

BENCHMARKING PPP PROCUREMENT 2017 IN ARGENTINA

Regulatory and Institutional Framework for PPPs	
Does the regulatory framework in your country allow procuring PPPs?	Yes
Yes. If yes, please specify the relevant regulatory framework and the year of adoption:	<p>PPPs in Argentina are specifically regulated by Decree 967/2005 (Decreto No. 967/2005, "Regimen Nacional de Asociación Publico-Privada" - National Regime of Public Private Partnerships). Article 6 of the Decree 967/2005 expressly specifies that the process to select the private partner will be conducted in accordance with the provisions of Law 13.064/1947 (public works regime) and Law 17.520/1967 as amended (public works concession regime) and Decree 1023 of August 13, 2001 (national public procurement regime, further developed by and Decree 893/2012), and its amendments. Decree 966/2005, on the other hand, regulates the private initiative regime (unsolicited proposals). On top of that, Decree No. 1299/2000 (further regulated by Decree, no. 228/2001) creates and regulates a Trust Fund to promote private participation in public infrastructure. Finally, when applicable, the regulatory framework of each public service sector (i.e., for electric energy, Law 24065, and for natural gas, Law 24076).</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	www.infoleg.gov.ar
Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors? Transportation.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Water and irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Energy generation and distribution	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Telecom	No

If yes, please provide the relevant legal/regulatory provisions:	n/a
Health	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Education	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decree No. 967/2005 (Annex I, Sections 2.e and 1.c) allows the use of PPPs in the execution of any delegable Public Administration's activities, and excludes some of its non-delegable functions (i.e., regulation and police power).
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	Decree 967/2005 (Annex I, Section 14) empowers the Ministry of Federal Planning, Public Investment and Services as the PPPs procuring authority in Argentina (http://www.minplan.gov.ar). Such Ministry has been recently reformed (December 2015) and its functions have been divided in different agencies (Ministries of Energy, Transport, Interior and Public Works and Communications). More generally, the national public procurement regime is applicable to the federal administration and its decentralized entities and each entity can act as procuring authority. For example, for the case study, the procuring authority could be the Ministry of Interior, Public Works and Housing (www.mininterior.gov.ar) or the Ministry of Transportation (www.transporte.gov.ar). Among the multiple entities that act as procuring authorities, we can mention the ministries (i.e. Ministry of Production [www.industria.gov.ar], Ministry of Energy and Mining, Ministry of Justice and Human Rights, Ministry of Health, Ministry of Security, etc.), the secretaries (i.e. Secretariat of Commerce, etc.), and decentralized entities (Nuclear Regulatory Authority, National Library, among others).
In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	No
If yes, please indicate its name, and its website (if available):	n/a
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	n/a
PPP policy guidance and capacity building for other public authorities.	n/a

PPP promotion among the public and/or private sectors in national and international forums.	n/a
Technical support in implementing PPP projects.	n/a
Gatekeeping (approval of PPP projects).	n/a
Procurement of PPPs.	n/a
Oversight of PPP implementation.	n/a
Other	n/a
please specify:	n/a
Preparation of PPPs	Score: 17
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the procurement process?	Yes
If yes, please specify the relevant authority	Executive Power .
and provide the relevant legal/regulatory provisions (if any):	Decree No. 967/2005 (Annex I, Section 13) empowers the Executive Power to approve the PPP's project and its inclusion on the PPP's regime, after the evaluation of the Commission's advice.
If yes, is a second approval by the same authority	No

required before signing the PPP contract?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the government integrate the prioritization of PPP projects with all other public investment project prioritization? (e.g. in the context of a national public investment system)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes the way your government prioritizes PPP projects? (Please select only one). The regulatory framework provides for the inclusion of PPPs in the national public investment system and/or details a specific procedure to ensure the consistency of PPPs with other public investment priorities.	n/a
If yes, please specify:	n/a
The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
Among the PPP projects procured within the last two (2) years, how many of them were prioritized along with all other public	None of the projects.

investment projects? Please elaborate:	
Which of the following assessments are conducted when identifying and preparing a PPP? (check all that apply): 10.1. Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the project)	Yes
Relevant legal/regulatory provision (if any)	Article 1 of the Decree 967/2005 PPPs must be based on economic sustainability. In this sense, Article 13 requires the PPP Commission to evaluate the public interests of the proposal presented by the interested public entity. This proposal will include the basis for its economic feasibility according to article 11 of the same Decree 967/2005.
Is there a specific methodology?	No
If yes, elaborate.	n/a
Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)	Yes
Relevant legal/regulatory provision (if any)	Article 13 of the Decree 967/2005 requires the PPP Commission to evaluate the public interests of the proposal presented by the interested public entity (of a project to be implemented as a PPP). According to Article 11 of the same Decree 967/2005 this proposal will include the basis for its economic feasibility as well as the express identification of all public and private commitments.
Is there a specific methodology?	No
If yes, elaborate	n/a
Risk identification, allocation and assessment (risk matrix)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Financial viability or bankability assessment.	Yes
Relevant legal/regulatory provision (if any)	Article 13 of the Decree 967/2005 requires the PPP Commission to evaluate the public interests of the proposal presented by the interested public entity. This proposal will include the basis for its economic and financial viability according to Article 11 of the same Decree 967/2005.

Is there a specific methodology?	No
If yes, elaborate	n/a
Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Market assessment (showing evidence of enough interest in the market for the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Among the PPP projects procured within the last two (2) years, for how many of them were all of the required assessments conducted? Please elaborate:	None of the projects.
Does the procuring authority include a draft PPP contract in the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide examples):	n/a
Have standardized PPP model contracts and/or transaction documents been developed?	No
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	n/a

Does the procuring authority obtain the permits necessary to develop and operate the PPP project before calling for tenders in any of the following areas? Environmental permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Urban and zoning permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Land	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide explanation):	Decree No. 967/2005 (Annex I, Sections 1.c and 1.d) authorizes the Public Administration to grant rights over public lands (with the exception of property rights) or private lands as its contribution to the PPP. If the land is private, the procuring authority must initiate an expropriation procedure. However, generally, the bidding terms could establish that the future awardee shall be responsible for obtaining the land and right of way necessary to develop the project.
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Right of way	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide explanation):	Decree No. 967/2005 (Annex I, Sections 1.c and 1.d) authorizes the Public Administration to grant rights over public lands (with the exception of property rights) or private lands as its contribution to the PPP. If the land is private, the procuring authority must initiate an expropriation procedure. However, generally, the bidding

	terms could establish that the future awardee shall be responsible for obtaining the land and right of way necessary to develop the project.
Does the regulatory framework establish any exceptions where the preparation process described above does not apply or allows for a “fast track” procedure?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
What is the average number of calendar days that the procuring authority spends on each of the following activities to prepare a PPP project? Conducting the required assessments:	No data
Obtaining the required approvals from other relevant authorities:	No data
Preparing the draft PPP contract:	No data
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	No data
PPP Procurement	Score: 73
Are the bid evaluation committee members required to meet specific qualifications?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	n/a
If no, please elaborate (provide examples):	Decree No. 893/2012 (Annex, Section 80) only requires from the bid evaluation committee members that they (i) be designated by an administrative act issued by the highest authority of the hiring entity, and (ii) have no authority to call the tenders or to approve the PPP project. If special or technical knowledge is required, Decree No. 893/2012 empowers the bid evaluation committee to request (i) the intervention of specialists or (ii) reports from public or private institutions.
If yes, which of the following options best describes the required	n/a

qualifications of the committee members? (Please select only one). The regulatory framework details the qualifications required and/or the specific membership of the bid evaluation committee.	
If yes, please specify:	n/a
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
Does the procuring authority issue a public procurement notice of the PPP?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	According to Decrees No. 1023/2001 (Section 32) and No. 893/2012 (Annex, Section 49) the notice must be published on the (i) Official Bulletin for two days, with at least twenty days in advance of the bids' opening date; and on the (ii) official website of the National Procurement Office since the date of the publication on the Official Bulletin. In addition, the notice must also be communicated to associations of potential bidders and to at least five potential bidders. Publication is also compulsory according to Sections 10 and 11, Law No. 13.064; Section 9, Decree No. 1023/2001; Sections 13 to 18.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	www.argentinacompra.gov.ar
Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 10 of Law No. 13.064 establishes that for public works of more than 260,000 Argentinian pesos, the publication must be done at least 20 days before the submission of the proposals and has to be published for at least 15 days. That period of time can be increased if necessary or decreased due to urgency.

and the time in calendar days :	20
Do the tender documents detail the stages of the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Tender documents shall include a detail of the single or multiple stages through which it will be conducted, in order to comply with general principles established in Decree 1023/01 (such as transparency, set forth in section 9 of Decree 1023/01).
If no, please elaborate (provide examples):	n/a
Does the procurement process include a pre-qualification stage to select a number of qualified bidders to present the full proposal?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decrees No. 1023/2001 (Section 26) and No. 893/2012 (Annex, Sections 148-156) empowers the procurement authority to include a pre-qualification stage in the procurement process to select qualified bidders according to their technical proposal.
If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decree No. 893/2012 (Annex, Section 151) establishes that the Specific Terms and Conditions must include a maximum and minimum standard for every aspect of the technical proposal.
Among the PPP procurement processes conducted within the last two (2) years that had a prequalification stage, how many of them included prequalification criteria in the tender documents? Please elaborate	Most of the projects.
Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decree 893/2012 (Annex, Section 60) empowers interested parties and potential bidders to submit questions to clarify the tender documents.
If yes, does the procuring authority disclose those	Yes

questions and clarifications to all of the potential bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Decree 892/2012 (Annex, Section 61) empowers the procuring authority to issue clarifying notices -officially or as a consequence of bidders' questions- which should be communicated 48 hours before the expiration of the term to submit the bids to all of the interested parties.
Among the PPP procurement processes conducted within the last two (2) years where questions were submitted, in how many were the questions and clarifications disclosed to all of the potential bidders? Please elaborate:	Most of the projects.
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Among the PPP procurement processes conducted within the last two (2) years where any other type of dialogue was conducted, in how many was the content and the result of the dialogue disclosed to all of the potential bidders? Please elaborate:	n/a
Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide examples):	It depends on the kind of project and the requirements set forth in the bidding terms. For example, in the last Port of Buenos Aires bid, the procuring authority requires the submission of a business plan to be suited to the corresponding terminal output. This is stated in the particular public tender documents. It will depend on the budget required to perform the work, the subject-matter on which the project, and the decision of the authority governing the bidding process altogether with the National Contracting Office (Oficina Nacional de Contrataciones).
Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 18, Law No. 13.064, Sections 15 and 16, Decree No. 1023/2001. In particular, Decree 893/2012 (Annex, Section 83) determines that the bid evaluation committee should (i) evaluate the admissibility requirements of the bids and exclude the ones that do not comply with them; and (ii) evaluate the admissible bids according to the criteria stated in the tender documents, in order to set a ranking and make its recommendation. However, such recommendation is not binding for the procuring authority, which may select a lower ranked bid if it is more convenient.
Among the PPP procurement processes conducted within the last two (2) years, in how many of them was the evaluation of the bidders conducted in accordance with the criteria stated in the tender documents? Please elaborate:	Most of the projects.
In the case where only one proposal is submitted (sole proposals), does the procuring authority follow any special procedure before awarding the PPP?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 18, Law No. 13.064, establishes that sole proposals do not prevent awarding the contract, as long as all the terms and conditions are met.
If yes, what of the following options best describes the way the procuring authority deals with sole proposals? (Please select only one). The regulatory framework details a specific procedure	No

that the procuring authority must follow before awarding a PPP contract where only one proposal is submitted.	
Please specify:	n/a
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	Yes
The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.	No
The regulatory framework does not include any provisions.	No
Other	No
please specify:	n/a
In practice, what is the average number of calendar days between the initial publication of the PPP public procurement notice and the award of the PPP? Number of calendar days:	195
Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Decree No. 1023/2001 (Section 32) requires the procuring authority to publish the award notice on the official website of the National Procurement Office.
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	www.argentinacompra.gov.ar
Does the procuring authority provide all the bidders with the result of the PPP procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decree No. 893/2012, Annex, Section 94, establishes that the award must be notified to the awardee and to the other offerors.

If no, please elaborate (provide examples):	n/a
If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decree No. 893/2012, Annex, Section 91, establishes that the evaluation report must include the grounds for selection, and Section 92 establishes that the evaluation report must be notified to all the bidders, giving them the opportunity to appeal it before awarding the contract, as regulated by Section 93.
Does the regulatory framework restrict or regulate in any way negotiations with the selected bidder between the award and the signature of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decree No. 1023/2001 prevents any negotiations after the issuance of award from modifying the tender documents previously issued. Based on the transparency principle (Decree 1023/2011, section 3.c.) and the fair and equal treatment among bidders (Decree 1023/2001, section 3.f), the procurement authority cannot change the conditions established by the bidding terms or the bid as it was submitted and awarded.
Among the PPP procurement processes conducted within the last two (2) years, in how many of them were the terms and conditions changed between the award and the signature of the PPP contract? Please elaborate:	Some of the projects.
Does the procuring authority publish the PPP contract?	No
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is it published online?	n/a
If yes, please specify the website:	n/a
Does the regulatory framework establish any exceptions where the procurement process	Yes

described above does not apply or allows for a “fast track” procedure?	
If yes, please provide the relevant legal/regulatory provisions:	Decrees No. 1023/2001 (Sections 24-25) and No. 893/2012 (Sections 136-147) establish a "fast track" or "direct hiring procedure" for specific cases (i.e., low amount of the agreement, urgency or emergency, national security or national defense, etc.).
Unsolicited proposals	Score: 58
Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decrees No. 966/2005 (Annex I) and No. 893/2012 (Sections 201-206) establish the Private Initiative Regime, which allows private parties to file proposals before the Public Administration for the execution of public interest projects (this decree does not regulate a regime of unsolicited proposals for PPP's specifically or exclusively).
If yes, please specify, to the best of your knowledge, the percentage of PPP investments in your country approved as unsolicited proposals during the last five (5) years:	3%
Does the procuring authority conduct an assessment to evaluate unsolicited proposals?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Decrees No. 966/2005 (Annex, Sections 4-5) and No. 893/2012 (Annex, Section 202) establish that the proposal must be evaluated by the competent entity, which issues a report with a recommendation regarding the approval or dismissal of the proposal. The highest authority of the entity must evaluate such report when approving or dismissing the proposal.
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If yes, which of the following options best describes how unsolicited proposals are evaluated against existing government priorities? (Please select only one). The regulatory framework details a specific	No

procedure to ensure the consistency of PPPs with other public investment priorities.	
If yes, please specify:	n/a
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	No
The regulatory framework does not include any provisions.	Yes
Other	No
please specify:	n/a
Among the unsolicited proposals approved within the last two (2) years, how many of them were a part of the existing government priorities? Please elaborate:	Most of the projects.
Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decrees No. 966/2005 (Annex I, Section 6) and No. 893/2012 (Annex, Section 203) establish that the competent authority must call for tender within 60 days of the approval of the unsolicited proposal.
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Sections 10 of Law No. 13.064 provides that for public works of more than 260,000 Argentinian pesos, the publication must be done with 20 days of anticipation and at least 15 days of publication. That period of time can be increased if necessary or decreased due to urgency.
and the time in calendar days:	20
Does the procuring authority use any of the	Yes

following mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer.	
Developer's fee (reimbursing the original proponent for the project development cost).	Yes
Bid bonus.	Yes
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
Other	No
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	Decrees No. 966/2005 (Annex I, Sections 8-11) and No 893/2012 (Annex, Sections 204-206).
PPP Contract Management	Score: 58
Has the procuring or contract management authority established a system to manage the implementation of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any)	Decree No. 1023/2001 (Section 12.c) empowers the procuring authority with vast powers to control, inspect and direct the contract execution. This authority is further regulated in Decree 893/2012, Sections 109 to 115. Thus, the procuring authority will determine, on a case-by-case basis, the most convenient system to implement the PPP contract, which will be included in the tender documents.
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Decree 893/2012, Sections 109 to 111 require the establishment of a procurement management team (Commission de Reception) to oversee the contract implementation.
Participation of the members of the PPP contract management team in the PPP procurement process.	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Possibility to consult with PPP procurement experts when managing the PPP contract.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
If there is a contract management team, in how many of the PPP projects procured within the last two (2) years did the management system and tools fully inform the contact management team? Please elaborate:	Some of the projects.
Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Once again, Decree No. 1023/2001 (Section 12.c) empowers the procuring authority with vast powers to control, inspect and direct the contract execution. This authority is further regulated in Decree 893/2012, Sections 109 to 115. Thus, the procuring authority will determine, on a case-by-case basis, the most convenient system to implement the PPP contract, which will be included in the tender documents. More generally, Sections 5 and 7, Law No. 17.520; Section 25 and 28, Law No. 13.064 regulate the rights and obligations in the implementation of the contract, but without specifying the monitoring and oversight mechanisms.
If yes, which of the following tools does it include (check all that apply)? PPPCo must provide the procuring or contract management authority with periodic	No

operational and financial data.	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring or contract management authority must periodically gather information on the performance of the PPP contract.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring or contract management authority must establish a risk mitigation mechanism.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
Is PPP contract performance information publicly available online?	No
If yes, please specify the website:	n/a
Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decree No 893/2012 (Annex, Sections 125). The general public procurement regulation prohibits the assignment of the any contract without the approval of the procuring authority.
If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in PPPCo during an	No

initial period (e.g. construction and first five years of operation).	
If yes, please provide the relevant legal/regulatory provisions:	n/a
In case of a change affecting the controlling interest, the replacing entity must meet the same technical qualifications as the original operator.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decree No 893/2012 Annex, Sections 125 expressly requires that the assignee meets all the requirements of the bidding process.
Flexibility to substitute non-controlling interest after the initial period.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	Yes
If yes, please provide the relevant legal/ regulatory provisions:	Decrees No. 1023 (Section 12.b) and No. 893/2012 (Section 124), and Law No. 13.064 (Sections 29, 30, 37, 38 and 53) empower the procuring authority to modify the contract.
If yes, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decree 893/2012, section 124.a.1 establishes that the procuring authority may unilaterally increase or decrease up to 20% of the total amount of the contract; and in extraordinary situations, up to 35% but with the awardee's consent.
A change in the risk allocation of the contract.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the investment plan or duration of the contract.	Yes

If yes, please provide the relevant legal/regulatory provisions:	Decree 893/2012, Section 124.b sets forth that supply or services contracts may be extended once if an extension option is contemplated by the bidding terms, for a period equal or inferior to the original one.
Does the regulatory framework expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Decrees No. 1023 (Section 13.c) and No. 893/2012 (Annex, Section 120) exempt the private party of its obligations in case of a Force Majeure event; and Law No. 13.064 establishes that (i) risks of Force Majeure events must be supported by the Public Administration (Section 39), and that (ii) the private party may terminate the agreement when the Force Majeure event frustrates the agreement's fulfilment.
Material Adverse government action.	Yes
If yes, please provide the relevant legal/regulatory provisions:	A Material Adverse government action could be construed as a Force Majeure Event. In fact, according to Section 39, Law No. 13.064, effects arising from actions of the public administration not established in the tender documents will be considered Force Majeure.
Change in the Law.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Refinancing.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other.	No
If yes, please specify and provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework establish a specific dispute resolution mechanism for PPPs?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions	Decree No. 967/2005 (Annex, Section 9) empowers the procuring authority with the power to determine in the tender documents which dispute resolutions mechanisms will apply.
If yes, which of the following options best describes the dispute resolution mechanism for PPPs? (Please select only	No

one). The regulatory framework details specific resolution mechanisms for disputes arising during the implementation of the PPP.	
If yes, please specify:	n/a
The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.	Yes
The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.	No
Other	No
please specify:	n/a
Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
If yes, which of the following options best describes the lender step-in right? (Please select only one). The regulatory framework expressly regulates the lender step-in rights.	n/a
If yes, please specify:	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	n/a
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	n/a

Other	n/a
please specify:	n/a
Does the regulatory framework expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify:	<p>A PPP contract shall be terminated in case of death, bankruptcy or reorganization of the private partner, unless the heirs or official receiver decide the continuation of the project.</p> <p>Furthermore, the authority is entitled to terminate the contract if the private partner incurs in fraud or gross negligence, fails to fulfill its obligations or fulfills them with slowness, does not initiate the works on due time, transfers its obligations to a third party without prior acknowledgement by the authority, or abandons or interrupts the fulfilment of its obligations.</p> <p>On the other hand, the private partner is entitled to terminate the contract if the authority requests modifications to the project that entail a change in its total value that is higher than 20%, suspends for more than three months the performance of the project or fails to deliver materials to the private partner, and as a consequence the latter has to suspend the fulfilment of its obligations for more than three months. In addition, the private partner is entitled to terminate the contract in case of force majeure.</p>
and provide the relevant legal/regulatory provisions:	Sections 49, 50 and 53, Law No. 13.064, Section 29, Decree No. 1023/2001.
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Sections 51, 52, 54 of the Law N. 13.064: As a general rule, Decrees No. 1023/2001 and 893/2012 (Sections 121, 122, 123) establish the following consequences when the termination was based on the private party's breach: (i) the private party loses the guarantees in favor of the Public Administration, (ii) the Public Administration is empowered to punish the private party with economic penalties, and (iii) the private party is exposed to an eventual claim for damages. On the other hand, when the termination occurs as a consequence of an act of the Public Administration with grounds on the public interest, the private party must be compensated for its damages excluding loss of profits.
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: Took place in 2015, are ongoing and/or are planned to be adopted BEFORE June 1, 2016?	No

Please describe:	n/a
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: 50.2. Are ongoing and/or are planned to be adopted AFTER June 1, 2016?	Yes
Please describe:	A new federal law of PPP is planned by 2016. On June, 10th a new PPP Law project entered Congress and is currently under review by the Senate. The project aims to incorporate in the Argentinean frameworks successful examples from other countries, facilitating the development of PPPs in Argentina and providing greater legal security for foreign investors.