

BENCHMARKING PPP PROCUREMENT 2017 IN DOMINICAN REPUBLIC

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>PPP in Dominican Republic are subject to the main following laws and regulations:</p> <p>(i) Law No. 340-06 on Public Procurement of Goods, Services and Concessions - Ley sobre compras y contrataciones de bienes, servicios, obras y concesiones- (hereinafter the "Law No. 340-06") adopted on August 18, 2006 as amended by Law No. 449-06 of December 6, 2006. The amendment operated by Law 449-06 (December 6, 2006) intended to exclude concessions from the scope of Law 340-06, in order for concessions to be ruled by a separate law. However, to date a Concessions Law has not been approved;</p> <p>(ii) Ruling of Application of the Law, Decree No. 543-12 of September 6, 2012 (The Decree No. 543-12)</p> <p>(iii) Law 189-11 for the Development of Mortgage Market and Trusts in the Dominican Republic.</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	<p>(i) http://www.comprasdominicana.gov.do/documents/10180/13765/Ley_No_340_06_y_449_06.pdf (ii) http://www.comprasdominicana.gov.do/documents/10180/13765/Decreto_543_12_low_res.pdf;</p>
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):	<p>1) The General Directorate of Public Procurement [http://www.comprasdominicana.gov.do] a dependence of the Ministry of Finances, [http://www.hacienda.gov.do/] who will act together with the Goods and Services Branch and the Works and Concessions Branch as Governing Body of the System.</p> <p>2) The Operating units of the public contracting entities referred to in article 2 of the Law No. 340-0:</p> <ul style="list-style-type: none"> a) The Central Government; [http://presidencia.gob.do/] b) The financial decentralized and autonomous institutions and non-financial; c) Public institutions of social security ; d) The councils of the municipalities and the National District ; e) Public non-financial and financial companies. <p>The supervision of all PPP contracts would be in the hands of the Governing Body; the operating units of the public entities shall be responsible for managing the agreements. http://www.comprasdominicana.gov.do</p>
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: 21
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	No

signing the PPP contract?	
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	According to article 50 of Law 340-06, any concession implying an investment by the concessionaire and a duration of more than 5 years, must also be approved by the Executive Branch, through a Presidential Decree (to the extent that the procuring authority is not the Executive Branch) and through a resolution from the General Administration of Public Procurement. If any contract or concession, as applicable under the relevant provisions of the Dominican Constitution, demands for tax exemptions or the conveyance of real estate properties owned by the State, the contract or concession must also be approved by the Dominican Congress.
and provide the relevant legal/regulatory provisions (if any):	Article 50 of Law 340-06
If yes, is a second approval by the same authority required before signing the PPP contract?	No
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)?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Article 38 Paragraph I of Law 340-06, as amended, provides that all public entities under the scope of said law on public procurement must elaborate an annual program of public procurements and concessions, based on the policies established by the Central Government on public investments, and that all public works must be consistent with the Public Investments Plans and budgetary appropriations of each budgetary period.
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.	No
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.	Yes
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	Some of the projects

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)	No
Relevant legal/regulatory provision (if any)	n/a
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)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
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.	No

Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
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:	Some 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):	Under article 27 of Law 340-06, as amended, contracts executed by the procuring authority must be consistent with the draft included as part of the bidding specifications, as required also under article 55 of Law 340-06.

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	Yes

project (if any)? Land	
If yes, please provide the relevant legal/regulatory provisions (if any):	Under article 55 (numeral 7) of Law 340-06 the bidding specifications must include available legal documents in connection with rights of way. Article 58 of said Law states that for the purposes of establishing rights of way or expropriation of private properties to build works under concession, such works are deemed of public interest, and that the concession agreement however must include the payment for such rights of way or expropriations.
If no, please elaborate (provide explanation):	n/a
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	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Under article 55 (numeral 7) of Law 340-06 bidding specifications must include available legal documents in connection with rights of way; Article 58 of said Law states that for the purposes of establishing rights of way or expropriation of private properties to build works under concession, such works are deemed of public interest, and that the concession agreement however must include the payment for such rights of way or expropriations.
If no, please elaborate (provide explanation):	n/a
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	45

required assessments:	
Obtaining the required approvals from other relevant authorities:	80
Preparing the draft PPP contract:	30
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	90
PPP Procurement	Score: 90
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)	Article 36 of the Decree 543-12 provides for the creation of a Procurement Committee. The member of the Committee are: The senior official of the procuring institution; The Financial Administrative Director of the entity; The legal consultant of the institution; The head of the planning area; The head office of free access to public information. Also, article 56 of Law 340-06 and article 87 of Decree 543-12 when referring to bidding process indicates that experts shall be appointed by the evaluation committee to present a report to the committee on both the technical and financial aspects of the proposals.
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.	No

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.	Yes
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):	Article 18 of Law 340-06 and articles 61 and 62 of the Rulings of Enforcement 543-12 require that the notice of the bidding process must be published online in the General Administration of Public Procurement's website and in national/international newspapers depending on the domestic/international nature of the process. Specifically for Concessions, article 54 of the Law 340-06 requires means of extensive national and international dissemination; Website of the General Directorate of Public Procurement and website of the procuring entity.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	http://www.comprasdominicana.gov.do/ http://www.mopc.gob.do/
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 54 of Law 340-06 provides the obligation of granting a minimum period of time to present bids: No less than 30 days if the bid refers to the purchases of goods and services; and no less of 60 days if it refers to works concessions.
and the time in calendar days :	60
Do the tender documents detail the stages of the	Yes

procurement process?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 55 of Law 340-06 provides that tender documents shall include the provisions on the process for the bidding parties to obtain the concession and requirements that must be met.
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):	Article 56 of Law 340-06 provides for a 2-phases qualification process, including that those bidders that do not comply with the prequalification are not taken into consideration for the second phase. Also, article 33 of Decree 543-12 establishes that procurement process will be conducted in two stages when the complexity of the contract to be awarded so requires.
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):	Article 56 Paragraph II of the Law 340-06 provides that conditions for qualification of technical offers must be defined in the bidding specifications. Also, article 8 of the same Law 340-06 makes the same provision more in general for all procurement processes.
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	All of the projects
Can interested parties/potential bidders submit questions to clarify the public procurement notice	Yes

and/or the request for proposals?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Paragraph III to article 55 of Law 340-06 grants the capacity for bidders to make additional consultations to the procuring authority up to 15 days prior to the closing of the bidding process.
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):	According to Paragraph III to article 55 of Law 340-06 all clarifications will be communicated in written to all bidders. Article 78 of Decree 543-12 provides for the possibility of calling the bidders for meetings to communicate any changes to the terms and conditions. The result of such meetings along with any written questions regarding the terms and conditions would be included as part of the procurement documentation.
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 ?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Paragraph II of article 56 of Law 340-06 mandates the presentation of financial conditions to be evaluated by the procuring authority. Specifically, item (6) requires to include reference to the appropriateness of the Internal Rate of Return or any proposed changes to the one indicated by the procuring authority.
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):	According to article 57 of Law 340-06, procuring authorities are mandated to evaluate the proposal strictly in accordance with the criteria of the tender documents in each case. More generally, article 26 of the same Law 340-06 indicates that the awarding on any public contract would be done in accordance with the criteria and ponderation indicated in the tender documents.
Among the PPP procurement processes conducted within the last two (2)	Most of the projects

<p>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:</p>	
<p>In the case where only one proposal is submitted (sole proposals), does the procuring authority follow any special procedure before awarding the PPP?</p>	No
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>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.</p>	n/a
<p>Please specify:</p>	n/a
<p>The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.</p>	n/a
<p>The regulatory framework does not allow the award of a PPP contract if</p>	n/a

only one proposal is submitted.	
The regulatory framework does not include any provisions.	n/a
Other	n/a
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:	82.5
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):	Article 101 of Decree 543-12 requires the publication of the award notice.
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	http://comprasdominicana.gov.do/web/guest/procesos-de-compra
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):	Article 102 of Decree 543-12 requires to notify the winner and all other bidders the result of the procurement process.
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	Yes

selection of the winning bid?	
If yes, please provide the relevant legal/regulatory provisions (if any):	According also to article 102 of Decree 543-12 the notification to the winner and all other bidders the result of the procurement process must contain the grounds for the selection of the winning bid.
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:	According to article 27 of Law 340-06 the final contract will be adjusted to the model included in the bidding documents, with the amendments agreed during the selection phase.
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?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Article 57 of Law 340-06 mandates for the publication of an executive summary of the contract granting the concession in the web page of the Dirección General de Contrataciones Públicas.
If yes, is it published online?	Yes
If yes, please specify the website:	http://www.comprasdominicana.gov.do/
Does the regulatory framework establish any exceptions where the procurement process described above does not	Yes

apply or allows for a "fast track" procedure?	
If yes, please provide the relevant legal/regulatory provisions:	The exceptions of article 6 of Law 340-06 and articles 3 and 4 of Decree 543-12. E.g.: Situations of National Security; National Emergencies; Urgent situations; Procurement of Scientific, Artistic, Historic or similar work; When there it is only one provider; Acquisition of assets for the Foreign Service.
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:	Article 33 of the Law and 129 of the Regulation contemplate and allow for unsolicited proposals ("iniciativa privada").
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:	10
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):	Article 129 of Decree 543-12 refers to the conditions that a private initiative has to comply to be accepted. Also, according to article 30 of the mentioned Decree 543-12 unsolicited proposals must be declared of public interest by the procuring authority, after the relevant technical studies.
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a

<p>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.</p>	<p>n/a</p>
<p>If yes, please specify:</p>	<p>n/a</p>
<p>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</p>	<p>n/a</p>
<p>The regulatory framework does not include any provisions.</p>	<p>n/a</p>
<p>Other</p>	<p>n/a</p>
<p>please specify:</p>	<p>n/a</p>
<p>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:</p>	<p>n/a</p>
<p>Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the</p>	<p>Yes</p>

unsolicited proposal?	
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 130 of Regulation 543-12, unsolicited proposals must be subjected to a public tender process.
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):	The same for all the parties since a public tender process has to be conducted, which is no less than 30 days if the bid refers to the purchases of goods and services; and no less of 60 days if it refers to works concessions (Paragraph I of article 54 of the Law).
and the time in calendar days:	60
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).	Yes
Bid bonus.	No
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	Yes
Other	No
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	Article 132 of Decree 543-12 provides that in the event that the proponent is not awarded, the proponent of the PPP and the selected bidder are called to present new offers in closed envelopes to be revised by the procuring authority. If offers are similar the offer from the original proponent is preferred over the one of other bidder. Under

	Paragraph II of article 47 of Law 340-06 the proponent shall be reimbursed with the total costs of studies incurred for the proposal should it not be awarded with the concession.
PPP Contract Management	Score: 43
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 60 of Law 340-06 the procuring authority is responsible to oversight and monitor compliance by the concessionaire. This responsibility can be perform by their own means or by contracting specialized firms.
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	No

equivalent document.	
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 contract management team? Please elaborate:	None 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):	According to Article 60 of Law 340-06 the procuring authority is responsible to oversight and monitor compliance by the concessionaire. More in general for all kind of contracts, according to article 31 (6) and (7) of the Law 340-06 the procuring authority is responsible for the technical, administrative and financial management of the contracts and must monitor and evaluate the quality of the provided services, work or supplies. For that, the procuring authority has control, inspection and direction authority over the private partner.
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 operational and financial data.	No
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According article 57 of Law 340-06 all concession agreements include as a mandatory provision (10) the performance of technical, accounting and environmental audits by the procuring authority.
The procuring or contract management authority must establish a risk mitigation mechanism.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 55 (6) of the Law 340-06 requires to include in the concession contract the allocation of risks along with its mitigation mechanisms.
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?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a

<p>If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in PPPCo during an initial period (e.g. construction and first five years of operation).</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>In case of a change affecting the controlling interest, the replacing entity must meet the same technical qualifications as the original operator.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>Flexibility to substitute non-controlling interest after the initial period.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/ regulatory provisions:</p>	<p>Law 340-06 establishes the right of the procuring authority to modify the contract and article 127 et seq. of the Decree 543-12 regulates contract modification with further detail.</p>
<p>If yes, which of the following circumstances are</p>	<p>Yes</p>

specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	
If yes, please provide the relevant legal/regulatory provisions:	According to article 31 of Law 340-06 the procuring authority can modify, reduce or increase up to twenty five percent (25%) of the amount of the original contract work and up to fifty percent (50%), as long as the object is maintained when circumstances arise that were unpredictable at the time of commencement of the hiring process, and that is the only way to fully satisfy the public interest.
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.	No
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:	Articles 31 and 61 of Law 340-06 establish the possibility of suspension due to Force Majeure. Article 32 of the Law 340-06 also considers force majeure as an exception to the general liability of the private partner.
Material Adverse government action.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Article 32 of the Law 340-06 also considers material acts of the procuring authority as an exception to the general liability of the private partner.
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.	Yes
If yes, please specify and provide the relevant legal/regulatory provisions:	Subcontracting, article 32 of Law 340-06.
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 55 (9) of Law 340-06 requires to include in the PPP contract specific dispute resolution mechanisms but does not regulate them. The previous mechanism is not just for PPPs but for procurement in general and is not in line with general practices of PPP dispute resolution mechanism but with a very general system of submitting claims to the procuring authority.
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 mechanisms for disputes arising during the implementation of the PPP.	No
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	No

other alternative dispute resolution mechanism.	
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	Yes

the grounds for termination of a PPP contract?	
If yes, please specify:	1. Mutual agreement, 2. Serious breach of obligations under the contract, 3. Insolvency, 4. Public interest or national security, 5. Failure to meet social security obligations, 6. Any other provided under the contract or Bidding Specifications.
and provide the relevant legal/regulatory provisions:	Article 62 of Law 340-06 and article 128 of Rulings of Enforcement 543-12
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?	Yes
Please describe:	A Bill on Public-Private Partnerships is under discussion and is expected to be approved by Congress in 2016; a Bill for regulating concessions is also in Congress.
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?	No
Please describe:	n/a