

BENCHMARKING PPP PROCUREMENT 2017 IN INDONESIA

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>(i) the Presidential Regulation No. 38 of 2015 concerning Cooperation Between Government and Business Entities in Procurement of Infrastructure;</p> <p>(ii) the Ministry of National Development Planning / National Development Planning Agency (BAPPENAS) Regulation No. 4 of 2015 concerning Procedure for Cooperation between Government and Business Entities in Procurement of Infrastructure, and</p> <p>(iii) the Government Goods and Services Procurement Policy (LKPP) Regulation No. 19 of 2015 concerning Procurement Procedure for Partnership between Government and Business Entities for Procurement of Infrastructure.</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>http://pkps.bappenas.go.id/attachments/article/1297/PRESIDENTIAL%20REGULATION%20%2038%20%202015.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>The line ministries, such as Minister of Transportation, Minister of Public Works and Housing, Minister of Telecommunication, or Head of Government Agency, or Head of Regional Government are the authorities which have been delegated by Laws and Regulations to act as Government Contracting Agency (GCA) in procuring business entity for PPP in accordance with their relevant sector. However, SOE/ROE may act as GCA to the extent stipulated under the sectoral law (e.g. PT Perusahaan Listrik Negara (Persero) (PLN) for electricity.</p> <ol style="list-style-type: none"> 1. Ministry of Transportation (airport & port): http://www.dephub.go.id/layanan/?kode=MTQwfHNIY3Rpb24tNjQ= http://hubdat.dephub.go.id/ http://hubla.dephub.go.id/Default.aspx http://hubud.dephub.go.id/ http://djka.dephub.go.id/ 2. Ministry of Public Works and Housing (toll road): http://bpjt.pu.go.id/ (toll road authority) 3. Ministry of Energy and Mineral Resources/ PLN (electricity & oil and gas): http://www.pln.co.id/blog/keterbukaan-informasi-publik/ (PLN -electricity), MEMR http://migas.esdm.go.id/pengaduan/index 4. PPP Procurement Procedure Regulator is Indonesia National Procurement Agency (LKPP) (www.lkpp.go.id/v3/)
In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the	Yes

PPP program (PPP Unit)?	
If yes, please indicate its name, and its website (if available):	(1) Directorate of Development for public-private partnerships, Ministry of National Development Planning, http://pkps.bappenas.go.id/ (2) Directorate of Government Support Management and Infrastructure Financing, Ministry of Finance, http://www.djppr.kemenkeu.go.id/page/load/1223
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	Yes
PPP policy guidance and capacity building for other public authorities.	Yes
PPP promotion among the public and/or private sectors in national and international forums.	Yes
Technical support in implementing PPP projects.	Yes
Gatekeeping (approval of PPP projects).	Yes
Procurement of PPPs.	No
Oversight of PPP implementation.	Yes
Other	Yes
please specify:	(i) Provide support/ handholding to GCA for Project preparation; (ii) Approval for the Project Development Fund (PDF) for project preparation; (iii) Identification and screening for the Non Priority PPP projects; (iv) Oversight for the fiscal support function to the PPP projects. Approve the Government Support and Government Guarantee; (v) Provide a coordination for the government support functions, by the instruments under MOF, e.g. Guarantee, and VGF.
Preparation of PPPs	Score:50
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 Ministry Regulation No. 4/2015, approval from the Ministry of Finance is required only for projects that need government support (VGF). Furthermore, pursuant to article 7 (8) of the Presidential Regulation No. 78/2010, the Minister of Finance approves or rejects the guarantee proposal based on a review of the documents. Lastly, approval is required for the projects that are submitted to MOF for the PDF.
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	Indonesia Infrastructure Guarantee Fund (IIGF)
and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 7 (1) of the Presidential Regulation No. 78/2010, in order to accept or reject the Guarantee Proposal, Infrastructure Guarantee Agency shall conduct an evaluation of the Guarantee Proposal.
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	Yes

investment project prioritization? (e.g. in the context of a national public investment system)?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 21 (2) of Presidential Regulation No. 38/2015, the PPP project is evaluated based on a) its conformity with the National Medium Term Development Plan/Regional Medium Term Development Plan and the infrastructure sector strategic plan, b) conformity with spatial planning, and c) linkages between infrastructure sectors and between regions; After the BAPPENAS selects the project priority, it goes to KPPIP to determine the funding options whether the funding coming from (i) PPP, (ii) SOE, (iii) Public. Based on the Presidential Decree No. 75/2014.
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

<p>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:</p>	<p>Some of the projects</p>
<p>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)</p>	<p>Yes</p>
<p>Relevant legal/regulatory provision (if any)</p>	<p>Pursuant to Article 23 (1) (a) of regulation No. 4/2015, 1) Preparation KPBU assessment includes pre-feasibility study activities, consisting of: a. preparation of pre-feasibility study of initial study, consisting of: 1. The economic and commercial studies; 2. The social and environmental impact assessment.</p>
<p>Is there a specific methodology?</p>	<p>No</p>
<p>If yes, elaborate.</p>	<p>n/a</p>
<p>Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)</p>	<p>Yes</p>
<p>Relevant legal/regulatory provision (if any)</p>	<p>Pursuant to Article 30 (2) (e) of Regulation No. 38, the prefeasibility study will provide conclusions to the following issue: a proposal for Government Support and Government Guarantee required. Furthermore, Pursuant to article 23 (1) (a) (7) of Regulation No. 4/2015, the pre-feasibility study will include a study on government support needs assessment and / or the government guarantee.</p>
<p>Is there a specific methodology?</p>	<p>No</p>
<p>If yes, elaborate</p>	<p>n/a</p>
<p>Risk identification, allocation and</p>	<p>Yes</p>

assessment (risk matrix)	
Relevant legal/regulatory provision (if any)	Pursuant to Article 30 (2) (e) of Regulation No. 38, the prefeasibility study will provide conclusions to the following issue: risk identification and mitigation recommendations, corresponding risk allocation. Furthermore, pursuant to Article 23 (1) (a) (6) of Regulation No. 4/2015, the prefeasibility study will include a risk assessment.
Is there a specific methodology?	No
If yes, elaborate	n/a
Financial viability or bankability assessment.	Yes
Relevant legal/regulatory provision (if any)	Practice
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)	Practice
Is there a specific methodology?	No
If yes, elaborate	n/a
Market assessment (showing evidence of enough interest in the market for the project)	Yes
Relevant legal/regulatory provision (if any)	Pursuant to article 27 (1) and 27 (2) of regulation No. 4/2015, during the preparation stage, the study on the market interest is conducted.
Is there a specific methodology?	No
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	All of the projects

conducted? Please elaborate:	
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):	Article 19 of Head of Government Procurement Agency Regulation No. 19 of 2015 on Procedure to Implement Procurement of Business Entity for Cooperation of Government with Business Entity for Infrastructure Provision.
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to the Ministry of National Development Planning / National Development Planning Agency (BAPPENAS) Regulation No. 4 of 2015 concerning Procedure for Cooperation between Government and Business Entities in Procurement of Infrastructure, the government is obliged to fulfill environmental permits before starting tender process and construction stage.
Urban and zoning permits.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 36 of the Presidential Regulation No. 38/2015, procurement of the implementing Business Entity for a PPP will be carried out after obtaining the determination of the location of the land required to execute the PPP, except otherwise regulated by the legislation.
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	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to article 36 of the Presidential Regulation No. 38/2015, procurement of the implementing Business Entity for a PPP will be carried out after obtaining the determination of the location of the land required to execute the PPP, except otherwise regulated by the legislation. Furthermore, pursuant to Article 10 (1) of the same law, Land acquisition for a PPP will be carried out by the Government in accordance to the laws and regulations regarding land acquisition for development in the public interest.
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):	Pursuant to Article 36 of the Presidential Regulation No. 38/2015, procurement of the implementing Business Entity for a PPP will be carried out after obtaining the determination of the location of the land required to execute the PPP, except otherwise regulated by the legislation. Furthermore, pursuant to Article 10 (1) of the same law, Land acquisition for a PPP will be carried out by the Government in accordance to the laws and regulations regarding land acquisition for development in the public interest.
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	n/a

legal/regulatory provisions:	
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:	180
Obtaining the required approvals from other relevant authorities:	360
Preparing the draft PPP contract:	50
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	150
PPP Procurement	Score: 70
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 9 of the LKPP Regulation No. 19/2015 sets out the requirements for the bid evaluation committee members. It states that the procurement committee must be an odd number, and have no fewer than five members. The committee members should have knowledge of procurement, law, and have technical expertise in the relevant sector in which the project is being implemented. The Article also outlines further requirements for the committee members.
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	Yes

the qualifications required and/or the specific membership of the bid evaluation committee.	
If yes, please specify:	Article 9 of the LKPP Regulation No. 19/2015 sets out the requirements for the bid evaluation committee members. It states that the procurement committee must be an odd number, and have no fewer than five members. The committee members should have knowledge of procurement, law, and have technical expertise in the relevant sector in which the project is being implemented. The Article also outlines further requirements for the committee members.
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.	No
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 25 (3) of Presidential Regulation No. 38/2015, the planning list will be published and disseminated to the public. Furthermore, pursuant to Article 19 of BAPPENAS Regulation No. 4/2015, the KPBU is announced and disseminated to the public.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	www.pkps.bappenas.go.id
Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant	Practice

legal/regulatory provisions (if any):	
and the time in calendar days :	n/a
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 19 of LKPP Regulation No. 19/2015, the RFP should include the following: general project description, instruction to bidders, bid evaluation, specifications and technical services required; risk allocation matrix; payment mechanisms; financial models including sources of funding; fulfillment requirements related to aspects of the legal, social, environment, guarantees and requirements guarantees.
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):	Pursuant to Article 38 of Regulation No. 38/2015: 1. The procurement of the implementing Business Entity will be conducted through Bidding or Direct Appointment; 2. Bidding or Direct Appointment will be conducted through prequalification.
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):	Pursuant to Article 23 of Regulation No. 19/2015, the stages of the prequalification are as follows: a. Prequalification announcement; b. registration and obtaining the Prequalification Document; c. KPBU project description, scope (scope of work) activities Project implementers KPBU and Prequalification Document; d. entry qualification documents; e. evaluation of qualifications; f. determination and announcement of the results of qualification; and g. rebuttal qualification.
Among the PPP procurement processes conducted within the last two (2) years that had a prequalification stage, how many of them included prequalification	All of the projects

criteria in the tender documents? Please elaborate	
Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does the procuring authority disclose those questions and clarifications 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 questions were submitted, in how many were the questions and clarifications disclosed to all of the potential bidders? Please elaborate:	All 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	n/a

legal/regulatory provisions (if any):	
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):	Pursuant to Article 19 of Regulation No. 19/2015, documents to be submitted in the RFP will include financial models including sources of funding.
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 Articles 17, 18 and 19 of Regulation No. 19/2015, which details the required documents and the evaluation procedure.
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:	All 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):	Pursuant to Article 29 (1) of Regulation No. 19/2015, (1) Procurement Enterprises Implementing through Direct Appointment as referred to in Article 25 (b) can be done, if: b. Prequalification Enterprises Implementing produced only one participant.
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.	Yes
Please specify:	Pursuant to Article 29 (1) of Regulation No. 19/2015, (1) Procurement Enterprises Implementing through Direct Appointment as referred to in Article 25 (b) can be done, if: b. Prequalification Enterprises Implementing produced only one Participant. Furthermore, Selection of Enterprises with Direct appointment at least include the following activities:

	Participants who pass the invitation to the pre-qualification as referred to in paragraph (1) letter b by attaching Document Request for Proposal (RFP); Project briefing KPBU; Bid income; Bid evaluation, clarification and negotiation; Direct appointment of delivering results for approval PUPK attached with the Minutes Result Appointment Directly; Determination and announcement of the Implementing Business Entities; and preparation for the signing of the KPBU.
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	No
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:	292.5
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):	Annex of Regulation No. 19/2015: the tender committee will send email to every bidder and publish the award notice through website and/or newspaper.
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	www.pkps.bappenas.go.id

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):	Annex of Regulation No. 19/2015: the tender committee will send email to every bidder and publish the award notice through website and/or newspaper.
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):	Annex of Regulation No. 19/2015
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:	Practice
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:	Most 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 described above does not apply or allows for a "fast track" procedure?	Yes
If yes, please provide the relevant legal/regulatory provisions:	<p>Pursuant to Article 29 (1) (a) of Regulation No. 19/2015, can have a direct appointment in certain conditions. The conditions include:</p> <ul style="list-style-type: none"> a. development of the infrastructure that has been built and / or operated previously by the same Implementing Business Entities; b. the work can only be carried out with the use of new technology and only one service providers that can apply exists; or c. Enterprises have own most or all of the land needed to implement KPBU.
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:	Pursuant to Article 14 (2) of Regulation No. 38/2015, a Business Entity may submit initiatives to the Minister/Head of Institution/Head of Region.
If yes, please specify, to the best of your knowledge, the percentage of PPP investments in your country approved as unsolicited proposals during	25%

the last five (5) years:	
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 14 (3) of Regulation No. 38/2015, infrastructure Provision that may be initiated by a Business Entity must meet the following criteria: a. technically integrated with the master plan of the sector concerned; b. economically and financially feasible; and c. the Business Entity that proposes the initiative has adequate financial capability to finance the implementation of the Infrastructure Provision.
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):	Pursuant to Article 14 (3) of Regulation No. 38/2015, infrastructure Provision that may be initiated by a Business Entity must meet the following criteria: a. technically integrated with the master plan of the sector concerned; b. economically and financially feasible; and c. the Business Entity that proposes the initiative has adequate financial capability to finance the implementation of the Infrastructure Provision.
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.	No
If yes, please specify:	n/a
The regulatory framework requires unsolicited proposals to be among the existing	Yes

government priorities without establishing specific procedures to achieve that goal.	
The regulatory framework does not include any provisions.	No
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:	Some 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):	Pursuant to Article 14 (2) of Regulation No. 38/2015, a Business Entity may propose a KPBU initiative to the Minister/Head of Institution/Head of Region. Pursuant to Article 14 (3) of Regulation No. 38/2015, The Provision of Infrastructure which may be initiated by the Business Entity shall be those fulfilling the following criteria: a. Technically integrated of the relevant sector to the master plan; b. Feasible economically and financially; and c. The Business Entity applying the initiative shall possess adequate financial capacity.
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a

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.	Yes
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):	Pursuant to Article 14 (5) of Regulation No. 38/2015, the Business Entity that initiates a PPP may be given the following alternatives for compensation: a. additional value of 10% (ten per cent); b. the right to bid by the initiating Business Entity in relation with the best bidder (right to match), in accordance with the result of the evaluation of the tender process; or c. the purchase of the PPP initiative, such as the corresponding Intellectual Property Rights by the Minister/Head of Institution/Head of Region or by the winning bidder.
PPP Contract Management	Score: 61
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)	Pursuant to Article 44 of Regulation No. 38/2015: 1. The Minister/Head of Institution/Head of Region will appoint a working unit in the Ministry/Institution/Region as PPP Node. 2. The PPP Node referred to in paragraph (1) has the task to prepare the formulation of policies, synchronization, coordination, monitoring and evaluation of PPP development.
If yes, which of the following tools does	Yes

it include (check all that apply)? Establishment of a PPP contract management team.	
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 44 of Regulation No. 38/2015: 1. The Minister/Head of Institution/Head of Region will appoint a working unit in the Ministry/Institution/Region as PPP Node. 2. The PPP Node referred to in paragraph (1) has the task to prepare the formulation of policies, synchronization, coordination, monitoring and evaluation of PPP development.
Participation of the members of the PPP contract management team in the PPP procurement process.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Provisions concerning the Implementing and Contracting Authority (PJPK) in: (i) the Presidential Regulation No. 38 of 2015 concerning Cooperation Between Government and Business Entities in Procurement of Infrastructure; (ii) the Ministry of National Development Planning Regulation No. 4 of 2015 concerning Procedure for Cooperation between Government and Business Entities in Procurement of Infrastructure, and (iii) the Government Goods and Services Procurement Policy (LKPP) Regulation No. 19 of 2015 concerning Procurement Procedure for Partnership between Government and Business Entities for Procurement of Infrastructure.
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	All of the projects

<p>last two (2) years did the management system and tools fully inform the contact management team? Please elaborate:</p>	
<p>Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Pursuant to Article 44 of Regulation No. 38/2015: 1. The Minister/Head of Institution/Head of Region will appoint a working unit in the Ministry/Institution/Region as PPP Node. 2. The PPP Node referred to in paragraph (1) has the task to prepare the formulation of policies, synchronization, coordination, monitoring and evaluation of PPP development.</p>
<p>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.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The procuring or contract management authority must periodically gather information on the performance of the PPP contract.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The procuring or contract management authority must establish a risk</p>	<p>No</p>

mitigation mechanism.	
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:	<p>Pursuant to Article 32 (4) and 32 (5) of Regulation No. 38/2015:</p> <p>4. The transfer of shares of the implementing Business Entity before Infrastructure Provision operates commercially referred to in paragraph (2) letter g, can be done only after approval and in accordance with the criteria established by the Minister/Head of Institution/Head of Region/State Owned Enterprise/Regional Owned Enterprise.</p> <p>5. The Transfer of shares referred to in paragraph (4), must not cause delay to the commencement of operation of the PPP.</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).	No

<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>No</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>No</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>Article 32 (2) (m) of Regulation No. 38/2015 states that the PPP agreement (contract) should contain mechanism for variations in the works and/or services.</p>
<p>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.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>

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:	Article 32 (2) (q) of Regulation No. 38/2015 states that the PPP agreement (contract) should contain determinations related to force majeure.
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?	<p>Yes</p>
If yes, please specify and provide the relevant legal/regulatory provisions	<p>Article 32 (2) (k) of Regulation No. 38/2015 states that the PPP agreement (contract) should contain determinations on dispute resolution mechanism, which should be arranged in stages, namely deliberation and consensus, mediation, and arbitration/court.</p>
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.	<p>No</p>
If yes, please specify:	<p>n/a</p>
The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.	<p>Yes</p>
The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.	<p>No</p>
Other	<p>No</p>
please specify:	<p>n/a</p>
Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo	<p>Yes</p>

defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	
If yes, please provide the relevant legal/regulatory provisions:	Article 32 (2) (n) of Regulation No. 38/2015 states that the PPP agreement (contract) should contain determinations on step-in right mechanism by the government and lenders.
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.	No
If yes, please specify:	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	Yes
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	No
Other	No
please specify:	n/a
Does the regulatory framework expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify:	Article 32 (2) (i) of Regulation No. 38/2015 states that the PPP agreement (contract) should contain determinations on the termination of agreement.
and provide the relevant legal/regulatory provisions:	Article 32 (2) (i) of Regulation No. 38/2015
If yes, does the regulatory framework also	Yes

establish the consequences for the termination of the PPP contract?	
If yes, please provide the relevant legal/regulatory provisions:	Article 32 (2) (h) of Regulation No. 38/2015 states that the PPP agreement (contract) should contain determinations on the sanctions in the event the parties fail to meet the terms of the agreement.
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:	Adopted in 2015: (i) PR 38/2015, which revoked Presidential Regulation No. 67 of 2005 regarding Cooperation Between Government and Business Entities in the Provision of Infrastructure including its amendments; (ii) BR 4/2015, which revoked the BAPPENAS Regulation No. 3 and 6 of 2012 regarding the Guidelines for the Implementation of Cooperation Between Government and Business Entities in the Provision of Infrastructure; and (iii) LP 19/2015, which is the implementing regulation of PR 38/2015 and BR 4/2015. Other implementing regulations of PR 38/2015 will be issued.
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