

BENCHMARKING PPP PROCUREMENT 2017 IN IRAQ

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:	No specific PPP regulations have been issued in Iraq. Nonetheless, PPPs are mainly governed by Order 87 issued on May 16 2004 by the Coalition Provisional Authority regulating Public Contracts (and its amendments) [hereinafter "Public Contracts Law"]; Instructions No. 1/2014 on Government Contracts Implementation issued on June 16, 2014 by the Ministry of Planning [hereinafter "Government Contracts Instructions"]; Law No. 13/2006 on Investment [hereinafter "Investments Law"] with the objective of promoting "investment and transfer modern technologies in order to contribute to the process of developing and enhancing Iraq, and expanding and diversifying its production and service base;" and Regulation No. 2/2009 on Investment issued by the Cabinet in accordance with the Investments Law [hereinafter "Investments Regulation"]. This Regulation considers infrastructure projects with capital not less than fifty million (50.000.000) US dollars or the equivalent in Iraqi dinars to be federal strategic investment projects, and thus falls under the scope of the law and competence of the established National Investment Commission. The previously mentioned instruments shape the regulatory framework on PPPs in Iraq for purposes of this analysis.
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	http://www.iraq-ig-law.org/ar/webfm_send/1543 http://investpromo.gov.iq/wp-content/uploads/2013/06/Ammn-Invest-Law-En.pdf http://investpromo.gov.iq/wp-content/uploads/2013/06/Number-2-for-2009-Investment-Regulation-EN.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):	All ministries and competent governmental entities are procuring authorities in Iraq, dependent on the relevant sector. For purposes of the case study assumption, the Ministries of Housing and Construction-Department of Roads and Bridges and Municipalities and Public Works are the relevant procuring authorities (http://www.imariskan.gov.iq/en/node/3132 ; http://www.mmpw.gov.iq/).
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: 4
Does the Ministry of Finance or Central Budgetary Authority approve the PPP	No

project before launching the procurement process?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the procurement process?	Yes
If yes, please specify the relevant authority	Ministry of Planning
and provide the relevant legal/regulatory provisions (if any):	According to Article 2(1)(b) of the Government Contracts Instructions, no government entity may list a project in the Federal Investment Budget without the approval of the ministry of Planning.
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)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes the way your government prioritizes PPP projects? (Please select only one). The regulatory framework provides for the inclusion of PPPs in the national public investment system and/or details a specific procedure to ensure	n/a

the consistency of PPPs with other public investment priorities.	
If yes, please specify:	n/a
The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
Among the PPP projects procured within the last two (2) years, how many of them were prioritized along with all other public investment projects? Please elaborate:	n/a
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?	n/a
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)	<p>According to Article 2 of the Government Contracts Instructions, the procuring authority must assess the availability of national federal budget allocation to implement the contract, or confirmed by the specialized authorities for the requests of the contractual parties' needs. Any special project classification within the projects plan should be indicated in the bid documentations.</p> <p>Pursuant to (d), the procuring entity shall: Verify that all terms, specifications, bills of quantities, drawings and others necessary for the implementation are to be accurate and completed to avoid any changes or additions in the contract during the implementation, taking the following into consideration:</p>

	1. Financial authorities authorized to make decisions on this subject in accordance with the federal budget law and its regulations.
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.	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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a

If no, please elaborate (provide examples):	The regulatory framework did not provide explicit provisions that address including draft PPP contracts in the request for proposals, nor have contributors confirmed that this is done in practice.
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):	According to Article 2(f) of Government Contracts Instructions, the contracting authority shall obtain the necessary approvals from other relevant agencies, including for environmental, ruins and artifacts, and civil defense, to implement the project.
Urban and zoning permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other permits.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 2(f) of Government Contracts Instructions, the contracting authority shall obtain the necessary approvals from other relevant agencies, including the environmental, ruins and artifacts, and civil defense, to implement the project.
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):	According to Article 14 of the Investments Law provides: First–Real estate necessary for the establishment of projects shall be allocated or leased by agreement between the investor and the holder of the right of disposal therein. Second–The Commission shall facilitate the allocation of real estate necessary for establishing projects in coordination with the Ministries of, Finance, Defence, Agriculture, Municipalities and Public Works or with any other competent authority.
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):	Contributors provide that Article 14 of the Investments Law would cover making available the necessary land in addition to the right of way.

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 required assessments:	105
Obtaining the required approvals from other relevant authorities:	143
Preparing the draft PPP contract:	35
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	230
PPP Procurement	Score: 48
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)	According to Article 6 (1-2) of the Government Contracts Instructions, the bid evaluation members shall consist of competent experts in the relevant government agency, with a civil servant of a certain level as president and the legal and administrative departments in addition to a member of precise technical expertise.
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:	According to Article 6(1-2) of the Government Contracts Instructions, the bid evaluation members shall consist of competent experts in the relevant government agency, with a civil servant of a certain level as president and the legal, administrative, and financial departments, in addition to a member of precise technical expertise.
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.	n/a
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):	According to Article 4(3) (a) of the Public Contracts Law, the tender notice shall be published in both Arabic and Kurdish at minimum. Although this provision does not specify the means of publication, contributors have clarified that this is done in local newspapers.
If yes, is the public procurement notice published online?	No
If yes, please specify the website:	n/a
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):	According to Article 4(3) (b) of the Public Contracts Law, the tender notice shall provide bidders with "enough time" to submit their bids. Moreover, contributors provide that in practice, the minimum period is 30 days.
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):	Practice
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

<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Article 3 (third) of the Public Contracts Law regulates what was referred to as "public tender through technical pre-qualification" (الافتتاح الفني بالترتيب العامة للمناقصة). This method is done by a general notification to all bidders who are interested in participating by submitting technical and commercial proposals with certain considerations that include opening both commercial and technical tenders to decide who qualifies with at least 3 qualified proposals and return the proposals to unsuccessful bidders.</p>
<p>If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the bidders?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>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</p>	<p>Most of the projects</p>
<p>Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Article 4(3) (b) of the Public Contracts Law provide that the tender notice shall provide the potential bidders an opportunity to submit clarifications with regards to the tender process. Additionally, the Instructions to Bidders for the Design and Implementation of Works Contracts issued by the Ministry of Planning (http://www.mop.gov.iq/mop/index.jsp?sid=1&id=597&pid=580) [hereinafter "Works Contracts Instructions"] guides bidders on the process of submitting such clarifications. Article 4 (Second & Third) of the Government Contracts Instructions empowers the Ministry of Planning's guidelines and instructions, by obliging contracting authorities to refer to them.</p>
<p>If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>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</p>	<p>All of the projects</p>

all of the potential bidders? Please elaborate:	
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Among the PPP procurement processes conducted within the last two (2) years where any other type of dialogue was conducted, in how many was the content and the result of the dialogue disclosed to all of the potential bidders? Please elaborate:	n/a
Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide examples):	No precise provisions have been provided, nor have contributors confirmed that this is done in practice.
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 3 (First) of the Government Contracts Instructions, the tender process must be public, competitive, just, and clear. Contributors provide that the procuring authority abides by these principles when evaluating proposals in accordance with the evaluation criteria.
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	Most of the projects

tender documents? Please elaborate:	
In the case where only one proposal is submitted (sole proposals), does the procuring authority follow any special procedure before awarding the PPP?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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.	n/a
Please specify:	n/a
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	n/a
The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.	n/a
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:	30
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):	According to Article 41(1) of the Works Contracts Instructions, each contracting authority shall inform all bidders about the results of the procurement process and publish this in its own website and the websites of UNDB and DG Markets.

If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	Ministry of Construction and Housing Iraq: http://www.imariskan.gov.iq/en UNDB: https://www.devbusiness.com/ DG Markets: http://www.dgmarket.com/
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 12(1) (d) of the Public Contracts Law provides that the procuring authority shall provide the unsuccessful bidders with the results of their bids, and they shall have the right to request clarifications of the reasons for such outcome. And according to Article 41(1) of the Works Contracts Instructions, each contracting authority shall inform all bidders about the results of the procurement process and publish this in its own website and the websites of UNDB and DG Markets.
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):	Article 12(1)(d) of the Public Contracts Law provides that the procuring authority shall provide the unsuccessful bidders with the results of their bids, and they shall have the right to request clarifications of the reasons for such outcome.
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?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
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?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Unsolicited proposals	Score: USP not regulated
Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
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:	n/a
Does the procuring authority conduct an assessment to evaluate unsolicited proposals?	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	n/a
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	n/a

other public investment priorities.	
If yes, please specify:	n/a
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	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:	n/a
Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	n/a
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.	n/a
Developer's fee (reimbursing the original proponent for the project development cost).	n/a
Bid bonus.	n/a

Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	n/a
Other	n/a
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	Score: 40
Has the procuring or contract management authority established a system to manage the implementation of the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any)	n/a
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	n/a
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.	n/a
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.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	n/a
please specify:	n/a
If there is a contract management team, in how many of the PPP projects	n/a

procured within the last two (2) years did the management system and tools fully inform the contact management team? Please elaborate:	
Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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.	n/a
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.	n/a
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.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	n/a
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:	According to Article 10 (3) (c) of the Investments Law, the Iraqi or foreign investor can transfer the ownership of the investment project in whole or in part during the period of the license to any other Iraqi or foreign investor, provided that the new investor continues the work of the project in the same specialization or in another specialization after securing the approval of the commission which granted the license. The new investor replaces the old one in terms of rights and obligations stipulated by this law and the terms of the agreement signed with the said investor. In case the Iraqi or foreign investor transfers the ownership of the project during the period in which they have privileges, facilities, and guarantees granted by the agreement, then the new investor continues to enjoy them until the end of that period.
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
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:	According to Article 10 (3) (c) of the Investments Law provides, the Iraqi or foreign investor can transfer the ownership of the investment project in whole or in part during the period of the license to any other Iraqi or foreign investor, provided that the new investor continues the work of the project in the same specialization or in another specialization after securing the approval of the commission which granted the license. The new investor replaces the old one in terms of rights and obligations stipulated by this law and the terms of the agreement signed with the said investor. In case the Iraqi or foreign investor transfers the ownership of the project during the period in which they have privileges, facilities, and guarantees granted by the agreement, then the new investor continues to enjoy them until the end of that period.
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	Yes

renegotiation of the PPP contract (once the contract is signed)?	
If yes, please provide the relevant legal/ regulatory provisions:	Article 9 (Fifth) of the Government Contracts Instructions provides circumstances for modifying the duration of the contract, where contracting authorities may extend the duration of the contract when the conditions set by the Ministry of Planning are met.
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.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the risk allocation of the contract.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the investment plan or duration of the contract.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Article 9 (Fifth) of the Government Contracts Instructions provides circumstances of modifying the duration of the contract, where contracting authorities may extend the duration of the contract when the conditions set by the Ministry of Planning are met.
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.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Material Adverse government action.	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Article 12 (Third) of the Investments Law, the investor shall be guaranteed non-seizure or nationalization of the investment project covered by the provisions of this law in whole or in part, except for projects on which a final judicial judgment was issued.
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	According to Article 8 of the Government Contracts instructions, disputes arising after signing the contract shall be settled by conciliation between the parties as detailed in the contract. Where such means fail, the parties would resort to arbitration, or lastly domestic courts. The parties shall agree to the best means.
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 other alternative dispute resolution mechanism.	No
Other	No
please specify:	n/a
Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
If yes, which of the following options best describes the lender step-in right? (Please select only one). The regulatory framework expressly regulates the lender step-in rights.	n/a

If yes, please specify:	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	n/a
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	n/a
Other	n/a
please specify:	n/a
Does the regulatory framework expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify:	Article 11 of the Public Contracts Law provides that the governmental contracting entity may terminate the contract for "governmental best interest" (الخدمة مصلحة) purposes, while compensating the private partner. Furthermore, Article 10 (Second) of the Government Contracts Instructions provides circumstances of termination of the contract with the partner in conditions of default or violation of the contract clauses.
and provide the relevant legal/regulatory provisions:	Article 11 of the Public Contracts Law Article 10 (Second) of the Government Contracts Instructions
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Article 11 of the Public Contracts Law provides that in the event of the termination by the contracting authority of the contract for public interest, the private partner shall be compensated. And Article 10 (Second) of the Government Contracts Instructions provides that the contracting authority shall end the contract with the violating private partner and perform the contract through another private partner at his expense.
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: Took place in 2015, are ongoing and/or are planned to be adopted BEFORE June 1, 2016?	No
Please describe:	n/a
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: 50.2. Are ongoing and/or are planned to be adopted AFTER June 1, 2016?	No
Please describe:	n/a