



BENCHMARKING PPP PROCUREMENT 2017 IN BOSNIA AND HERZEGOVINA

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:	LAW ON PUBLIC – PRIVATE PARTNERSHIP of October 24, 2011, herein the “Sarajevo PPP Law”. LAW ON CONCESSIONS of October 24, 2011, herein the “Sarajevo Concession Law”. LAW ON PUBLIC PROCUREMENT of April 29, 2014, herein the “Public Procurement Law”. According to our contributors, no single PPP regulatory framework applies to all of the constituent entities of Bosnia and Herzegovina. As a consequence, the following analysis is exclusively based on the laws and regulations of the Sarajevo Canton since Sarajevo is the capital city and largest city of Bosnia and Herzegovina.
and provide a link to a government–supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	PPP Law: http://mp.ks.gov.ba/sites/mp.ks.gov.ba/files/JPP%20ZAKON_ENG_format.pdf Concession Law: http://mp.ks.gov.ba/sites/mp.ks.gov.ba/files/ENG%20zakon%20koncesije_format2711.pdf
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	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	4.1. Entity governments: 4.1.1. http://www.fbihvlada.gov.ba ; 4.1.2. http://www.vladars.net ; 4.2. Cantonal & District governments: 4.2.1. http://vlada.ks.gov.ba ; 4.2.2. http://vladausk.ba/v3 ; 4.2.3. http://www.sbk-ksb.gov.ba ; 4.2.4. http://www.vladatk.kim.ba ; 4.2.5. http://www.zdk.ba/vlada ; 4.2.6. http://www.bpkg.gov.ba ; 4.2.7. http://www.vlada-hnz-k.ba ; 4.2.8. http://www.vladazh.com ; 4.2.9. http://www.zupanijaposavska.ba ; 4.2.10. http://www.vladahbz.com ; 4.2.11. http://www.bdcentral.net
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: 58
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 14 (4) (a) of the Sarajevo PPP Law, the procuring authority shall submit the project proposal and accompanying documents to the Commission, including: the consent of the Ministry of Finance of the Sarajevo Canton, for PPP projects in the area of responsibility of the Canton, that is, the consent of the competent local self-government department, for PPP projects from the area of responsibility of the local self-government, pertaining to the compliance of the project proposal with budget projections and plans, fiscal risks and limitations prescribed by special.
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 18 (1) of the Sarajevo PPP Law, prior to the decision on the private partner selection, the competent public body shall submit to the Commission a proposal of the PPP Agreement for approval, including the addenda as its constituent part, as well as the consent of the Ministry of Finance, or the competent local self-government department, for the proposal of the Agreement.
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	The Competent Ministry or the Local Government Department.
and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 18 (1) of the Sarajevo PPP Law, prior to the decision on the private partner selection, the competent public body shall submit to the Commission a proposal of the PPP Agreement for approval, including the addenda as its constituent part, as well as the consent of the Ministry of Finance, or the competent local self-government department, for the proposal of the Agreement.
If yes, is a second approval by the same authority required before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 18 (3) of the Sarajevo PPP Law, The Commission shall submit the Decision to the Government, that is, to the Mayor and/or Municipal Mayor, who shall issue a decision on the approval of the PPP Agreement proposal, at the proposal of the Commission.



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)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 14 (4) (b) of the Sarajevo PPP Law, the public body shall submit to the Commission the project proposal and its accompanying documents, including: the opinion of the Competent Ministry on the compliance of the project proposal with the sector development plans and strategies, that is, with the provisions from its area of responsibility, and opinion of the local self-government department on the compliance of project proposals with development policy plans and plans of the local self-government unit. Furthermore, Pursuant to Article 12 (1) of the Sarajevo PPP Law, all ministries of the Canton and competent offices of the local self-government units shall prepare a medium-term (three-year) and annual plan for the proposal of PPP project implementation.
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.	Yes
If yes, please specify:	Pursuant to Article 14 (4) (b) of the Sarajevo PPP Law, the public body shall submit the project proposal and accompanying documents to the Commission, including: the opinion of the Competent Ministry on the compliance of the project proposal with the sector development plans and strategies, that is, with the provisions from its area of responsibility, and opinion of the local self-government department on the compliance of project proposals with development policy plans and plans of the local self-government unit. Furthermore, Pursuant to Article 12 (1) of the Sarajevo PPP Law, all ministries of the Canton and competent offices of the local self-government units shall prepare a medium-term (three-year) and annual plan for the proposal of PPP project implementation.
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.	No
The regulatory framework does not include any provisions.	No
Other	No
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 investment projects? Please elaborate:	No Data
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)	Pursuant to Article 10 of the Sarajevo Concession Law: In the development of the justifiability study for concession award, the Conceding Authority (Concessor) shall inquire into the public interest, the effect on the environment, the protection of natural and cultural values, investments, employment, financial effects of the entire concession project, financial effects in favor of the future concessionaire, and the concession effect on the Cantonal budget, that is, budgets of the local self-government units, and its compliance with the business development plans and the Concessor's plans.
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)	Pursuant to Article 10 of the Sarajevo Concession Law: In the development of the justifiability study for concession award, the Conceding Authority (Concessor) shall inquire into the public interest, effect on the environment, protection of natural and cultural values, investments, employment, financial effects of the entire concession project, financial effects in favor of the future concessionaire, and the concession effect on the Cantonal budget, that is, budgets of the local self-government units, and its compliance with the business development plans and the Concessor's plans.
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)	Pursuant to Article 10 of the Sarajevo Concession Law: In the development of the justifiability study for concession award, the Conceding Authority (Concessor) shall inquire into the public interest, effect on the environment, protection of natural and cultural values, investments, employment, financial effects of the entire concession project, financial effects in favor of the future concessionaire, and the concession effect on the Cantonal budget, that is, budgets of the local self-government units, and its compliance with the business development plans and the Concessor's plans.
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	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Article 12 (2) (b) of the Sarajevo PPP Law, the Commission shall evaluate the justifiability of the application of the public-private partnership model.
Is there a specific methodology?	No
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):	Pursuant to Article 17 (2) (a) of the Sarajevo PPP Law, the tender documents will include the proposal of the PPP contract.
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	n/a



available or provide an electronic copy of them:	
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):	This is the obligation of the private partners.
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):	This is the obligation of the private partners.
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:	135
Obtaining the required approvals from other relevant authorities:	273.75
Preparing the draft PPP contract:	60
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	270
PPP Procurement	Score: 85
Are the bid evaluation committee members required to meet specific qualifications?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any	Pursuant to Article 23 (2) of the Sarajevo PPP Law, the Commission shall consist of seven members. The Commission members shall include a representative of the Ministry of Economy, representative of the Ministry of Spatial Planning and Environmental Protection, representative of the Ministry of Education and Science, representative of the Ministry of Traffic, representative of the Ministry of Housing, all of which have the status of leading state officials in their respective ministries, one member of the academic community of the University of Sarajevo employed in the scientific fields related to PPP, as permanent members of the Commission, as well as a representative of the public partner, as a non-permanent member of the Commission.
If no, please elaborate (provide examples):	n/a
If yes, which of the following options best describes the required 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.	Yes
If yes, please specify:	Pursuant to Article 23 of the Sarajevo PPP Law.
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be	No



a member of the bid evaluation committee.	
The regulatory framework does not include any provisions.	No
Other	No
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):	Pursuant to Article 17 (1) of the Sarajevo PPP Law, the private partner selection procedure shall be performed in line with the provisions and criteria regulating the public procurement area, applying relevant provisions of this Law. The public invitation for the private partner selection shall be published in the Official Gazette of Bosnia and Herzegovina, whereas the unaltered text shall be published in daily press as well as on the Government's official website. Furthermore, Pursuant to Article 35 (1) of the Public Procurement Law, the contracting authority shall publish the procurement notice for open, restricted, negotiated procedure with publication of notice, design contest, competitive dialogue, and competitive request for quotations.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	https://www.ejn.gov.ba/
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):	Pursuant to Article 40 (1) of the Public Procurement Law, the contracting authority shall be under the obligation to determine, in open procedure with threshold values referred to in Article 14 paragraphs (2) and (3) of the Public Procurement Law, the minimum time limit for receipt of bids (45 days as of the day of dispatching for publication of procurement notice on the public procurement portal).
and the time in calendar days :	45
Do the tender documents detail the stages of the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 53 of the Public Procurement Law: The contracting authority is required to prepare bidding documentation in compliance with the provisions of this Law and Implementing Regulations. In the bidding documentation, the contracting authority shall provide comprehensive information about the terms of the contract and award procedures that are sufficient for the preparation of tenders; i.e. bids on a genuinely competitive basis. Procurement notice prepared in compliance with Article 35 of the Law shall represent an integral part of the bidding documentation. Bidding documentation shall include the following information, at the minimum: a) name and address of the contracting authority, as well as the contact information of a person from whom the candidates/bidders may request information or clarification;



	<p>b) the award procedure chosen, and data on whether a framework agreement is to be concluded;</p> <p>c) description of the supplies, services or works, and the stating of the code and description from the CPV;</p> <p>d) bills of quantity for supplies or terms of reference or task description for services and works, and technical specifications;</p> <p>e) place of delivery of supplies or provision of services or execution of works;</p> <p>f) indication of possibility to submit bids by lots;</p> <p>g) time limits for delivery of supplies; provision of services; execution of works;</p> <p>h) statement on the possibility to submit variants and minimum requirements that shall have to be met in case of variants;</p> <p>i) minimum requirements for the qualifications of candidates, i.e. bidders, as well as the evidence on which the evaluation shall be based;</p> <p>j) contract award criterion fixed as "the most economically advantageous bid" with sub-criteria or "the lowest price";</p> <p>k) bid validity period;</p> <p>l) bid security; performance security, and any other securities required for interim payments;</p> <p>m) place, date and hour for receipt of requests for participation or receipt of bids;</p> <p>n) place, date and hour for opening of bids;</p> <p>o) information on price calculation, if applicable;</p> <p>p) language related requirements;</p> <p>r) draft contract or main contract elements.</p>
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):	<p>Pursuant to Article 26 (2) of the Public Procurement Law, a restricted procedure shall include, but is not limited to, the following steps:</p> <p>a) publishing the procurement notice in which the contracting authority invites all interested candidates to request the documentation for pre-qualification phase;</p> <p>b) providing or rendering accessible the documentation for pre-qualification phase to the candidates;</p> <p>c) performing the verification of the candidates' qualifications;</p> <p>d) informing the candidates that have not qualified;</p> <p>e) providing the qualified candidates simultaneously with the bidding documentation together with the invitation to submit bids.</p>
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):	<p>Pursuant to Article 26 (2) of the Public Procurement Law, a restricted procedure shall include the following:</p> <p>a) publishing the procurement notice in which the contracting authority invites all</p>



	interested candidates to request the documentation for pre-qualification phase; b) providing or rendering accessible the documentation for pre-qualification phase to the candidates.
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	No Data
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):	Pursuant to Article 56 (1) of the Public Procurement Law, Interested candidates/bidders may seek clarification of the bidding documentation from the contracting authority in writing in a timely manner, and not later than ten days before the expiry of the time limit for the submission of requests for participation or bids.
If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 56 (2) of the Public Procurement Law, the contracting authority shall prepare a written answer containing clarification, that shall be delivered to all the candidates/bidders that have bought the bidding documentation, or for which it is known that they received it in one of the ways specified in Article 55 of the same Law, within three days and not later than five days before the expiry of the time limit for the submission of requests for participation or bids.
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:	No Data
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 29 (1) of the Public Procurement Law, the contracting authority has the obligation to state in the call for tender, in competitive dialogue and/or in descriptive documentation, its needs and requirements concerning the given procurement process.



If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 29 (13) of the Public Procurement Law, the contracting authority is required to deliver the decision on the conclusion of the dialogue phase, stating the main characteristics of the selected solution(s), without delay, to all candidates in the dialogue, by registered mail or electronically, provided that this manner of submission is verifiable.
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:	No Data
Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 17 (2) (b) of the Sarajevo PPP Law, the tender documents shall include instructions for the preparation of financial model for the PPP project.
If no, please elaborate (provide examples):	n/a
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):	Pursuant to Article 17 (1) of the Sarajevo PPP Law, the private partner selection procedure shall be performed in line with the provisions and criteria regulating the public procurement area, applying the relevant provisions of this Law. Furthermore, Pursuant to Article 18 (2), the private partner selection will be determined on the basis of evaluation of compliance of the Agreement proposal with the tender documentation and provisions of the Regulation under Article 6, Paragraph (3) of the Sarajevo PPP Law.
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:	No Data



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):	Pursuant to Article 19 (3) of the Sarajevo Concession Law, at the proposal of the Commission, the Concessor may also issue the decision referred to under paragraph (2) of this Article if only one bid was submitted with respect to the public call for tender. In fact, paragraph 2 states that: at the proposal of the Commission, if all requirements and criteria have been met as defined in the public invitation, the Concessor shall issue a decision on the selection of the most favorable bidder.
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 that the procuring authority must follow before awarding a PPP contract where only one proposal is submitted.	No
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:	456.5
Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant	Pursuant to Article 70 (6) of the Public Procurement Law, the contracting authority shall publish the decision on the selection or the cancelation of the procurement procedure on



legal/regulatory provisions (if any):	its website, if it has one, simultaneously with the delivery of decisions to bidders that participated in the public procurement procedure.
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	https://www.ejn.gov.ba/
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):	Pursuant to Article 70 (6) of the Public Procurement Law, the contracting authority shall publish the decision on the selection or the cancelation of the procurement procedure on its website, if it has one, simultaneously with the delivery of decisions to bidders that participated in the public procurement procedure.
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):	Pursuant to Article 70 (3) of the Public Procurement Law, the decision on the selection shall contain: data on the contracting authority, number and date of the decision making, data on public notice, type of the procurement procedure, number of received bids, name and data on selected bidder, detailed explanation of the reasons behind the selection, instructions on legal remedy, signature of authorized person, and stamp of contracting authority.
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:	Pursuant to Article 70 (5) of the Public Procurement Law, at the award of the procurement contract, the price stated in the most successful bid, as well as the conditions defined in bidding documentation, may not be changed. Exceptionally, if a provision is provided in the bidding documentation on price changeability, with objectively defined rules on price changeability, such a provision shall be entered in public procurement contract.
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:	No Data
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 described above does not apply or allows for a “fast track” procedure?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Pursuant to Article 21 (d) of the Public Procurement Law: the contracting authority may, exceptionally, award public procurement contracts by applying the negotiated procedure without publication of the procurement notice when, exceptionally, the minimum time limits defined in this Law for open, restricted, or negotiated procedure with publication of notice, cannot be complied with due to provable reasons of ultimate emergency caused by events unforeseeable to the given contracting authority. The circumstances that justify the exceptional emergency of the procedure may not be in any way linked with the contracting authority.
Unsolicited proposals	Score: 50
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:	Pursuant to Article 20 of the Sarajevo Concession Law, the regulatory framework does allow for the submission of unsolicited proposals.
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:	No Data
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):	Pursuant to Article 20 (2) of the Sarajevo Concession Law: it is obligatory to submit a justifiability study for the concession award and documents on the settlement of preliminary issues (except from the spatial planning document, consent of the Municipal Council, and other documents specific for the field of concession).
If yes, does it ensure that the unsolicited proposal is	No



consistent with the existing government priorities?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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 procedure to ensure the consistency of PPPs with other public investment priorities.	n/a
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.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
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:	No Data
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):	Pursuant to Article 20 (8) of the Sarajevo Concession Law: if the Cantonal Government accepts submission of unsolicited proposal, the concession award shall be conducted according to the procedure stipulated by the Sarajevo Concession Law.
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):	Pursuant to Article 40 (1) of the Public Procurement Law, the contracting authority is required to determine in open procedure with threshold values referred to in Article 14 paragraphs (2) and (3) of the Public Procurement Law, the minimum time limit for receipt of bids (45 days as of the day of dispatching for publication of procurement notice on the public procurement portal).
and the time in calendar days:	45
Does the procuring authority use any of the following mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer.	No
Developer's fee (reimbursing the original proponent for the project development cost).	No
Bid bonus.	No
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):	n/a
PPP Contract Management	Score: 41
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)	According to Article 22 (1) of the Sarajevo PPP Law, pursuant to the provisions of the Regulation on Monitoring the Implementation of PPP Projects issued by the Government at the proposal of the Commission, the competent Ministry or the local self-government department shall monitor the implementation of the PPP projects. The Commission shall have the right to monitor, perform expert inspection and/or supervise the implementation of the PPP project.
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	No



If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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:	No Data
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):	Pursuant to Article 32 (1) of the Sarajevo Concession Law, the competent Ministry shall continuously supervise the activities of the Concessionaire and fulfillment of its obligations under the contract on concession, and regularly monitor the scope and the extent to which the concession rights are being exercised. Furthermore, Pursuant to Article 22 (1) of the Sarajevo PPP Law, the competent Ministry or the local self-government department shall monitor the implementation of the PPP projects. The Commission shall have the right to monitor, perform expert inspection and/or supervise the implementation of the PPP project.
If yes, which of the following tools does it include (check all that apply)? PPPCo must	No



provide the procuring or contract management authority with periodic 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:	Pursuant to Article 23 (1) of the Sarajevo Concession Law, the contract may not be transferred to another concessionaire without prior approval by the Assembly of Sarajevo Canton. The concession contract may be transferred only if the contract requirements related to the investments have been met.
If yes, which of the following circumstances are specifically regulated? (check all that	No



apply): Any change in PPPCo during an 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:	Pursuant to Article 23 (3) (b) of the Sarajevo Concession Law, the expertise and capacity of the new proposed Concessionaire to provide services and fulfill the obligations under the concession contract shall be taken into account.
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)?	No
If yes, please provide the relevant legal/ regulatory provisions:	n/a
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.	n/a
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the risk allocation of the contract.	n/a
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the investment plan or duration of the contract.	n/a
If yes, please provide the relevant legal/regulatory provisions:	n/a



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:	Pursuant to Article 27 (1) of the Sarajevo Concession Law, when it is impossible for a party to fulfill a contractual obligation due to the circumstances beyond the responsibility of any party, and when neither parties wish to terminate the contract, the concession shall continue upon discontinuation of the circumstances that prevented the concession activities or caused the failure to fulfill the contractual obligations.
Material Adverse government action.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
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	Article 33 of the Sarajevo Concession Law outlines the procedures to be undertaken for disputes such as, but not limited to, the following scenarios: a) in relation to the fulfillment of the contractual obligation, b) in relation to disputes for the concession award between the Federation BiH and the Canton, c) in relation to disputes about the competence of concession between cantons. Furthermore Pursuant to Article 32 of the Sarajevo PPP Law: if the Commission, or another competent body detects a violation of the provisions of this Law by a public, private partner or a SPC, it shall submit the proposal to initiate misdemeanor procedure to the competent court that has jurisdiction over misdemeanors.
If yes, which of the following options best describes the dispute resolution mechanism for PPPs? (Please select only one). The regulatory framework details specific resolution	Yes



mechanisms for disputes arising during the implementation of the PPP.	
If yes, please specify:	Pursuant to Article 33 of the Sarajevo Concession Law.
The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.	No
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



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If yes, please specify:	Pursuant to Article 26 (1) of the Sarajevo Concession Law: The concession contract may be terminated: a) if the Concessionaire has been insolvent for more than six months, b) if the Concessionaire, or the Concessor, fails to fulfill the contractual obligations, and c) if he performs the activities contrary to the provisions of the concession contract.
and provide the relevant legal/regulatory provisions:	Article 26 (1) of the Sarajevo PPP Law.
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
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?	
Please describe:	
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?	
Please describe:	