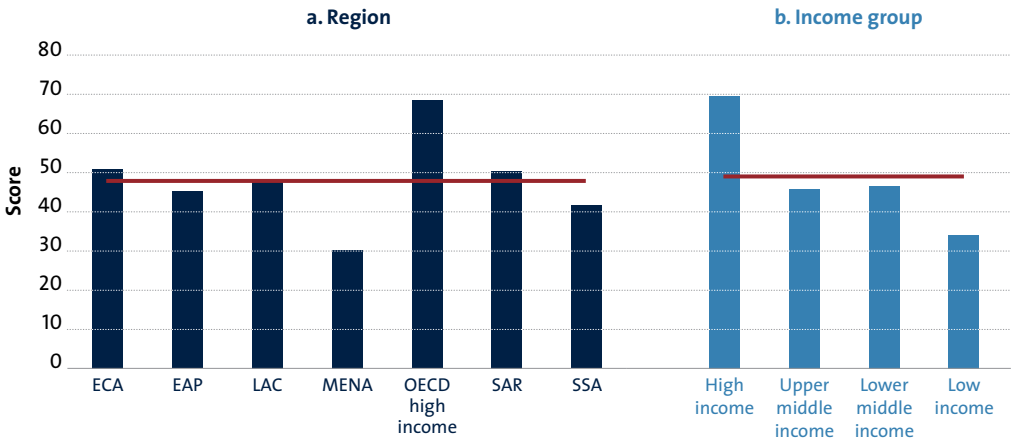
Good practices which help ensure that the decision to procure a PPP is justified and that the procuring authority is ready to initiate the procurement process are:

- The Ministry of Finance or central budget authority approves the long term financial implications of the project.
- The project is assessed and prioritized along with all other public investment projects in the context of the national public investment plans.
- The project is adequately justified, on the basis of:
    - > Socioeconomic analysis;
    - > Fiscal affordability assessment;
    - > Financial viability;
    - > Risk assessment;
    - > PPP vs. public procurement comparative assessment;
    - > Market assessment;
- The procuring authority prepares a draft PPP contract and includes it in the request for proposals.
- The procuring authority has standardized PPP model contracts and/or transaction documents to expedite and guarantee consistency.

Note: PPP = public-private partnership.

Benchmarking PPP Procurement shows regional and income group differences in the average score for the preparation of PPPs (figure 5). The OECD high income region stands out from the rest of the regions. ECA and SAR regions score just above average and interestingly they are the regions with the lowest intraregional variance. When disaggregating the data by income level, there is a clear pattern showing that the lower the income group level, the lower the average scores on project preparation.

Figure 5 Preparation of PPPs, score by region and income group (score 1–100)



Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; OECD = Organisation for Economic Co-operation and Development; PPP = public-private partnership; SAR = South Asia; SSA = Sub-Saharan Africa.
Source: Benchmarking PPP Procurement 2017

To assess the extent to which PPP regulatory frameworks in different economies cover the need to conduct this preparatory work before launching a PPP, the *Benchmarking PPP Procurement* survey inquired about the approval process for PPPs, the process of PPP prioritization, and their appraisal in all relevant dimensions (socioeconomic impact, affordability, value for money of the PPP alternative, commercial viability including bankability, and the like), as well as aspects of the preparation of the PPP draft contract. The survey also included a pilot assessment of the responsibility to obtain the land and permits required to develop and operate a PPP project. Whereas the data gathered offers a rich set of findings across the economies measured, the following subsections briefly detail the study's results related to approvals, prioritization of PPP projects, and their appraisal.

Approval of PPPs

The PPP approval process can have an important impact on the quality of project preparation. It is generally accepted that to ensure that a PPP project is fiscally sustainable, the ministry of finance should have a defined role in the approval of PPPs, especially regarding affordability and public commitments.[26] The survey did indeed find that many economies align with the recognized good practice of mandating a specific intervention by the ministry of finance or central budgetary authority for the approval of PPP projects prior to the launch of the procurement process. For example, in the Arab Republic of Egypt, the minister of finance is a member of the Supreme Committee for PPP Affairs that approves all PPPs.[27] However, 27 percent of the economies do not require such explicit intervention. Furthermore, in 44 percent of the economies, a second approval by the same authorities is also required after the procurement process is completed but before PPP contract is signed to ensure clearance of the process and its outcome.

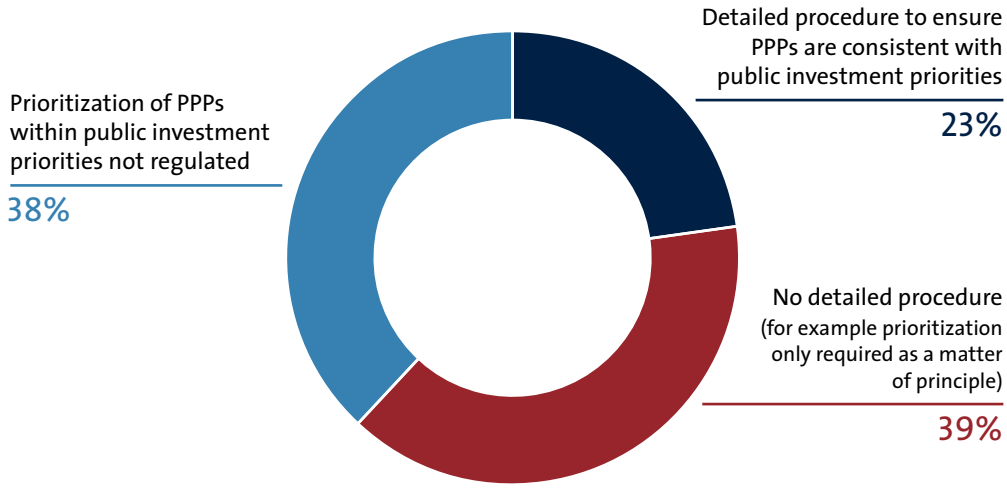
Prioritization of PPP Projects

A PPP is a method of infrastructure delivery that is an alternative to conventional procurement. Regardless of how infrastructure projects are procured, they should be identified and prioritized in the context of each economy's public investment planning process.[28] As a consequence, PPPs should emerge from this broader public investment planning and project selection process. This process usually involves a socioeconomic analysis and ensures that PPP projects are subject to the same level of scrutiny as any other public investment project. Only later in the process should projects be screened for their potential for implementation through PPPs and further assessment be carried out to determine their viability as PPP projects.

Benchmarking PPP Procurement finds that, overall, practices within the economies surveyed leave considerable room for improvement. For instance, in only 23 percent of the economies does the regulatory framework actually detail a procedure for ensuring that the identification and prioritization of PPPs is consistent with public investment priorities (figure 6). In the Philippines, for example, procuring authorities must (a) prepare infrastructure or development programs to identify specific priority projects that may be developed as PPPs; (b) ensure that the list of priority projects is consistent with the Philippine Development Plan, the Provincial Development Plan, and the Physical Framework Plan; and (c) submit the list to the National Economic and Development Authority Board or the Investment Coordination Committee for approval.[29] Similarly, in Kenya, the procuring authorities are required to prepare a pipeline of PPP projects in line with their development plans. The PPP pipeline is then submitted for assessment and

approval by the PPP Unit, the PPP Committee, and the National Cabinet.[30] Peru has an especially precise mechanism for including PPPs in the context of public investments; identifying their importance in national, sectoral, regional, and local priorities; and declaring them to be viable within the scope of the SNIP (National Investment System).[31]

Figure 6 Consistency between prioritization of PPP projects and public investment priorities *(percentage, N = 82)*



PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

In 39 percent of the economies, prioritizing PPPs among other public investment projects is required as a matter of principle or done in practice, but the provisions do not detail a specific process to follow, leaving the implementation of this requirement to the discretion of procuring authorities. For example, in Pakistan, PPP projects are to be screened and evaluated, including by the Planning Commission, "to ensure consistency with the Government of Pakistan infrastructure policy/strategy."[32] In the remaining 38 percent, the prioritization of PPPs within public investment priorities is not regulated, and it is not clear how these economies ensure consistency in prioritization between PPPs and their broader investment program.

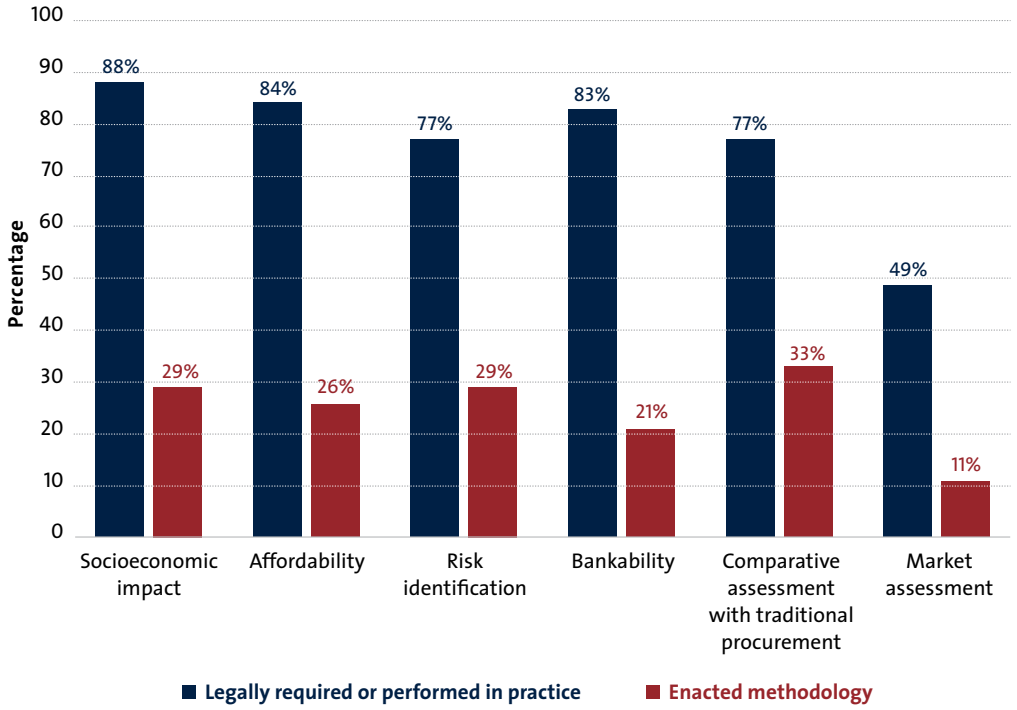
Assessments of PPPs

Before deciding to initiate a PPP procurement, the procuring authority needs to answer a set of key questions related to affordability, risk allocation, commercial viability, and value for money to ensure that the PPP option is feasible. Also, this assessment process ensures that all of the critical characteristics of the project are understood by the procuring authorities, enabling them to properly structure the project and design the draft PPP contract.[33]

To capture the extent to which economies follow this practice, *Benchmarking PPP Procurement* assesses whether the PPP regulatory framework has included requirements to (a) assess the socioeconomic impact of the project, (b) appraise its affordability, (c) identify and allocate the risks, (d) determine bankability, (e) conduct a comparative assessment with the traditional procurement options, and (f) conduct market assessment.

Whereas in approximately two-thirds of the economies surveyed there are legal requirements to conduct assessments of socioeconomic impact, affordability, risk identification, and bankability as well as comparative assessments (figure 7), only about one-third of these economies have adopted a specific methodology for conducting such assessments. Although having a legal requirement is usually a first step necessary to ensure that these assessments are conducted, establishing a clear methodology is also needed to enable the procuring entity to conduct assessments consistently across projects and to enhance the quality and reliability of the analysis. In the worst-case scenario, the lack of a specific methodology might point either to (a) studies that are carried out to formally comply with the legal requirements without actually providing the critical information needed for cognizant decision making or (b) a lack of implementation of the legal requirements in place.

Figure 7 Assessment during PPP preparation phase *(percentage; N = 82)*



PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

Of the 82 economies analyzed, the Dominican Republic and Lebanon are the only economies that do not legally require any assessment to be conducted before a PPP is procured. At the other end of the spectrum, Lithuania, the Philippines, South Africa, and Vietnam legally require all the mentioned assessments and also have enacted specific methodologies to conduct those assessments. In 88 percent of the economies, the procuring authorities conduct socioeconomic impact assessments before tendering a PPP project. However, only 29 percent of the economies have developed a specific methodology for how to perform the socioeconomic impact assessment. Uruguay is a good example of an economy with a detailed methodology for a socioeconomic impact assessment: the Planning and Budget Office has made available supporting material and methodological guidelines, including a guide for the design and evaluation of investment projects.[34]

When it comes to affordability assessments, 84 percent of the surveyed economies conduct them, but only 26 percent of the economies have enacted a specific methodology for doing so. In some economies, this assessment is conducted directly by the ministry of finance, as in Cameroon,[35] or the PPP unit, as in Argentina,[36] or by the procuring authority under the supervision of the ministry of finance, as in Moldova.[37] To ensure that long-term commitments are indeed studied, some economies define a fixed period of time to analyze: for example, Timor-Leste requires forecasts of future payments and revenues for the next 25 years.[38] In Chile, the Ministry of Finance must keep track and elaborate a yearly report on the contingent liabilities arising from concessions,[39] and Colombia has developed a manual on contingent liabilities that contains a methodology for calculating the fiscal impact of PPPs.[40]

A similar finding applies to risk assessments, which are conducted in 77 percent of the surveyed economies, but only 29 percent of them have adopted a methodology for identifying and allocating risks. Whereas in some economies these methodologies are limited to a list of risks to be assessed, as in the Arab Republic of Egypt,[41] others have prepared a more comprehensive risk matrix. This is the case, for example, in the Philippines, where the Generic Preferred Risk Allocation matrix indicates the type of risks to be assessed and also includes definitions, proposed allocations and rationales, possible risk mitigation efforts, and suggested contract provisions.[42]

Similarly, 83 percent of the economies mandate assessment of the financial viability or bankability of the project. Nevertheless, only 21 percent of the economies follow a specific methodology for assessing the bankability of the PPP project. This is the case, for example, in Colombia, where the National Planning Department and the Ministry of Finance have developed several guides for assessing a project's bankability.[43]

Of the 82 economies, 77 percent require a comparative assessment to be conducted between PPP and traditional procurement.However, only 33 percent have enacted a methodology detailing its preparation. In Brazil, the approval to procure a PPP must be based on a study showing the convenience of and opportunity for procuring a PPP by identifying the reasons that justify the choice of the form of the PPP.[44]

Market assessment is the least commonly required appraisal among the surveyed economies. It is conducted in only half of the economies (including 12 percent that do so without a legal requirement), and only 11 percent have a specific methodology. In the Philippines, for example, the PPP Center and the procuring authority must perform a market-sounding process to determine the interest of private sector operators, taking into account different scenarios for revenue and economic growth in the short, medium, and long terms.[45]

PPP Procurement

Once all the preparation activities are concluded and a decision is made to deliver an infrastructure project as a PPP, the procuring authorities need to find the right private sector partner to undertake such responsibilities. The selection of the private partner is usually carried out through a public tendering process, applying either general public procurement rules or procurement rules specially adopted for PPPs. Given the magnitude and extent of public resources committed, choosing the right private partner is crucial for the success of a PPP. It is ultimately the private partner's capacity to innovate and attain efficiency gains that will make it possible for the government to achieve value for money through the PPP. Moreover, the long-term nature of a PPP means that the selection of the private partner will have long-lasting impact. Choosing the right private sector partner will thus enhance the likelihood of creating a trusting relationship with the procuring authority and realizing the promise of a PPP.

These same features imply that a PPP procurement will usually last longer and be more complex than a conventional procurement. For example, PPP projects usually require a more thorough evaluation of bidder qualifications and proposals to ensure that they will deliver the expected value for money.[46] These longer, more complicated tendering processes increase transaction costs for both the public and the private sector. The procuring authorities should have taken this into account when deciding to use the PPP option, but the higher cost of preparing PPP proposals and participating in PPP procurement processes may deter competition. In addition to the reduction of transaction costs, clarity, fairness, and transparency in the procurement process are basic ingredients to ensure a level playing field for all bidders.

To evaluate how economies are conducting PPP procurement processes, *Benchmarking PPP Procurement* covers a set of relevant items, contrasting each economy's PPP framework with recognized good practices in this area. The PPP Procurement thematic area explores a range of elements that spread throughout the procurement process, such as bidders' access to procurement-related information, the clarity and comprehensiveness of the procurement documents, the qualification of bid evaluation committee members, the bid selection criteria used, the way governments deal with cases of sole proposals, and the restriction on negotiation during the award phase. The recognized good practices that could be drawn from the areas covered in the procurement of PPP projects are summarized in box 3.

Box 3 Good practices in the procurement of PPPs

Good practices which help ensure fair competition and transparency during the PPP procurement process are:

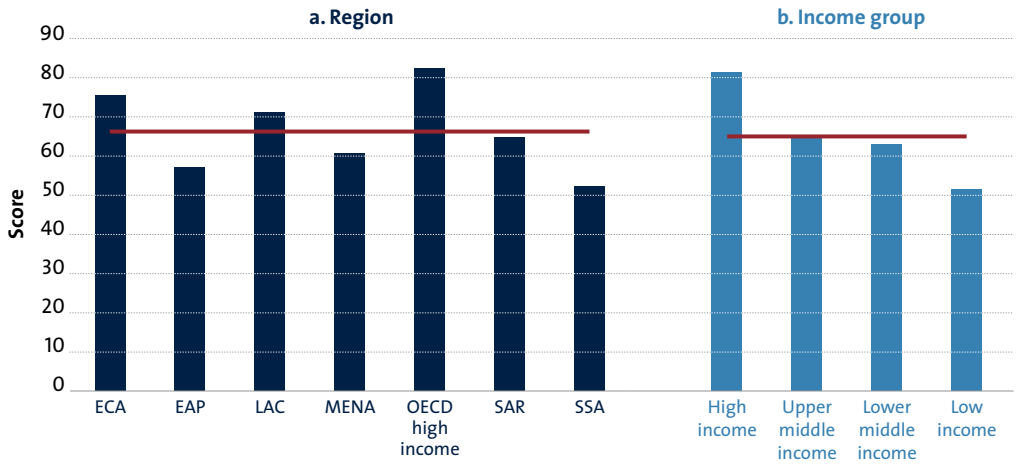
- The bid evaluation committee members meet minimum technical qualifications;
- The procuring authority publishes the public procurement notice online;
- The procuring authority grants at least 30 calendars days to potential bidders to submit their proposals;
- The tender documents detail all the stages of the procurement process;

- Potential bidders can submit questions to clarify the public procurement notice and/or the request for proposals and the answers are disclosed to all potential bidders;
- Bidders prepare and present a financial model with their proposal;
- The procuring authority evaluates the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents;
- The procuring authority follows a specific procedure in the case that only one proposal is submitted to guarantee value for money;
- The procuring authority publishes the award notice online;
- The procuring authority provides all bidders with the results of the PPP procurement process including the grounds for the selection of the winning bid;
- Any negotiations between the selected bidder and the procuring authority after the award and before the signature of the PPP contract are restricted and regulated to ensure transparency;
- The procuring authority publishes the signed PPP contract online.

Note: PPP = public-private partnership.

Benchmarking PPP Procurement shows regional and income group differences in the average score for the procurement of PPPs (figure 8). The OECD high income region precedes the rest of the regions, followed by ECA and LAC. The EAP region not only has one of the lowest average scores but it displays the greatest intraregional variance. When the data are disaggregated by income level, there is a clear pattern showing that the lower the income group level, the lower the average scores on PPP procurement.

Figure 8 PPP procurement, score by region and income group (score 1–100)



Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; OECD = Organisation for Economic Co-operation and Development; PPP = public-private partnership; SAR = South Asia; SSA = Sub-Saharan Africa.
Source: Benchmarking PPP Procurement 2017

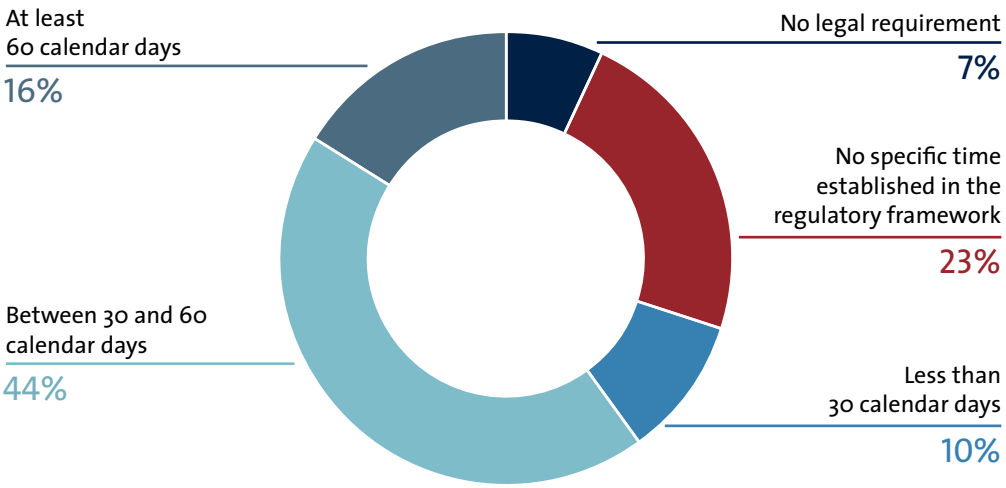
The following paragraphs briefly present the survey findings for a few relevant issues such as the legal period of time granted to potential bidders to submit their bids, handling of sole bidders, access to information throughout the PPP procurement process (publication of the procurement and award notice as well as the PPP contract), and interaction with bidders (box 4).

Period of Time Granted to Bidders to Submit Bids

Given the complexity of PPP contracts, bidders need to be granted enough time to prepare their proposals once the call for tenders is made public. Short periods for bid preparation may deter potential bidders from participating in the PPP procurement process if it is unlikely that they will be able to carry out the due diligence necessary to prepare high-quality proposals.[47] The time granted to present proposals is usually defined on the tender notice or other tender documentation. Regulatory provisions setting a minimum period of time in which to present the proposals ensure that the procuring authorities do not have absolute discretion on the matter, creating a fairer system for all bidders. Under no regulatory constraints, procuring authorities could legally reduce the time granted to prepare proposals in such a way that competition would be discouraged or even intentionally driven out of the PPP procurement process.

In 93 percent of the surveyed economies,[48] there is either a regulatory provision or a generally followed practice that grant bidders a minimum period of time to prepare and submit their bids (figure 9). That being said, the mere enactment of a legal provision that guarantees a minimum period of time is not enough. In fact, in 23 percent of the economies, the procuring authority still has the discretion to decide how long the period should be, which leads to a lack of predictability for bidders.

Figure 9 Time granted to potential bidders to submit their bids *(percentage; N = 82)*



Source: Benchmarking PPP Procurement 2017

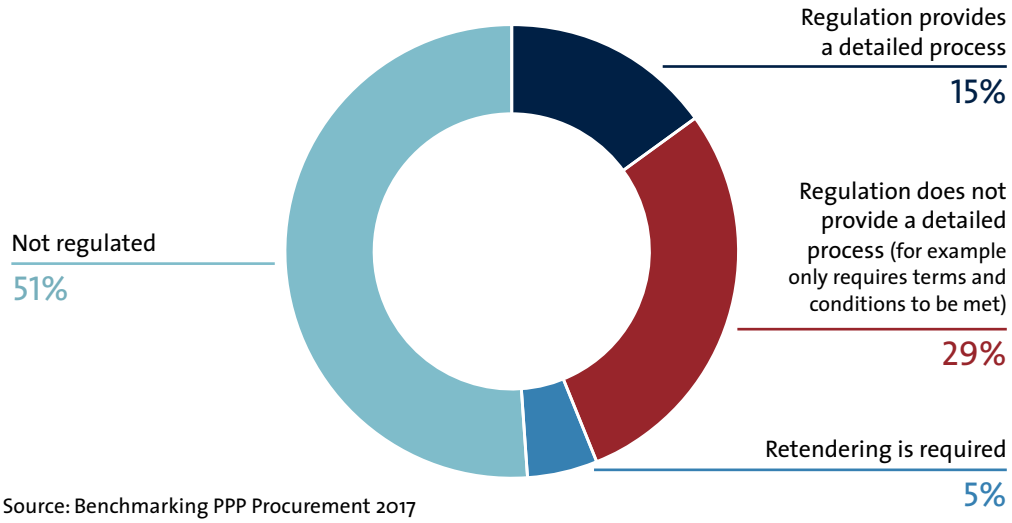
When such a period is set in the law, it can range from less than 30 calendar days, as in Argentina, Honduras, India, and Lebanon, to 90 days or more, as in Chile, the Republic of Korea, the Philippines, Sri Lanka, Tanzania, Uruguay, and Vietnam.

Lack of Competition: Sole-Bidder Scenario

Competition is crucial to obtain good value for money from the PPP procurement process. Ultimately, on top of all the assessments conducted during the preparation of a PPP, the potential for success of the project is subject to a final "market test" during the procurement process. As a consequence, receiving only one bid can raise concerns about whether the project is actually suitable as a PPP and whether such a bid will provide the best value for money. As a general rule, "even when only one bid is submitted, the bidding process may be considered valid, if the bid was satisfactorily advertised, the qualification criteria were not unduly restrictive, and prices are reasonable in comparison with market value."[49] However, in theory, depending on the reason for receiving only one bid, there are generally two additional options: (a) retendering, which is recommended when the low turnout is caused by a deficiency in the procurement process itself, or (b) conducting thorough due diligence to ensure that the bidder is in full compliance with the all of the requirements.[50] Whatever the approach, receiving a single bid may be problematic and thus merit attention through the PPP regulatory framework.

Despite the relevance of this aspect and its potential impact on the result of the PPP procurement process, in half of the economies measured, the PPP regulatory framework does not address this issue at all. For example, in Kenya, Peru, and Senegal, when the procuring authorities receive a sole proposal, they are not required to follow any specific procedure before awarding a PPP contract. Among the economies that address the issue, the Kyrgyz Republic, Madagascar, Tajikistan, Tanzania, and Tunisia do not allow the award of a PPP project when only one proposal is presented, instead automatically requiring retendering. In the majority of the remaining economies, provisions in the PPP legal framework simply state that sole bidders are acceptable as long as all the terms and conditions are met, without specifying further details regulating the matter (figure 10).[51]

Figure 10 Approach to addressing cases when only one bid is received
(percentage; N = 82)



Source: Benchmarking PPP Procurement 2017

Only in 15 percent of the economies is the issue of sole bidders regulated with greater detail.[52] In those economies, the law mandates a special procedure that needs to be followed before awarding the PPP project. This is the case, for example, in the Arab Republic of Egypt, where the regulatory framework specifies the conditions and process for accepting sole bids. A single bid may be accepted through a decision by the

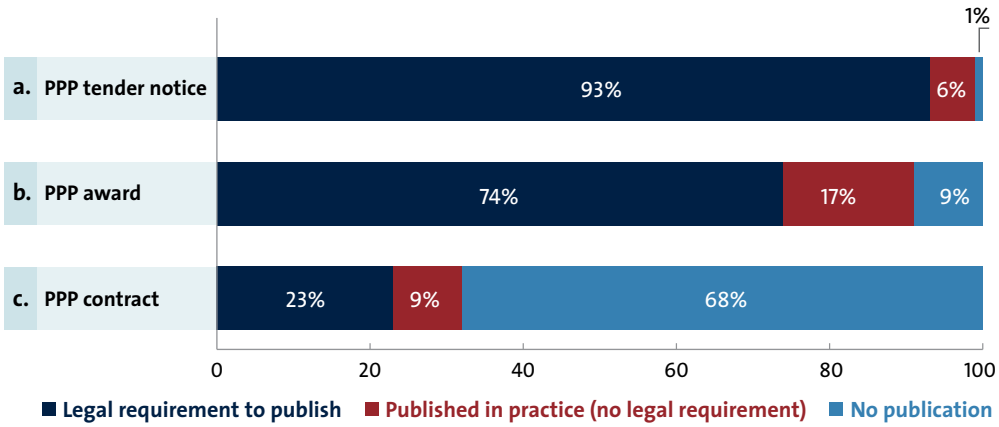
competent authority based on the recommendation of the bid evaluation committee, after the approval of the Supreme Committee for PPP Affairs, if the public interest does not allow for retendering procedures, or if retendering would be futile, and if the sole bid is technically acceptable and meets the specifications of the tender.[53] Similarly, in Nigeria, although the regulatory framework allows for direct negotiation with a sole bidder,[54] it requires the procuring authority to ensure that the bid is technically and financially advantageous compared with market prices and to include, in the record of procurement proceedings, a statement of the grounds for its decision and the circumstances justifying the single-source procurement.[55]

Transparency and Disclosure of PPP Information: Publication of the Award Notice and PPP Contract by the Procuring Authority

Transparency in the PPP process may help achieve better value for money by strengthening governance and improving the management of fiscal cost, by producing more sustainable contracts, by reducing the risks of renegotiation, and by resulting in a better understanding of the impact on service delivery.[56] It is therefore advisable to establish procedures that ensure the dissemination of the tender notice, disclosure of the outcome of the procurement process, and publication of contract information. Wide publicity about the key decisions of the PPP procurement process ensures openness and fairness and enhances competition. Furthermore, PPP contracts often include provisions that have a direct impact on parties other than the procuring authority and the selected bidder, who have a legitimate interest in being informed about the essential elements of the contract.

There is a clear move toward publishing information about PPP tenders and award notices (figure 11), with widespread use of online means of publication. Of the economies that do publish tender notices, only 11 percent do not publish them online. For award notices, 79 percent of the economies make them available online. Ecuador, Lebanon, Mongolia, and a few other economies remain the exception to the rule, as publication of the award notice is neither mandated by law nor a regularly followed practice, which makes the final step of the private partner selection less transparent.

Figure 11 Access to information during PPP procurement *(percentage, N = 82)*



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

The situation is different when it comes to publication of the PPP contract, which occurs in only 24 percent of the economies. Some, such as Colombia and Portugal, publish the signed PPP contract online in its entirety. However, other economies opt to publish summaries of PPP contracts that present their complex provisions in plain language, making the contracts easier for the public and third parties to read.[57,58]

Box 4 Interactions with bidders throughout the PPP procurement process

After a call for tenders is issued, bidders will prepare proposals that are based on the requirements detailed in the tender documents. During this process, the procuring authorities need to define how and to what extent they will interact with bidders as they prepare their proposals. Rules governing the process and permissible topics for interaction with bidders are usually set in the tender documents, thus safeguarding the transparency and fairness of the procurement process. Interactions between bidders and the procuring authority can range from a mere exchange of information to an interactive dialogue and in-person meetings and conferences.

Except in Algeria, the Republic of Congo, Indonesia, Madagascar, Papua New Guinea, Thailand, and Togo, all the economies measured allow interested suppliers to request clarifications about the tender documents (public procurement notices, requests for proposals, and the like). Although the majority of the economies make communication outcomes publicly available, doing so is not required in economies such as Cameroon, the Democratic Republic of Congo, Gabon, Iraq, Mongolia, Ukraine, and Zambia.

In some economies, procuring authorities can also use a "competitive dialogue" procedure, which involves more extensive engagements with two or more bidders as they prepare their proposals. In this procedure, bidders submit technical proposals, which are then subject to feedback and discussion with the procuring authority. These discussions allow them to align their proposals with the authority's needs before they submit a final proposal.[a] In 45 percent of the surveyed economies, competitive dialogue either is allowed by law or takes place in practice. The latter case can be seen in Bangladesh, Canada, Jamaica, Myanmar, and the United States. Even where competitive dialogue is possible, its content and results are not always disclosed to all potential bidders, as in Armenia, Cameroon, Côte d'Ivoire, and the Arab Republic of Egypt, where there are no requirements for such disclosure of information.

Interaction with bidders should also be regulated during the period after the award of the contract and before its signature. Negotiations should be broadly restricted and regulated according to international good practices to prevent undermining the competitive tendering process and distorting the criteria by which the proposals were evaluated. In 43 percent of the surveyed economies, the regulatory framework does not restrict or regulate negotiations with the selected bidder in any way during the period between the award and the signature of the PPP contract. In contrast, economies such as Bosnia and Herzegovina forbid such negotiations outright. Between these two approaches some economies expressly regulate negotiations in an effort to ensure fairness for all bidders. In Australia, for example, a negotiation parameters schedule is developed prior to any negotiations. This schedule explains any departures from the commercial principles underpinning the tender documentation.[b]

a. World Bank 2014, section 3.5.4.

b. Australia, section 4.4.1, New South Wales PPP Guidelines of 2012.

Unsolicited Proposals

USPs are an alternative to government-initiated projects. In a USP, a private sector entity approaches the government with a proposal to develop a specific infrastructure project without the government first having identified and assessed the suitability of the project. Private sector companies—generally developers, suppliers, or financiers—fund studies to establish the basic project specifications and then approach the relevant procuring authority to receive approval. There are merits in establishing provisions for considering unsolicited project proposals. Often, such proposals are based on innovative project ideas. By allowing USPs, governments can benefit from the knowledge and ideas of the private sector and can promote innovation. However, in some cases, economies promote the submission and use of USPs precisely because of a lack of experience and capacity in preparing infrastructure projects. As a consequence, the use of USPs does not come without challenges.[59] The difficulty rests in getting the right balance between encouraging private companies to submit innovative project ideas without losing the transparency and efficiency gains of a competitive tender process. Key implications to consider are ensuring the consistency of USPs with other government priorities and ensuring competition so that USPs will deliver economically beneficial infrastructure with the greatest possible value for money.

Determining how to respond to unsolicited bids so as to both protect transparency in the procurement process and recognize the initiative of the proponent is typically difficult. Economies have approached the challenge of USPs differently. In 32 percent of the economies measured, there are no specific provisions regulating USPs. In theory, this implies that if the private sector had an idea not already contemplated by the public sector, a procuring authority would have to incorporate that idea into its investment pipeline and follow all the procedures required for any other infrastructure project. The lack of regulations may be a consequence of an express desire on the part of the public sector not to use USPs as a source of infrastructure project proposals (this is usually the case in more mature PPP markets such as Canada). In other economies, however, the lack of regulations merely indicates that the subject has not been considered yet because the PPP regulatory framework is still nascent. That being said, even in economies that do expressly regulate USPs, public authorities may not encourage their use (as is the case in South Africa). The following analysis is thus limited to the 56 economies that do explicitly regulate USPs.

To assess whether the PPP framework provides for sound practices regarding USPs, this section evaluates a set of relevant issues. In particular, it looks at whether USPs are subject to proper evaluation by the public sector before being approved and whether, once approved, a competitive procedure is required to select the private sector partner that will develop the infrastructure. Governments should evaluate USPs to ensure that they are consistent with existing economic priorities. Also, procuring authorities that do not use transparent and competitive procedures to select the final private sector partner when developing a USP run the risk of not achieving the best value for money.[60] The recognized good practices in managing USPs are summarized in box 5.

Box 5 Good practices in unsolicited proposals of PPPs

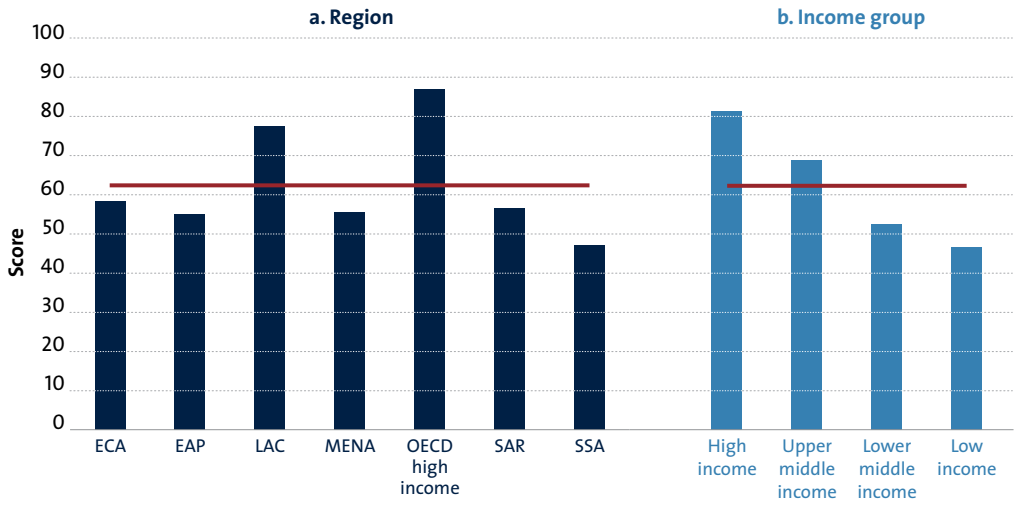
Good practices to ensure transparency and competition during the procurement of projects originated as USP are:

- The procuring authority assesses the merits of the USP and ensures that it is aligned with the government investment priorities.
- If the USP is justified, the procuring authority initiates a competitive procurement procedure to select the private partner.
- The procuring authority grants at least 90 days to all potential bidders (besides the proponent) to submit their proposals.

Note: PPP = public-private partnership; USP = unsolicited proposal.

Benchmarking PPP Procurement shows regional and income group differences in the average score for USPs (figure 12). The OECD high income and LAC regions stand out from the rest of the regions. SSA region presents the lowest average score with large score variation among economies within the region, ranging from 17 to 92 points. When the data are disaggregated by income level, there is a clear pattern showing that the lower the income group level, the lower the average scores on USPs.

Figure 12 USPs, score by region and income group (score 1–100)



Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; OECD = Organisation for Economic Co-operation and Development; SAR = South Asia; SSA = Sub-Saharan Africa; USP = unsolicited proposal.

Source: Benchmarking PPP Procurement 2017

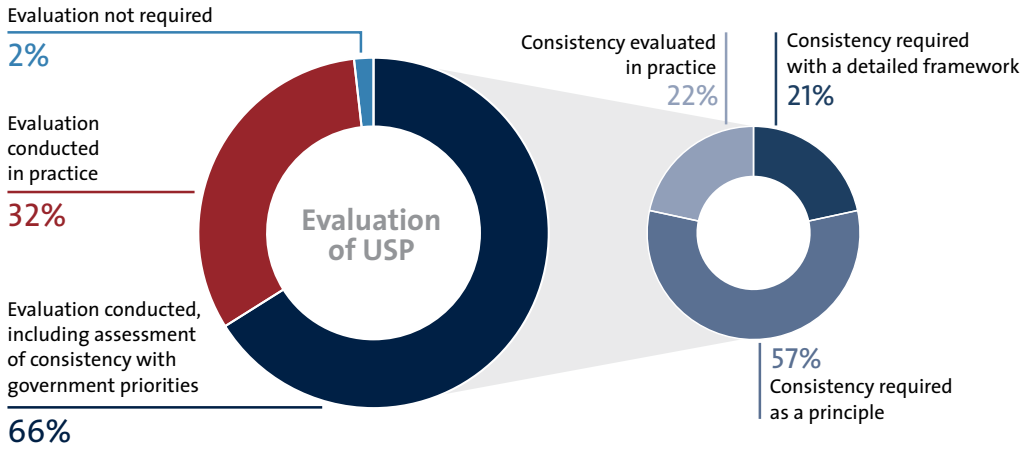
The following analysis focuses on the assessment to evaluate USPs and whether there is a competitive procedure when dealing with USPs. In addition, it provides preliminary findings on the use of mechanisms to compensate the original proponent of a USP.

Evaluation of Unsolicited Proposals

Because USPs do not originate as part of a government planning process, it is not always sufficiently clear whether a USP is in line with an economy's investment priorities. Moreover, an intense use of USPs could create a situation in which governments, rather than using a planned approach to dealing with infrastructure needs, rely on the private sector to identify those needs.[61] Furthermore, most USPs also require government financial support. Consequently, when approving USPs, governments may be in a position in which they are accepting contingent, or even direct, liabilities associated with the project. This is even more problematic in situations in which the private sector may not be sufficiently diligent when assessing the risks that would be borne by the government. If a government fails to adequately evaluate a USP project and the associated risks, it could be left in a precarious position. Proper evaluation of USPs is thus essential to ensure both that they are aligned with the investment needs of an economy and that, if they require public support, they constitute a good use of public resources.

All but one of the 56 economies that regulate the submission of USPs conduct an evaluation of such proposals. The exception is Cameroon, where the regulatory framework does not explicitly require the procuring authorities to evaluate USPs. However, provisions regulating the evaluation of USPs do not always address the need to ensure that the project is consistent with government priorities. This is the case of 32 percent of the economies, including Bosnia and Herzegovina, Kazakhstan, Malawi, Pakistan, and Papua New Guinea. Although 66 percent of the economies do require USPs to be consistent with existing priorities, only 21 percent of them have established detailed procedures for evaluating USPs. Figure 13 shows the prevalence of different approaches to evaluating USPs among the 56 economies that regulate them.

Figure 13 Approaches to evaluation of USPs *(percentage, N = 56)*



Note: USP = unsolicited proposal.
Source: Benchmarking PPP Procurement 2017

Given the merits that USPs often have and recognizing the risks associated with them, some governments have developed systems for their evaluation. In Nigeria, for example, there are detailed provisions related to the evaluation of a USP and its alignment with

government priorities. The USP is submitted to and reviewed by the relevant ministry, department or agency, which is required to review the proposal to ensure that it meets criteria, such as whether the project serves the public interest. Following its review, it forwards the proposal to the Infrastructure Concession Regulatory Commission (ICRC) for review and issuance of a finding of "no objection" to evaluating whether the proposal is satisfactory.[62] Similarly, in Uganda, the contracting authority is required to evaluate USPs in terms of "the unique innovative, researched, or meritorious methods, approaches, or concepts demonstrated in the unsolicited proposal, overall scientific, technical, or socioeconomic merit of the unsolicited proposal." Furthermore, the procuring authority also examines the potential contribution of the USP to the strategic objectives in the government's development plan. In short, this obliges the contracting authority in Uganda to identify whether the proposal fits these strategic objectives.[63]

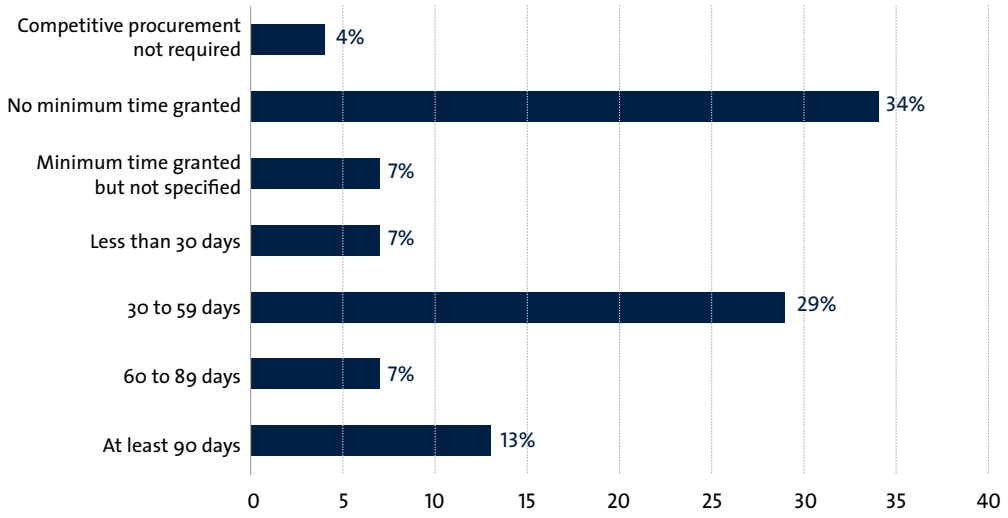
Competitive Bidding and Minimum Time Limits

Having a competitive procedure increases the likelihood of obtaining better value for money from a USP project. In addition, having a clear competitive mechanism in place when dealing with USPs enhances the transparency of the process and helps governments mitigate pressures from the private sector and special interests to accept a USP. In fact, much of the controversy about USPs stems from governments granting exclusive development rights to private proponents without a transparent tendering process. The lack of a transparent, competitive process could lead to corruption and, thus, the development of projects of questionable quality. Moreover, it could lead to complaints if other parties feel that a private company is unfairly benefiting from a PPP, which will in turn lead to a loss of future trust and support for PPPs in an economy.[64]

In addition to being given access to a competitive procedure, other potential bidders should be provided an adequate amount of time to prepare and submit their proposals. A short time limit for submitting proposals could deter other private sector parties from submitting bids. The original proponent of the USP would have an advantage in such a case, because it had enough time to conduct proper due diligence when preparing the USP. A tight deadline therefore deters other parties from participating, hence distorting competition and, thus, potentially reducing the obtained value for money.

Of the economies that regulate the use of USPs, only 2 do not require a competitive procedure for procuring them: Kenya and Vietnam (figure 14). 56 percent guarantee a minimum legal period of time for the submission of proposals. However, the duration of this period of time varies widely, from a mere 15 days in China to 180 in Colombia. There is no clear consensus as to what constitutes a reasonable period of time to allocate to additional bidders. However, the literature and procurement experts argue that a period of 60 days or less is unlikely to provide additional proponents with enough time to conduct the necessary due diligence and come up with a high-quality proposal.[65]

Figure 14 Time granted to additional bidders in competitive procurements triggered by USPs *(percentage, N = 56)*



Note: USP = unsolicited proposal.
Source: Benchmarking PPP Procurement 2017

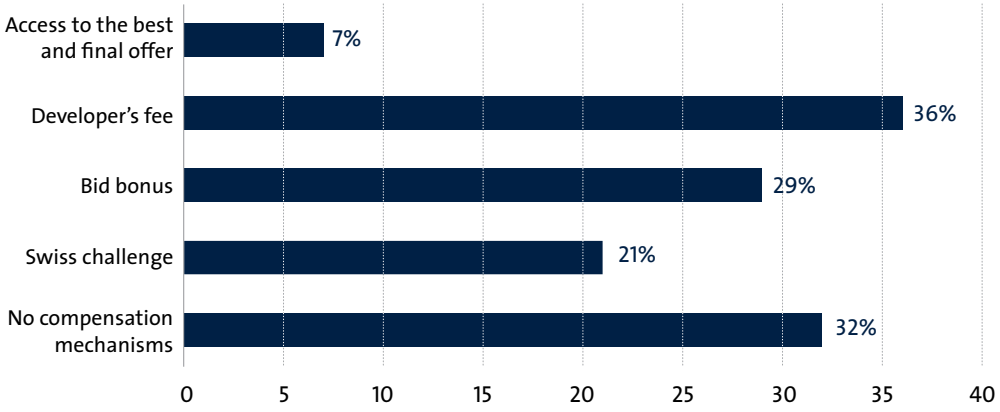
Some economies have rules specifically governing the competitive tendering of a USP, while others prescribe that once a USP is approved, the procuring authority must follow the regular open competitive procedure. In Peru, for example, once a USP is accepted, the procuring authority provides potential new bidders with a period of 90 calendar days to submit expressions of interest in developing the project. After the 90-day period elapses, if other parties are interested in bidding for the project, the procuring authority initiates a competitive PPP procurement procedure; otherwise, it carries out direct negotiations with the original proponent.[66] Similarly, in Jamaica, potential additional bidders are given 90 days to submit bids after a USP has been accepted,[67] In contrast, in Albania, the minimum time provided to bidders interested in USPs or government-initiated projects is the same, because USPs approved by the procuring authorities are governed by the same competitive procedure as government-initiated projects. Thus, regardless of the origin, when concessions for public works are tendered, the deadline for submission of offers is not less than 30 days from the date of publication of the procurement notice.[68]

Mechanisms for Compensating the Original Proponent

The most effective way to deal with USPs is to use an open and transparent competitive process.[69] However, because the original proponent incurs costs in the preparation of a USP, the lack of an appropriate compensation mechanism may deter the submission of USPs should a competitive solicitation be required. Having such compensatory mechanisms in place encourages the private sector to approach the government with proposals that are not advertised.[70] For instance, if proponents know that they will be reimbursed for developing the proposal, which can be costly, they are more likely to come forward with a proposal. Yet if the reimbursement fees are overly generous, firms could potentially come up with frivolous proposals. As for USPs in general, currently there is no clear consensus as to whether compensation mechanisms should be used at all. Consequently, the data collected by the *Benchmarking PPP Procurement* project are used merely for contextual purposes, to advance the understanding of the use of these instruments worldwide.

Currently, four main mechanisms are used to compensate USP developers: (a) access to the best and final offer (ABFO)[71] in 7 percent of the economies, (b) developer's fee[72] in 36 percent of the economies, (c) bid bonus[73] in 29 percent of the economies, and (d) Swiss challenge[74] in 21 percent of the economies. The developer's fee remains the most commonly employed mechanism, followed by the bid bonus system and the Swiss challenge system (figure 15).

Figure 15 Use of mechanisms to compensate USP original proponent
(percentage, N = 56)



Note: USP = unsolicited proposal.
Source: Benchmarking PPP Procurement 2017

PPP Contract Management

There can be a tendency to consider that once the PPP contract is signed and the financial close reached, the main task is completed. In reality, however, the signature of the PPP contract and financial close mark the beginning of the implementation of the project. It is in fact the success of this implementation that will determine whether the project delivers the expected value for money. As a consequence, it is absolutely key to establish a sound PPP contract management system to oversee the implementation of the PPP contract.

Given the long-term nature of PPPs, adequate preparation and procurement alone do not guarantee success. Well-established contract management systems are necessary to provide for a sustained, smooth implementation process. In this sense, PPP contracts should be designed to anticipate and regulate as many as possible of the circumstances that could arise during the life of the project. Moreover, the PPP contract should also put in place contract management tools to address unexpected circumstances.[75] A sound PPP contract management system not only supports a smoother implementation of the project but also embodies the legitimate expectations of the parties and helps ensure that they are met.

To assess whether enough attention is devoted to the PPP contract management stage, this section considers the extent to which regulatory frameworks and generally followed practices establish adequate oversight mechanisms and ensure that the PPP contract is as comprehensive as possible. With that goal, it measures aspects such as monitoring and evaluation mechanisms for PPPs, changes to the structure of the private operator and renegotiation of the PPP contract, and dispute resolution mechanisms, as well as contract features such as lenders' step-in rights and termination and its consequences. Recognized good practices applicable during the PPP contract management are summarized in box 6.

Box 6 Good practices in PPP contract management

Good practices to ensure a successful implementation and delivery of the PPP project are:

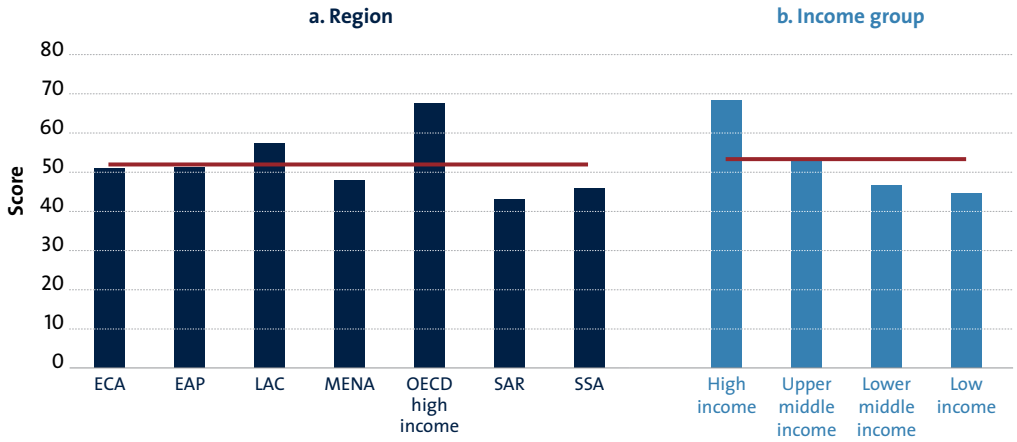
- The procuring authority establishes a system to manage the implementation of the PPP contract including establishing a PPP contract management team, involving some of its members in the project since the procurement stage, offering the possibility to consult PPP procurement experts and adopting PPP implementation manuals;
- Monitoring and evaluation systems of the PPP contract are established with risk mitigation mechanisms and performance information is made publicly available;
- Potential changes in the structure of the private partner are expressly regulated requiring the replacing entity to be at least as qualified as the original private partner;
- Modification and renegotiation of the contract are expressly regulated to reduce incentives to use it strategically by either the private partner or the procuring authority;

- Specific circumstances (force majeure, material adverse government action, change in the law, refinancing) that may arise during the life of the contract are expressly regulated;
- Dispute resolution mechanisms are in place allowing the parties to resolve discrepancies in an efficient and satisfactory manner;
- Lenders are given step-in rights in cases when the private partner is in risk of default or if the PPP contract is under threat of termination for failure to meet service obligations.
- Grounds for termination of the PPP contract and its associated consequences are well defined.

Note: PPP = public-private partnership.

Benchmarking PPP Procurement findings show regional and income group differences in the average score for PPP contract management (figure 16). The OECD high income region leads in this area, followed by the LAC region. Contract management scores vary from 0 to 88 points over all 82 economies with EAP region presenting the largest intraregional variation. When the data are disaggregated by income level, there is a clear pattern showing that, when it comes to contract management, the lower the income group level is, the lower the average scores are.

Figure 16 PPP contract management, score by region and income group



Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; OECD = Organisation for Economic Co-operation and Development; PPP = public-private partnership; SAR = South Asia; SSA = Sub-Saharan Africa.

Source: Benchmarking PPP Procurement 2017

The following summary of the findings focuses on monitoring and evaluation tools, renegotiation of PPPs, dispute resolution mechanisms for PPPs, and lenders' step-in rights (box 7).

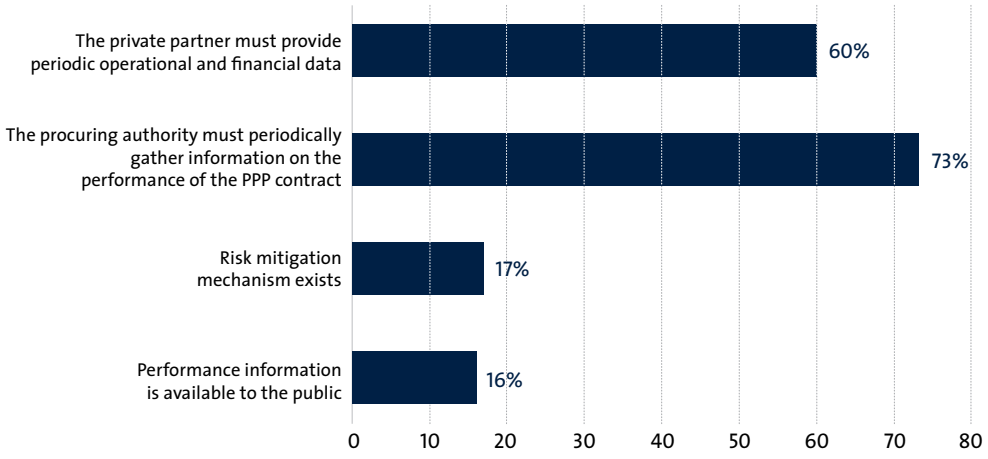
Monitoring and Evaluation Systems

Given the prolonged engagement typical of PPP projects, the government's ability to monitor the project during the construction and operation phase is critical. The procuring or regulatory authority needs to ensure, by regularly monitoring outputs and service standards, that the private party meets its obligations under the PPP contract. This means monitoring actual performance against the performance indicators established in the contract.[76] Doing so enables better delivery of services and ensures that the government is obtaining the best value for money through the contract.

93 percent of the surveyed economies address the need to monitor the PPP contract during implementation.[77] In a number of them, the regulatory framework calls for the establishment of teams to monitor PPP contract performance. In Colombia, implementation of the PPP contract is supervised by two authorities: an auditor (which is a third party in charge of overseeing the contract's development directly) and a contract management team (which acts as a supervisor of the contract within the procuring authority).[78] In other economies, such as Costa Rica and Ecuador,[79] although the need for monitoring and evaluation of PPPs is acknowledged, no explicit institutional arrangement is established for conducting the monitoring and evaluation.[80]

Regarding the specific monitoring and evaluation mechanisms in place, as shown in figure 17, in 73 percent of the 82 economies, the procuring authority must periodically gather information about the performance of the PPP. To further promote transparency in the PPP contract execution and to increase the accountability of both parties for the contract, operational and financial data as well as performance information should be made available to the public. Brazil, Mexico, and the Republic of Korea are among a small sample of economies (16 percent) that mandate such publication.

Figure 17 Legal requirements for specific monitoring and evaluation mechanisms *(percentage; N = 82)*



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

Another tool for monitoring the performance of the contract is the establishment of risk mitigation mechanisms.[81] Like the publication of information, the use of such a mechanism remains isolated. In only 17 percent of the economies does the regulatory

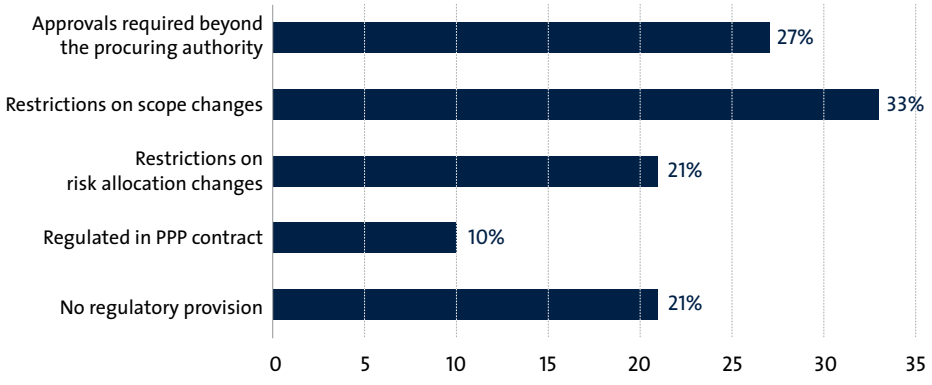
framework address the need to establish a risk mitigation mechanism. This is the case, for example in Australia (in New South Wales), where the law clearly states that "as risk is a dynamic concept, contract management must evolve with the delivery of the contracted services throughout the project lifecycle."[82]

Renegotiation or Modification of the PPP Contract

Given the long-term nature of PPP contracts, changes in circumstances underlying their execution are not uncommon. Although adjustment provisions provide the flexibility that a PPP contract may require as a result of unforeseen changes in circumstances, sometimes renegotiation may be the only avenue available to avoid a major disruption in contract execution. The term *renegotiation* refers to changes in the contractual provisions other than through an adjustment mechanism provided for in the contract.[83] Renegotiation may have a positive impact when it addresses the intrinsically imperfect nature of PPP contracts.[84] Nonetheless, to the extent possible, the use of renegotiation should be minimized, since it may become an opportunistic tool, leading to negative consequences.[85] Finally, renegotiations may affect the contract in a way to render it materially different in character. In such cases, renegotiation should be precluded.

The economies measured have handled the issue of renegotiating PPP contracts differently (figure 18). Of the 82 economies, more than three quarters regulate, to some extent, the renegotiation or modification of PPP contracts. Despite the potential impact of this matter, regulatory frameworks in economies such as Algeria, Lebanon, Malawi, and Myanmar remain silent on it.[86] Among the economies that address the renegotiation of PPP contracts in their regulatory framework, 10 percent consider it a contractual issue, leaving the parties to further regulate it in the contract. Such is the case, for example, in Benin, Turkey, and Zambia. In the remaining economies, some provisions are in place regarding PPP renegotiation. Among these particular provisions, there are requirements for specific approvals beyond the procuring authorities (27 percent of the economies), restrictions on changing the scope of the PPP contract (33 percent of the economies), and restrictions on changing the risk allocations of the PPP contract (21 percent of the economies).

Figure 18 Approach to address renegotiation of contracts *(percentage, N = 82)*



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

Among the economies that require specific approvals by authorities other than the procuring authorities, such authorities range from general governmental entities, such as ministries of finance,[87] treasury boards,[88] and the cabinet,[89] to specialized PPP agencies, such as the PPP technical committee in Tanzania and the National Committee for PPPs in Senegal.

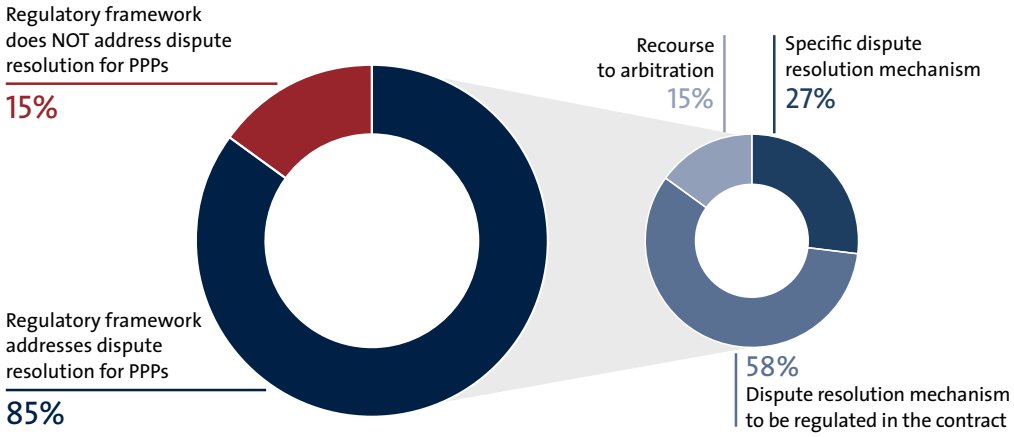
When it comes to what amendments to the contract are allowed, Australia, Brazil, Bulgaria, Canada, France, the United Kingdom, and 11 other economies limit changes that affect the risk allocation of the PPP contract as well as other amendments that may be considered a "substantial" change.[90] In the United Kingdom, for example, the regulatory framework specifies the conditions in which a change to the contract is deemed "substantial." The general rule is that if substantial modifications are made, a new procurement process may be required. However, in cases where the modification results from circumstances that the procuring authority could not have foreseen, does not change the overall nature of the contract, and increases the price by no more than 50 percent of the original contract value, then the modification is not deemed to require a new procurement procedure. The South African regulations also stipulate that the Treasury will approve a material amendment only if it is satisfied that the PPP agreement, if so amended, will continue to provide substantial technical, operational, and financial risk transfer to the private party.[91]

Dispute Settlement Mechanisms

The provisions discussing dispute resolution mechanisms are intended to prevent the need for renegotiation by allowing changes to be made and problems to be resolved within the framework provided by the contract. Given that the stakes are high in PPP projects, investors, contractors, and lenders will be more encouraged to participate in projects in economies where they have confidence that any disputes arising out of PPP contractual obligations will be resolved fairly and efficiently.[92] Similarly, effective procedures for avoiding disputes or settling them expeditiously will facilitate the exercise of the contracting authority's monitoring functions and reduce the contracting authority's overall administrative cost.[93]

As shown in figure 19, 15 percent of the economies do not make any reference to dispute settlement mechanisms in their PPP regulatory frameworks.[94] Among the economies that explicitly address dispute resolution mechanisms, the majority (58 percent) make only a general reference to the need to establish a dispute resolution system in the contract without further specification, whereas others either offer the parties the choice of having recourse to arbitration or impose a specific dispute resolution mechanism that applies to all PPP contracts.

Figure 19 Dispute resolution mechanisms for PPPs *(percentage; N = 82)*



Note: PPP = public-private partnership.
Source: Benchmarking PPP Procurement 2017

Chile is an example of the general approach: the regulatory framework identifies a technical panel for reviewing disputes, yet resort to this panel requires the parties' mutual consent.[95] In Guatemala, the law stipulates the creation of an ad hoc commission for the resolution of disputes arising from the execution of PPP contracts.[96]

In Uruguay, regulations explicitly establish that for the settlement of disputes arising in connection with the application, interpretation, execution, performance, and termination of PPP contracts, the parties shall have recourse to arbitration.[97] The same is true in Pakistan, where the law requires parties to have recourse to arbitration, while leaving the details of the dispute resolution mechanism to the discretion of the parties.

Box 7 Lenders' step-in rights

Lenders' step-in rights allow the lenders to select, with the consent of the procuring authority, a new concessionaire to perform an ongoing PPP project in cases when the initial private partner is at risk of default. This instrument provides lenders with additional security against default by the private partner, and it improves their capacity to act as external guarantors of performance on the PPP project. At the same time, it provides the procuring authority with an opportunity to avoid the disruption entailed by terminating the project agreement, thus maintaining continuity of service.

Despite its potential relevance, lender's step-in rights are rarely addressed by PPP regulatory frameworks. More than half of the surveyed economies (42) do not have any provision in this respect. In only 13 economies (Brazil, Chile, Colombia, India, Italy, Mongolia, Morocco, the Philippines, Tajikistan, Tunisia, Uruguay, Vietnam and Zambia), does the PPP regulatory framework establish the lender's step-in right in the legislation. In the remaining economies, the regulatory framework either defers to the contract to regulate that matter or refers to the need to reach a direct agreement with the lenders.

Economy Data Tables

Only practices and regulations that are recognized good practices are scored and aggregated by thematic areas.[98] Therefore, not all of the data collected by the *Benchmarking PPP Procurement* team is scored; other data are included in the report as well as published on the project's website for contextual purposes. The scoring methodology allocates an identical weight to all of the benchmarks addressed in the assessment.

The scores are presented on a range from 0 to 100. The economies at the top of the range (score approaching 100) are considered to have a PPP regulatory framework that closely aligns with internationally recognized good practices. At the other end, the economies at the bottom of the range (scores closer to 0) have significant room for improvement because they do not adhere as closely to the international good practices and principles measured by *Benchmarking PPP Procurement*.

Table 1 lists the areas measured. The economy data tables present each economy's scores for all four thematic areas covered: preparation of PPPs, procurement of PPPs, USPs, and contract management. All of the data points employed in aggregating the *Benchmarking PPP Procurement* thematic areas are publicly available, along with all the other data points, on the project's website (http://bpp.worldbank.org).

Table 1 **Areas assessed by *Benchmarking PPP Procurement 2017***

Preparation of PPPs	Procurement of PPPs	USPs	Contract management and termination of PPPs
Approval by the ministry of finance or central budgetary authority	Composition of the PPP evaluation committee	Evaluation of USPs	PPP contract management system
Integration of PPP within the broader context of public investment	Publication of the PPP procurement notice	Consistency of USPs with other government priorities	PPP contract monitoring and evaluation system
Assessment of PPP feasibility: Socioeconomic impact	Legal minimum period of time granted to prepare PPP bids	Requirement for competitive procedure to award USPs	Change in the structure of the SPV
Assessment of PPP feasibility: Affordability	Detail of the PPP procurement process stages in the tender documents	Legal minimum period of time granted to prepare alternative proposals	Modification or renegotiation of PPPs
Assessment of PPP feasibility: Risk identification	Inclusion in the tender documents of prequalification criteria (when there is (prequalification		Regulation of force majeure, material adverse government change, change in the law, refinancing
Assessment of PPP feasibility: Bankability	Questions, clarifications, and disclosure of answers		Establishment of a specific dispute resolution mechanism
Assessment of PPP feasibility: Comparative assessment (PPP versus (traditional procurement	Inclusion of financial model in the proposals		Lender's step-in rights
Assessment of PPP feasibility: Market assessment	Evaluation according to evaluation criteria stated in tender documents		Grounds for and consequences of PPP contract termination
Inclusion of draft PPP contract in the request for proposal	Treatment of sole proposals		
Standardization of PPP contracts	Publication of the PPP award notice		
	Notification to all bidders of the results of the PPP procurement process		
	Regulation or restriction of negotiations between the award and the signature of the PPP contract		
	Publication of the PPP contract		

Note: PPP = public-private partnership; SPV = special purpose vehicle; USP = unsolicited proposal.



SOUTH ASIA

AFGHANISTAN

GNI PER CAPITA (IN USD)
$630

21 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

63 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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

33 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

26 PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



EUROPE AND CENTRAL ASIA

ALBANIA

GNI PER CAPITA (IN USD)
$4,290

67

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

78

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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

75

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	30 calendar days

55

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



MIDDLE EAST AND NORTH AFRICA

ALGERIA

GNI PER CAPITA (IN USD)
$4,870

21

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

18

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	Not available online
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

27

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SUB-SAHARAN AFRICA

ANGOLA

GNI PER CAPITA (IN USD)
$4,180

50

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

58

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	20 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

48

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



LATIN AMERICA AND CARIBBEAN

ARGENTINA

GNI PER CAPITA (IN USD)
$14,510

17 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

73 Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	20 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	20 calendar days

58 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

ARMENIA

GNI PER CAPITA (IN USD)
$3,880

38

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	No	
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

75

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	40 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals
Competitive PPP procurement procedure for USP
Minimum period of time to submit the bids (>=90 days)

0

PPP Contract Management

System to manage the implementation of the PPP contract	No
Monitoring and evaluation system	No
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No
Regulation of circumstances that may occur during the life of the PPP contract	No
Dispute resolution mechanisms	No
Lenders step-in right	No
Grounds for termination of a PPP contract	No



OECD HIGH INCOME

AUSTRALIA

GNI PER CAPITA (IN USD)
$60,070

79 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

90 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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	No specific period of time regulated

80 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time; Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SOUTH ASIA

BANGLADESH

GNI PER CAPITA (IN USD)
$1,190

63 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

40 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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	No specific period of time regulated

34 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SUB-SAHARAN AFRICA

BENIN

GNI PER CAPITA (IN USD)
$860

31 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

63 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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

41 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



EUROPE AND CENTRAL ASIA

BOSNIA AND HERZEGOVINA

GNI PER CAPITA (IN USD)
$4,680

58 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

85 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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

50 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

41 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



LATIN AMERICA AND CARIBBEAN

BRAZIL (CONCESSIONS)

GNI PER CAPITA (IN USD)
$9,850

27 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

85 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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

77 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

BRAZIL (PPP)

GNI PER CAPITA (IN USD)
$9,850

52 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

85 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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

88 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

BULGARIA

GNI PER CAPITA (IN USD)
$7,220

46 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

93 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
Minimum period of time to submit the bids (>=30 days)	Yes	52 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

50 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	52 calendar days

68 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

CAMBODIA

GNI PER CAPITA (IN USD)
$1,070

8

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

20

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	No	
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure not regulated
Publication of award notice	No	
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

69

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

CAMEROON

GNI PER CAPITA (IN USD)
$1,330

46 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

45 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
Minimum period of time to submit the bids (>=30 days)	No	
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

17 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	No	
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

52 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

CANADA

GNI PER CAPITA (IN USD)
$47,500

92

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

93

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

63

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

CHILE

GNI PER CAPITA (IN USD)
$14,060

69

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

83

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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

83

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	60 calendar days

87

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time; Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

CHINA

GNI PER CAPITA (IN USD)
$7,820

54

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	20 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

75

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	15 calendar days

58

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

COLOMBIA

GNI PER CAPITA (IN USD)
$7,130

88

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

75

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

92

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	180 calendar days

66

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	No	
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

CONGO, DEM. REP

GNI PER CAPITA (IN USD)
$410

15

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

28

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	
Competitive PPP procurement procedure for USP	
Minimum period of time to submit the bids (>=90 days)	

13

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	No	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SUB-SAHARAN AFRICA

CONGO, REP.

GNI PER CAPITA (IN USD)
$2,540

21

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

45

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	Not available online
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

17

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



LATIN AMERICA AND CARIBBEAN

COSTA RICA

GNI PER CAPITA (IN USD)
$10,210

54

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

68

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

83

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

71

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time; Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Refinancing
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

CÔTE D'IVOIRE

GNI PER CAPITA (IN USD)
$1,410

54 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

78 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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Not available online

33 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

49 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

DOMINICAN REPUBLIC

GNI PER CAPITA (IN USD)
$6,130

21

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	No	
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

90

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
Minimum period of time to submit the bids (>=30 days)	Yes	60 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

58

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	60 calendar days

43

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



LATIN AMERICA AND CARIBBEAN

ECUADOR

GNI PER CAPITA (IN USD)
$6,010

33

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

20

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	No	
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

75

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	No specific period of time regulated

36

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



MIDDLE EAST AND NORTH AFRICA

EGYPT, ARAB REP.

GNI PER CAPITA (IN USD)
$3,340

71

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

73

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

58

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



OECD HIGH INCOME

FRANCE (CONCESSIONS)

GNI PER CAPITA (IN USD)
$40,580

25

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	No	
Risk identification	Yes	No specific methodology developed
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Not available online

USP NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

61

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

FRANCE (PPP)

GNI PER CAPITA (IN USD)
$40,580

65

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Not available online

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

68

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

GABON

GNI PER CAPITA (IN USD)
$9,210

17 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

25 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
Minimum period of time to submit the bids (>=30 days)	No	
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	No	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

33 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

52 PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

GHANA

GNI PER CAPITA (IN USD)
$1,480

46

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

63

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
Minimum period of time to submit the bids (>=30 days)	Yes	43 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

58

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

22

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



LATIN AMERICA AND CARIBBEAN

GUATEMALA

GNI PER CAPITA (IN USD)
$3,590

46 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

75 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
Minimum period of time to submit the bids (>=30 days)	Yes	60 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP NOT REGULATED Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

48 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



LATIN AMERICA AND CARIBBEAN

HONDURAS

GNI PER CAPITA (IN USD)
$2,270

58

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

65

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
Minimum period of time to submit the bids (>=30 days)	Yes	17 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

75

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	30 calendar days

46

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SOUTH ASIA

INDIA

GNI PER CAPITA (IN USD)
$1,590

73

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	28 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

USP NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

73

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time; Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

INDONESIA

GNI PER CAPITA (IN USD)
$3,440

50 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

70 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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

61 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



MIDDLE EAST AND NORTH AFRICA

IRAQ

GNI PER CAPITA (IN USD)
$5,550

4

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

48

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	Not available online
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

40

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	No	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

ITALY

GNI PER CAPITA (IN USD)
$32,790

71

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

75

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
Minimum period of time to submit the bids (>=30 days)	Yes	52 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

83

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	52 calendar days

77

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

JAMAICA

GNI PER CAPITA (IN USD)
$5,010

67

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

55

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Not available online

100

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	90 calendar days

27

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The procuring authority gathers info; risk mitigation mechanisms; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



MIDDLE EAST AND NORTH AFRICA

JORDAN

GNI PER CAPITA (IN USD)
$4,680

29 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

78 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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

43 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



EUROPE AND CENTRAL ASIA

KAZAKHSTAN

GNI PER CAPITA (IN USD)
$11,580

56 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

63 Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

33 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

58 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



SUB-SAHARAN AFRICA

KENYA

GNI PER CAPITA (IN USD)
$1,340

67

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

65

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

25

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	No	
Minimum period of time to submit the bids (>=90 days)	No	

52

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	No	



OECD HIGH INCOME

KOREA, REP.

GNI PER CAPITA (IN USD)
$27,440

83 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

78 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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure not regulated
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

92 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	90 calendar days

71 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Refinancing
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

KYRGYZ REPUBLIC

GNI PER CAPITA (IN USD)
$1,170

50 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

63 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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

50 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	30 calendar days

58 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



MIDDLE EAST AND NORTH AFRICA

LEBANON

GNI PER CAPITA (IN USD)
$7,930

0

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

30

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
Minimum period of time to submit the bids (>=30 days)	Yes	15 calendar days
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	No	
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

17

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	No	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

LITHUANIA

GNI PER CAPITA (IN USD)
$15,000

96 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

85 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
Minimum period of time to submit the bids (>=30 days)	Yes	52 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	52 calendar days

74 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

MADAGASCAR

GNI PER CAPITA (IN USD)
$420

25

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before contract signature
PPP's 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	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

30

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure not regulated
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Not available online

33

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

47

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

MALAWI

GNI PER CAPITA (IN USD)
$350

65

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

35

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

33

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

26

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



EAST ASIA AND PACIFIC

MALAYSIA

GNI PER CAPITA (IN USD)
$10,570

46

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

43

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

24

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SUB-SAHARAN AFRICA

MAURITIUS

GNI PER CAPITA (IN USD)
$9,610

77 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

68 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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

42 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

52 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

MEXICO

GNI PER CAPITA (IN USD)
$9,710

75 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

87 Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	30 calendar days

87 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

MOLDOVA

GNI PER CAPITA (IN USD)
$2,220

63

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

78

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
Minimum period of time to submit the bids (>=30 days)	Yes	60 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals
Competitive PPP procurement procedure for USP
Minimum period of time to submit the bids (>=90 days)

52

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

MONGOLIA

GNI PER CAPITA (IN USD)
$3,830

27 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

58 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
Minimum period of time to submit the bids (>=30 days)	Yes	60 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	No	
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	60 calendar days

69 PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



MIDDLE EAST AND NORTH AFRICA

MOROCCO

GNI PER CAPITA (IN USD)
$3,040

44 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

75 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
Minimum period of time to submit the bids (>=30 days)	Yes	40 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	40 calendar days

66 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

MOZAMBIQUE

GNI PER CAPITA (IN USD)
$580

50 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	No	
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

73 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
Minimum period of time to submit the bids (>=30 days)	Yes	21 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

33 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

60 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

MYANMAR

GNI PER CAPITA (IN USD)
$1,293

2

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

40

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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

25

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SOUTH ASIA

NEPAL

GNI PER CAPITA (IN USD)
$730

46

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

75

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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

59

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

NICARAGUA

GNI PER CAPITA (IN USD)
$1,940

8

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

20

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	No	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

NIGERIA

GNI PER CAPITA (IN USD)
$2,820

46 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

75 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
Minimum period of time to submit the bids (>=30 days)	Yes	42 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

83 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	30 calendar days

40 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	No	



SOUTH ASIA

PAKISTAN

GNI PER CAPITA (IN USD)
$1,440

67

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

55

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

25

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

25

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



LATIN AMERICA AND CARIBBEAN

PANAMA

GNI PER CAPITA (IN USD)
$12,050

17 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

68 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
Minimum period of time to submit the bids (>=30 days)	Yes	40 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP NOT REGULATED Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

47 PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	No	
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

PAPUA NEW GUINEA

GNI PER CAPITA (IN USD)
$2,112

38

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

0

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	No	
Minimum period of time to submit the bids (>=30 days)	No	
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	No	
Procedure when only one proposal is received	No	
Publication of award notice	No	
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

33

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

0

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	No	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	No	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



LATIN AMERICA AND CARIBBEAN

PERU

GNI PER CAPITA (IN USD)
$6,200

83 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

70 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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

100 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	150 calendar days

76 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



EAST ASIA AND PACIFIC

PHILIPPINES

GNI PER CAPITA (IN USD)
$3,540

96

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

85

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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

67

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	60 calendar days

84

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time; Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

POLAND

GNI PER CAPITA (IN USD)
$13,370

52

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	Specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	47 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

43

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

PORTUGAL

GNI PER CAPITA (IN USD)
$20,530

54

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

83

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
Minimum period of time to submit the bids (>=30 days)	Yes	47 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

69

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	No	
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

ROMANIA

GNI PER CAPITA (IN USD)
$9,500

35 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

80 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
Minimum period of time to submit the bids (>=30 days)	Yes	52 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP NOT REGULATED Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

51 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	PPP implementation manual
Monitoring and evaluation system	Yes	The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

RUSSIAN FEDERATION (CONCESSIONS)

GNI PER CAPITA (IN USD)
$11,400

10 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

73 Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

63 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

RUSSIAN FEDERATION (PPP)

GNI PER CAPITA (IN USD)
$11,400

46 Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

75 Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

41 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law
Dispute resolution mechanisms	No	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

SENEGAL (CONCESSIONS)

GNI PER CAPITA (IN USD)
$1,000

25

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

50

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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

33

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

45

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

SENEGAL (PPP)

GNI PER CAPITA (IN USD)
$1,000

50 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	No	
Risk identification	Yes	No specific methodology developed
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

58 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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	No	
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Not available online

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

54 PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

SINGAPORE

GNI PER CAPITA (IN USD)
$52,090

58

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

75

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
Minimum period of time to submit the bids (>=30 days)	Yes	40 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

64

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

SOUTH AFRICA

GNI PER CAPITA (IN USD)
$6,050

96 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

80 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
Minimum period of time to submit the bids (>=30 days)	Yes	21 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

75 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	21 calendar days

79 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SOUTH ASIA

SRI LANKA

GNI PER CAPITA (IN USD)
$3,800

33

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

78

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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

92

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	90 calendar days

40

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



EUROPE AND CENTRAL ASIA

TAJIKISTAN

GNI PER CAPITA (IN USD)
$1,240

38 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

75 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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

50 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	20 calendar days

66 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

TANZANIA

GNI PER CAPITA (IN USD)
$910

50 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

80 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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

92 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	90 calendar days

44 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

THAILAND

GNI PER CAPITA (IN USD)
$5,620

54

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

63

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
Minimum period of time to submit the bids (>=30 days)	Yes	60 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

57

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

TIMOR-LESTE

GNI PER CAPITA (IN USD)
$1,920

33

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	No specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

70

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
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

33

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

43

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	No	
Grounds for termination of a PPP contract	No	



SUB-SAHARAN AFRICA

TOGO (CONCESSIONS)

GNI PER CAPITA (IN USD)
$540

17

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	No	
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	No	
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

60

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals
Competitive PPP procurement procedure for USP
Minimum period of time to submit the bids (>=90 days)

58

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



SUB-SAHARAN AFRICA

TOGO (PPP)

GNI PER CAPITA (IN USD)
$540

4

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	No	
Risk identification	No	
Financial viability assessment	No	
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

18

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
Minimum period of time to submit the bids (>=30 days)	No	
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	No	
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	No	
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

33

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

46

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	No	



MIDDLE EAST AND NORTH AFRICA

TUNISIA

GNI PER CAPITA (IN USD)
$3,970

33 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	No	

63 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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

50 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

65 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the investment plan or duration of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



EUROPE AND CENTRAL ASIA

TURKEY

GNI PER CAPITA (IN USD)
$9,950

46

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	No	
Standardized PPP model contracts and/or transaction documents	Yes	

63

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
Minimum period of time to submit the bids (>=30 days)	Yes	45 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

USP
NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

49

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



SUB-SAHARAN AFRICA

UGANDA

GNI PER CAPITA (IN USD)
$670

46 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's 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	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

43 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
Minimum period of time to submit the bids (>=30 days)	No	
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure not regulated
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	Yes	Inclusion of grounds for selection not regulated
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	No	

58 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	No	

68 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Refinancing
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	To be regulated by the contract
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EUROPE AND CENTRAL ASIA

UKRAINE

GNI PER CAPITA (IN USD)
$2,620

67

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Only before tendering
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

80

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
Minimum period of time to submit the bids (>=30 days)	Yes	30 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	No	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	No	
Publication of contract	Yes	Available online

50

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	30 calendar days

39

PPP Contract Management

System to manage the implementation of the PPP contract	No	
Monitoring and evaluation system	Yes	The private partner provides periodic info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Material adverse government action; Change in the law
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	No	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

UNITED KINGDOM

GNI PER CAPITA (IN USD)
$43,340

96

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	Yes	

85

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	35 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

USP NOT REGULATED

Unsolicited Proposals

Assessment to evaluate unsolicited proposals		
Competitive PPP procurement procedure for USP		
Minimum period of time to submit the bids (>=90 days)		

82

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Limitation to change the structure of the private partner during an initial period of time; Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract; Limitation to change in risk allocation
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action; Change in the law; Refinancing
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	Direct agreement to be signed
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



OECD HIGH INCOME

UNITED STATES

GNI PER CAPITA (IN USD)
$54,960

71

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

83

Procurement of PPPs

Evaluation committee members required to meet specific qualifications	No	
Public procurement notice of the PPP issued by procuring authority	Yes	Available online
Minimum period of time to submit the bids (>=30 days)	Yes	60 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	Yes	Detailed procedure established
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Available online

100

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	120 calendar days

43

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Participation of contract management team on PPP procurement process; Consultation with PPP procurement experts; PPP implementation manual
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info; risk mitigation mechanisms
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	No	
Dispute resolution mechanisms	Yes	
Lenders step-in right	Yes	
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



LATIN AMERICA AND CARIBBEAN

URUGUAY

GNI PER CAPITA (IN USD)
$15,720

69

Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure not regulated
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	No specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

74

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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Available online
Notification of the result of the PPP procurement process	Yes	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

58

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	45 calendar days

74

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	The private partner provides periodic info; The procuring authority gathers info
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	Same qualifications legally required for the replacing entity
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	Limitation to change the scope and/or object of the contract
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Material adverse government action
Dispute resolution mechanisms	Yes	Recourse to arbitration
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated



EAST ASIA AND PACIFIC

VIETNAM

GNI PER CAPITA (IN USD)
$1,980

75

Preparation of PPPs

Central Budgetary Authority's approval	No	
PPP's prioritization consistent with public investment prioritization	Yes	Detailed procedure established
Economic analysis assessment	Yes	Specific methodology developed
Fiscal affordability assessment	Yes	Specific methodology developed
Risk identification	Yes	Specific methodology developed
Financial viability assessment	Yes	Specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	Specific methodology developed
Market assessment	Yes	Specific methodology developed
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

85

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
Minimum period of time to submit the bids (>=30 days)	Yes	90 calendar days
Tender documents detail the stages of the procurement process	Yes	
Clarification questions for procurement notice and/or the request for proposals	Yes	Answers are publicly disclosed
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure 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	Includes grounds for selection
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	No	

42

Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities evaluated
Competitive PPP procurement procedure for USP	No	
Minimum period of time to submit the bids (>=90 days)		

58

PPP Contract Management

System to manage the implementation of the PPP contract	Yes	Contract management team; Consultation with PPP procurement experts
Monitoring and evaluation system	Yes	PPP performance info available online
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	No	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure ; Change in the law
Dispute resolution mechanisms	Yes	Specific dispute resolution mechanism established
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination not expressly regulated



SUB-SAHARAN AFRICA

ZAMBIA

GNI PER CAPITA (IN USD)
$1,490

40 Preparation of PPPs

Central Budgetary Authority's approval	Yes	Both before tendering and contract signature
PPP's prioritization consistent with public investment prioritization	No	
Economic analysis assessment	No	
Fiscal affordability assessment	Yes	No specific methodology developed
Risk identification	Yes	No specific methodology developed
Financial viability assessment	Yes	No specific methodology developed
PPP vs. Public Procurement comparative assessment	Yes	No specific methodology developed
Market assessment	No	
Draft PPP contract included in the request for proposals	Yes	
Standardized PPP model contracts and/or transaction documents	No	

50 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	Not available online
Minimum period of time to submit the bids (>=30 days)	Yes	No specific period of time regulated
Tender documents detail the stages of the procurement process	No	
Clarification questions for procurement notice and/or the request for proposals	Yes	Disclosure of answers not regulated
Financial model submitted with proposal	Yes	
Proposals strictly and solely evaluated in accordance with published evaluation criteria	Yes	
Procedure when only one proposal is received	No	
Publication of award notice	Yes	Not available online
Notification of the result of the PPP procurement process	No	
Regulation of negotiations with the selected bidder before contract signing	Yes	
Publication of contract	Yes	Not available online

50 Unsolicited Proposals

Assessment to evaluate unsolicited proposals	Yes	Consistency with government priorities not regulated
Competitive PPP procurement procedure for USP	Yes	
Minimum period of time to submit the bids (>=90 days)	Yes	No specific period of time regulated

63 PPP Contract Management

System to manage the implementation of the PPP contract	Yes	
Monitoring and evaluation system	Yes	
Regulation of a change in the structure (i.e. stakeholder composition) of the private partner	Yes	
Regulation of modification/renegotiation of the PPP contract (once the contract is signed)	Yes	
Regulation of circumstances that may occur during the life of the PPP contract	Yes	Force majeure; Change in the law
Dispute resolution mechanisms	Yes	To be regulated by the contract
Lenders step-in right	Yes	Expressly regulated
Grounds for termination of a PPP contract	Yes	Consequences of termination expressly regulated

Annex 1 Typology of PPP Regulatory Framework

Economy	Typology of PPP regulatory framework[a]
Afghanistan	Public procurement law (with specific provisions)
Albania	PPP law
Algeria	Public procurement law (with specific provisions)
Angola	PPP law
Argentina	PPP and concession law
Armenia	PPP law
Australia	PPP guidelines
Bangladesh	PPP law
Benin	Public procurement law
Bosnia and Herzegovina	PPP and concession law
Brazil	PPP and concession law (two regimes)
Bulgaria	PPP and concession law
Cambodia	Concession law
Cameroon	PPP law
Canada	PPP guidelines
Chile	Concession law (other concession laws for specific sectors)
China	PPP guidelines
Colombia	PPP law
Congo, Dem. Rep.	Public procurement law (plus law with tax incentives for PPPs)
Congo, Rep.	Public procurement law
Costa Rica	Concession law (other concession laws for specific sectors)
Côte d'Ivoire	PPP law (by decree)
Dominican Republic	Public procurement law (with specific provisions)
Ecuador	PPP law
Egypt, Arab Rep.	PPP law (concession laws for specific sectors)
France	PPP and concession law (two regimes)
Gabon	PPP law
Ghana	Public procurement law
Guatemala	PPP law
Honduras	PPP law
India	PPP guidelines
Indonesia	PPP law (by regulation)
Iraq	Public procurement law
Italy	Public procurement law
Jamaica	PPP guidelines
Jordan	PPP law
Kazakhstan	PPP law
Kenya	PPP law
Korea, Rep.	PPP law
Kyrgyz Republic	PPP law
Lebanon	Public procurement law
Lithuania	Public procurement law (concession law not applicable to the case study)

Economy	Typology of PPP regulatory framework[a]
Madagascar	PPP law
Malawi	PPP law
Malaysia	PPP guidelines
Mauritius	PPP law
Mexico	PPP law (concession laws for specific sectors)
Moldova	PPP and concession law
Mongolia	Concession law
Morocco	PPP law
Mozambique	PPP law
Myanmar	Public procurement law
Nepal	PPP law
Nicaragua	Concession law
Nigeria	PPP law (plus PPP guidelines)
Pakistan	Public procurement law
Panama	Concession law
Papua New Guinea	PPP law
Peru	PPP law
Philippines	PPP law (BOT law)
Poland	PPP and concession law
Portugal	PPP law
Romania	Public procurement law (PPP law for institutional joint ventures)
Russian Federation	PPP and concession law (two regimes)
Senegal	PPP and concession law (two regimes)
Singapore	PPP guidelines
South Africa	PPP guidelines
Sri Lanka	PPP guidelines
Tajikistan	PPP law
Tanzania	PPP law
Thailand	PPP law
Timor-Leste	PPP law
Togo	PPP and concession law (two regimes)
Tunisia	PPP and concession law
Turkey	PPP law (different BOT laws for different sectors)
Uganda	PPP law
Ukraine	PPP and concession law
United Kingdom	Public procurement law (plus PPP guidelines)
United States	PPP law
Uruguay	PPP law
Vietnam	PPP law (by decree)
Zambia	PPP law

Note: BOT = build-operate-transfer; PPP = public-private partnership.

a. Typology of PPP regulatory framework refers to the most specific legal or policy instruments regulating the development of a PPP as defined by the case study. However, other relevant laws and regulations might also apply. The complete description of the regulatory framework assessed for each economy is available on the project's website (http://bpp.worldbank.org).

Annex 2 Scoring Methodology

Thematic Area	What is measured	How it is scored
Preparation of PPPs	The Ministry of Finance or Central Budgetary Authority approves the PPP project before launching the procurement process.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	A second approval by the Ministry of Finance or Central Budgetary Authority is required before signing the PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Prioritization of PPP projects with all other public investment projects (e.g. in the context of a national public investment system).	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Procedure to ensure consistency of PPPs with other public investment priorities.	**A score of 1** if specific procedures are detailed in the regulatory framework. **A score of 0.5** if consistency is required only as a general principle.
	Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the project).	**A score of 1** if required and a specific methodology developed. **A score of 0.5** if required but no specific methodology developed. **A score of 0.25** if conducted according to a recognized practice but without a specific methodology enacted.
	Affordability assessment, including the identification of the required long term public commitments (explicit and implicit).	**A score of 1** if required and a specific methodology developed **A score of 0.5** if required but no specific methodology developed. **A score of 0.25** if conducted according to a recognized practice but without a specific methodology enacted.
	Risk identification, allocation and assessment (risk matrix).	**A score of 1** if required and a specific methodology developed. **A score of 0.5** if required but no specific methodology developed. **A score of 0.25** if conducted according to a recognized practice but without a specific methodology enacted.
	Financial viability or bankability assessment.	**A score of 1** if required and a specific methodology developed. **A score of 0.5** if required but no specific methodology developed. **A score of 0.25** if conducted according to a recognized practice but without a specific methodology enacted.
	Comparative assessment to evaluate whether PPP is the best option as compared with other procurement strategies.	**A score of 1** if required and a specific methodology developed. **A score of 0.5** if required but no specific methodology developed. **A score of 0.25** if conducted according to a recognized practice but without a specific methodology enacted.
	Market assessment (showing evidence of enough interest on the market for the project).	**A score of 1** if required and a specific methodology developed. **A score of 0.5** if required but no specific methodology developed. **A score of 0.25** if conducted according to a recognized practice but without a specific methodology enacted.
	Draft PPP contract included in the request for proposals.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Standardized PPP model contracts and/or transaction documents developed.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.

Thematic Area	What is measured	How it is scored
Procurement of PPPs	Bid evaluation committee members are required to meet specific qualifications.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The procuring authority issues a public procurement notice of the PPP.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	PPP public procurement notice is published online.	**A score of 0.5** if yes.
	The procuring authority grants potential bidders a minimum period of time to submit their bids.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Legally required minimum period of time in calendar days.	**A score of 1** if the legally required minimum period of time is at least 60 calendar days. **A score of 0.5** if the legally required minimum period of time is at least 30 calendar days.
	The tender documents detail the stages of the procurement process.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	If there is a pre-qualification stage, the tender documents specify the prequalification criteria in order to make them available to all of the bidders.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Interested parties/potential bidders can submit questions to clarify the public procurement notice and/or the request for proposals.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The procuring authority discloses those questions and clarifications to all of the potential bidders.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The procuring authority requires the bidders to prepare and present a financial model with their proposals.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The procuring authority evaluates the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	When only one proposal is submitted (sole proposals), the procuring authority follows a special procedure before awarding the PPP.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Special procedure before awarding the PPP in the case of sole proposals.	**A score of 1** if specific procedures are detailed in the regulatory framework. **A score of 0.5** if sole proposals are considered valid as long as they meet the conditions outlined in the tender documents.
	The procuring authority publishes the award notice	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The public procurement award notice is published online.	**A score of 1** if yes.
	The procuring authority provides all the bidders with the result of the PPP procurement process.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The notification of the result of the PPP procurement process includes the grounds for the selection of the winning bid.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The regulatory framework either restricts or regulates negotiations with the selected bidder between the award and the signature of the PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.

Thematic Area	What is measured	How it is scored
Procurement of PPPs (cont'd)	The procuring authority publishes the PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The PPP contract is published online.	**A score of 1** if yes.
	The procuring authority conducts an assessment to evaluate unsolicited proposals.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The evaluation assessment ensures that the unsolicited proposal is consistent with the existing government priorities.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Evaluation of unsolicited proposals against existing government priorities	**A score of 1** if specific procedures are detailed in the regulatory framework. **A score of 0.5** if the regulatory framework sets a goal without establishing specific procedures to achieve it.
	The procuring authority initiates a competitive PPP procurement procedure when proceeding with the unsolicited proposal.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The procuring authority grants a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Legally required minimum period of time in calendar days.	**A score of 1** if the legally required minimum period of time is at least 90 calendar days. **A score of 0.5** if the legally required minimum period of time is at least 60 calendar days.

Thematic Area	What is measured	How it is scored
PPP Contract Management	The procuring or contract management authority establishes a system to manage the implementation of the PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	PPP management tools.	**A score of 0.25** if a regulatory provision includes the establishment of a PPP contract team. **A score of 0.125** if the establishment of a PPP contract team occurs as a recognized practice. **A score of 0.25** if a regulatory provision includes the participation of the members of the PPP contract management team in the PPP procurement process. **A score of 0.125** if that participation occurs as a recognized practice. **A score of 0.25** if a regulatory provision includes the possibility to consult with PPP procurement experts when managing the PPP contract. **A score of 0.125** if that consultation occurs as a recognized practice. **A score of 0.25** if a regulatory provision includes the elaboration of a PPP implementation manual or an equivalent document. **A score of 0.125** if that a manual or equivalent document is elaborated as a recognized practice.
	The procuring or contract management authority establishes a system to manage the implementation of the PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Mechanisms included in the PPP contract's monitoring and evaluation system.	**A score of 0.25** if a regulatory provision mandates the private partner to provide periodic operational and financial data. **A score of 0.125** if provision of such data occurs as a recognized practice. **A score of 0.25** if a regulatory provision mandates the procuring or contract management authority to periodically gather information on the performance of the PPP contract. **A score of 0.125** if the periodical gathering of information occurs as a recognized practice. **A score of 0.25** if a regulatory provision mandates the procuring or contract management authority to establish a risk mitigation mechanism. **A score of 0.125** if the establishment of the risk mitigation mechanism occurs as a recognized practice. **A score of 0.25** if a regulatory provision mandates the availability of the PPP contract performance information to the public. **A score of 0.125** if the PPP contract performance information is available to the public as a recognized practice.
	The PPP contract performance information is publicly available online on a specific website.	**A score of 1** if yes.
	The regulatory framework expressly regulates a change in the structure (i.e. stakeholder composition) of the private partner.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The circumstances that are specifically regulated.	**A score of 0.5** if any change in the private partner during an initial period is regulated (e.g. construction and first five years of operation). **A score of 0.5** if a change affecting the controlling interest requires the replacing entity to meet the same technical qualifications as the original operator.

Thematic Area	What is measured	How it is scored
PPP Contract Management (cont'd)	The regulatory framework expressly regulates the modification or renegotiation of the PPP contract (once the contract is signed).	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The circumstances that are specifically regulated.	**A score of 0.33** if a change in the scope and/or object of the contract is regulated. **A score of 0.33** if a change in the risk allocation of the contract is regulated. **A score of 0.33** if a change in the investment plan or duration of the contract is regulated.
	The regulatory framework expressly regulates one (or more) circumstances that may occur during the life of the PPP contract.	**A score of 0.25** if force majeure is regulated. **A score of 0.25** if material adverse government action is regulated. **A score of 0.25** if change in the law is regulated. **A score of 0.25** if refinancing is regulated.
	The regulatory framework establishes a specific dispute resolution mechanism for PPPs.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The dispute resolution mechanism for PPPs.	**A score of 1** if a regulatory provision details specific dispute resolution mechanisms. **A score of 0.5** if a dispute resolution mechanism is required to be regulated in the contract. **A score of 0.5** if arbitration is the only recourse available
	The regulatory framework allows the lenders to take control of the PPP project (lender step-in right) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	Lender's step-in rights.	**A score of 1** if they are expressly regulated by the regulatory framework. **A score of 0.5** if they are required to be regulated in the contract. **A score of 0.5** if a direct agreement is required to be signed with the lenders.
	The regulatory framework expressly establishes the grounds for termination of a PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.
	The regulatory framework also establishes the consequences for the termination of the PPP contract.	**A score of 1** if yes based on a regulatory provision. **A score of 0.5** if yes based on a recognized practice.

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Endnotes

1 For information about the BPP project, see its website at http://bpp.worldbank.org.

2 World Bank 2014.

3 Straub 2008; Calderón and Servén 2004, 2008, 2010.

4 The *infrastructure gap* is defined as the difference between what is invested in infrastructure and what is needed to achieve the economy's development goals.

5 World Bank 2016.

6 As defined by the World Bank PPP CCSA.

7 World Bank 2016.

8 Estache and Saussier 2014.

9 See, for instance, Yescombe 2013; Yong 2010; EPEC 2011.

10 In 2015, the *Benchmarking PPP Procurement* project was successfully piloted in 10 economies: Cameroon, Colombia, the Arab Republic of Egypt, Ghana, Kenya, Nigeria, Peru, South Africa, Tanzania, and Tunisia. The report can be found at the Benchmarking PPP Procurement website (http://bpp.worldbank.org/reports) and the PPP Knowledge Lab website (http://www.pppknowledgelab.org).

11 The ECG comprises leading PPP legal experts and other PPP practitioners from many organizations, among them the World Bank Group, including both the World Bank and International Finance Corporation; the Organisation for Economic Co-operation and Development; the Inter-American Development Bank; the Asian Development Bank; the Islamic Development Bank; The George Washington University; American University; Georgetown University; the University of Central Florida; and the Maxwell School of Public Administration.

12 The selection criteria for identifying the 82 economies were (a) economies covered in the pilot assessment, (b) economies with active PPP markets (measured by number of projects reaching financial close in the preceding 10 years according to the World Bank's Private Participation in Infrastructure Database http://ppi.worldbank.org), (c) economies with ongoing work programs on PPPs with the World Bank Group, (d) Public-Private Infrastructure Advisory Facility priority economies, (e) priority economies identified by other multilateral development banks, and (f) economies covered by the *Benchmarking PPP Procurement* initiative, which makes it possible to tap into the existing network of contributors and increase the survey response rate.

13 Points are awarded on the basis of whether something is done in practice, as well as whether that practice is codified in the law. More points are awarded to an economy if the practice is codified in law. This approach rewards economies that systematically codify their rules and practices.

14 See the APMG Public-Private Partnership (PPP) Certification Guide website at https://ppp-certification.com/sites/default/files/documents/Chapter-2-Establishing-a-PPP-Framework.pdf.

15 Yong 2010, 32.

16 Brazil, article 2, Law no. 11,079/2004 (PPP law).

17 France, article 5, Ordinance no. 2016-65, dated January 29, 2016.

18 When referring to the number of economies following or not following specific practices in the stages of the PPP procurement cycle, counting of these five economies will be based on the practices and regulatory frameworks for PPPs in the strictest sense. Noticeable differences from the framework for concessions will be presented throughout the text when relevant.

19 In these economies, PPP guidelines constitute the most specific source of guidance for the development of PPP projects. Other relevant laws and regulations might also apply if they are in place (for example, public procurement laws, public financial management laws, and so on).

20 Uruguay, article 3, Law 18.786, adopted July 19, 2011.

21 OECD 2010, 11.

22 Honduras, article 13 of Legislative Decree 143 of 2010, the Public-Private Partnership Promotion Law.

23 Arab Republic of Egypt, article 16, Law no. 67 of 2010 regulating Partnership with the Private Sector in Infrastructure Projects, Services, and Public Utilities, and article 2, PPP Executive Regulations of Law no. 67 of 2010, issued in Prime Ministerial Decree no. 238 of 2011.

24 Delmon 2011.

25 Ibid.

26 OECD 2012.

27 Arab Republic of Egypt, articles 14 and 15(e), Law no. 67 of 2010 promulgating the Law Regulating Partnership with the Private Sector in Infrastructure Projects, Services, and Public Utilities, and articles 3 and 4, PPP Executive Regulations of Law no. 67 of 2010, issued in Prime Ministerial Decree no. 238 of 2011.

28 World Bank 2014, section 2.3.1.

29 Philippines, section 2.3, BOT Law, Act no. (RA) 6957, "An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector and for Other Purposes," as amended by RA 7718.

30 Kenya, sections 2, 24, and 25, Public Private Partnerships Act no. 15 of 2013.

31 Peru, article 7.1, Legislative Decree no. 1012, published on May 13, 2008, as modified by Law no. 30167, published on March 2, 2014. The legislation approves the framework law of PPPs for the generation of employment and dictates rules for expediting the private investment promotion processes.

32 Pakistan, section K.i.a., Public Procurement Policy as approved by the Economic Coordination Committee of the Cabinet, dated January 26, 2010.

33 World Bank 2014, box 3.3.

34 For a guide to the design and evaluation of investment projects, see OPP (2014).

35 Cameroon, section 8, Decree no. 2008/0115.

36 Argentina, article 13, Decree no. 967/2005.

37 In Moldova, according to section 28 of Government Resolution no. 476, if the PPP project is initiated by the government in such a way that implementation requires the participation of the state budget, the feasibility study is submitted to the Ministry of Finance for examination and assessment of project sustainability.

38 Timor-Leste, article 8, Decree Law no. 42/2012 of September 7, 2012, as amended by Decree Law no. 2/2014 of January 15, 2014, regulating the Legal Regime on Public-Private Partnerships.

39 Chile, article 40, Financial Management Law, D.L. no. 1.263 de 1975.

40 The text of the manual is available at http://www.minhacienda.gov.co/HomeMinhacienda/ShowProperty?nodeId=%2FOCS%2FMIG_6047857.PDF%2F%2FidcPrimaryFile&revision=latestreleased.

41 Chapter 1, section 2, of the Arab Republic of Egypt's *PPP Guidelines on the PPP Structure*.

42 ICC 2014.

43 For examples, see the guides at the following websites: https://colaboracion.dnp.gov.co/CDT/Participacin%20privada%20en%20proyectos%20de%20infraestructu/Guia%20de%20APP%20%20Capitulo%203%202016.pdf and https://www.dnp.gov.co/programas/participación-privada-%20y-en-proyectos-de-infraestructura/asociaciones-publico-privadas/Paginas/guias-app.aspx.

44 Brazil, article 10.I, General Law for Public-Private Partnerships, Federal Law no. 11,079 of 2004.

45 Philippines, section 4.5(d), PPP Governing Board Policy Circular no. 01-2015.

46 Reeves, Palcic, and Flannery 2013.

47 World Bank 2010.

48 No provision regulates this matter for PPPs in Cambodia, Cameroon, Gabon, Papua New Guinea, Togo, and Uganda.

49 World Bank 2004.

50 EPEC 2011.

51 For example, Argentina, Armenia, Bulgaria, Ghana, Kazakhstan, Lithuania, Mexico, Nicaragua, Panama, Poland, Romania, Sri Lanka, Thailand, Uganda, and Ukraine.

52 The 13 economies are Canada, China, the Arab Republic of Egypt, India, Indonesia, Lebanon, Nigeria, the Philippines, South Africa, Tajikistan, the United Kingdom, the United States, and Zambia.

53 Arab Republic of Egypt, article 81, PPP Executive Regulations.

54 Nigeria, section 5, Infrastructure Concession Regulatory Commission Act of 2005.

55 Nigeria, section 111, Procurement Regulation (procurement of goods and works).

56 UNCITRAL 2001, section 119.

57 Summaries of the PPP contract present provisions pertaining to the object and conditions of the project, its term, and performance requirements, as well as a summary of the monitoring system.

58 World Bank 2013.

59 Farquharson, Torres de Mästle, and Yescombe 2011.

60 Hodges and Dellacha 2007.

61 World Bank 2014.

62 According to paragraph 3.2 of the ICRC Guidelines for Implementing Unsolicited Proposals for PPPs in Nigeria, the procedure is as follows:

(1) The USP is submitted to and reviewed by the relevant ministry, department, or agency (MDA) with oversight for the relevant sector.

(2) The MDA is required to review the proposal to determine that it meets the following criteria: (a) the project serves a credible public interest, (b) the project is in line with the national development goals of the relevant MDA; (c) the project falls within the category of critical infrastructure, (d) the project is viable and does not require viability gap funding, and (e) the project proponent possesses the requisite competence and profile to implement the project.

(3) Following the review of the proposal by the MDA, the unsolicited proposal is forwarded to the ICRC for its review and issuance of "no objection," if the proposal is satisfactory.

(4) Technical and financial due diligence will be carried out to ascertain the capability of the project proponent in implementing the project, if selected.

(5) Following the issuance of "no objection" from the ICRC and success of the project proponent from the due diligence exercise, the proposal may then be approved at the ministerial level.

(6) The project proponent is issued a formal acknowledgment as the project author, and the project moves to a competitive bidding stage.

(7) Following the competitive procurement process (expression of interest, request for proposal, and so forth), the project proponent is then requested to submit a best and final offer, along with the preferred bidder.

(8) The successful bidder is then determined by the most economically and financially viable submission

63 Uganda, section 34(5), PPP Act.

64 Hodges and Dellacha 2007.

65 Ibid.

66 Peru, article 16, PPP law; article 31, PPP regulations.

67 Jamaica, section 9.0.3.3, PPP policy.

68 Albania, article 22(4), Law no. 125/2013.

69 World Bank 2014.

70 World Bank 2012.

71 The ABFO compensation mechanism is used in the context of two-stage bid processes. In this procurement procedure, the higher-ranked bidders from the first stage are invited to participate in the second stage when the final private partner is selected. Through the ABFO mechanism, the original proponent of the USP is automatically included in the second stage of the bidding process.

72 When a developer's fee is used, the original proponent is reimbursed for some or all of the USP development costs either by the government or by the winning bidder.

73 With a bid bonus, the original proponent is given a premium to his or her offer during the competitive bidding procedure.

74 Under a Swiss challenge system, once the relevant authority accepts the USP, a competitive bidding procedure commences. If the original proponent is unsuccessful or if there is a better offer in place, the original proponent has the option of submitting a counteroffer to match or beat the offer from the best bidder. The Swiss challenge is very useful in a tender procedure when price is the only award criterion.

75 World Bank 2014, 156–57.

76 World Bank 2014, 208, para. 3.7.2.

77 Only Armenia, the Democratic Republic of Congo, Iraq, Lebanon, Nicaragua, and Papua New Guinea do not explicitly establish a monitoring and evaluation system for PPP contracts.

78 Colombia, article 33, PPP law.

79 Costa Rica, articles 36 and 37, concessions law, and article 48, concessions regulations; Ecuador, article 9, PPP law.

80 Exactly half (41) of the surveyed economies have a regulatory provision or an established practice of designing a PPP procurement team. In the other half, no provision or established practice exists in this regard.

81 Within the context of project management, risk mitigation involves (a) establishing a risk progress monitoring system to track identified risk and identify new risks appearing as the project develops and (b) planning actions to minimize the threats to the project's objectives that the identified risks imply (adapted from Project Management Institute 2001).

82 Australia, appendix H.3, National PPP Guidelines, vol. 2.

83 World Bank 2014, 211, para 3.7.3.

84 Guasch 2004.

85 Ibid.

86 The economies that did not appear to embody explicit regulatory provisions on PPP contract renegotiation included Algeria, Armenia, Bosnia and Herzegovina, the Republic of Congo, the Democratic Republic of Congo, Ecuador, Gabon, Guatemala, Honduras, India, Lebanon, Malawi, Malaysia, Myanmar, Nicaragua, Pakistan, and Papua New Guinea.

87 See, for instance, article 41 of the Cambodian law on concessions, which requires the approval of the Ministry of Economy and Finance to modify the concessions contract, and article 57 of the Costa Rican concession law, which provides that the comptroller general must approve any extension to the contract.

88 See, for example, the obligatory approval of both the Federal and Ontario Province Treasury Boards in Canada, according to section 12.9.1 of the Federal Contracting Policies and section 5.8.5 of the Ontario Procurement Directives.

89 See, for example, the obligatory approval of both the Federal and Ontario Province Treasury Boards in Canada, according to section 12.9.1 of the Federal Contracting Policies and section 5.8.5 of the Ontario Procurement Directives.

90 The complete list of economies is as follows: Albania, Australia, Brazil, Bulgaria, Canada, France, Jordan, Mexico, Moldova, Morocco, Peru, the Philippines, Portugal, Romania, South Africa, the United Kingdom, and Uganda.

91 South Africa, Treasury Regulation 16.8.2.

92 UNCITRAL 2001, 173, para 1.

93 Ibid.

94 These economies are Afghanistan, Armenia, Colombia, Ghana, Jamaica, Lebanon, Malaysia, Nicaragua, Panama, Papua New Guinea, Portugal, and the Russian Federation.

95 Chile, articles 35, 36, and 36 bis, concession law.

96 Guatemala, article 95, PPP law.

97 Uruguay, article 54, PPP law.

98 Points are awarded on the basis of whether something is done in practice, as well as whether that practice is codified in the law. More points are awarded to an economy if the practice is codified in the law. This approach rewards the economies that systematically codify their rules and practices.

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